

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

From: Nicole Malo

Through: Donald L. Craig, AICP, Planning Director

Meeting Date: June 16, 2011

Agenda Item: **Variations – Mallory Square (RE# 00072082-001100, 00072082-001400 and 00072082-003700)** – Variations for impervious surface ratio in the HPS zoning district per Section 122-960(4)b. and Section 122-960(6)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line setback requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

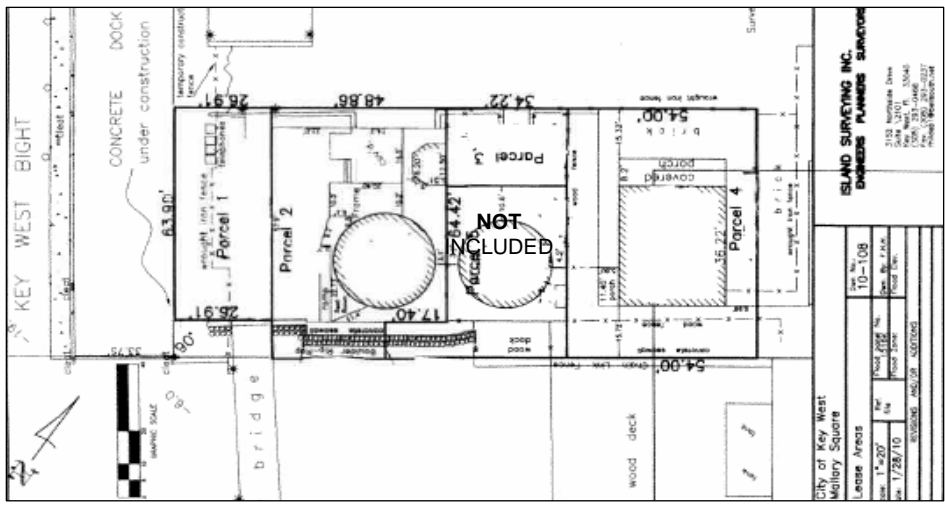
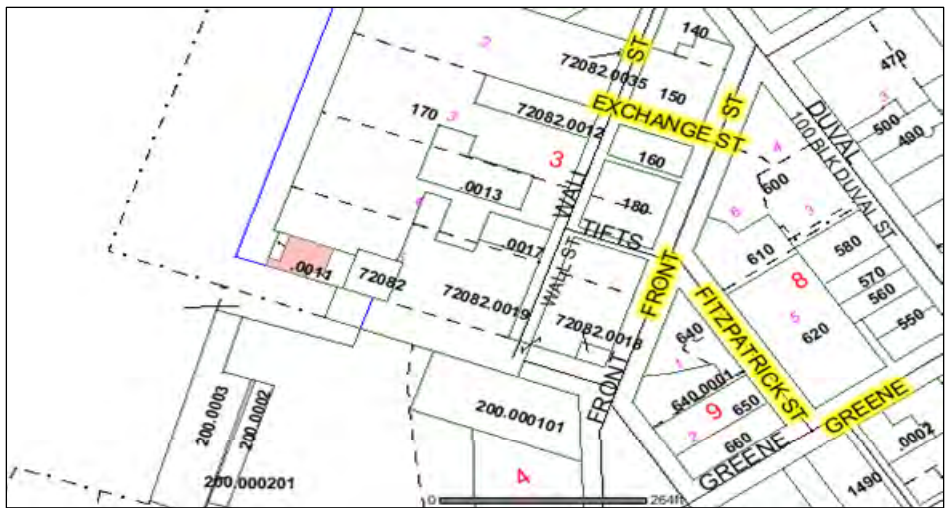
Request: To consider variations associated with redevelopment of four city-owned lease areas on Mallory Square to include a new structure with a restaurant (using established legally non-conforming consumption area), public plazas and open space, and use of an existing historic structure

Applicant: Trepanier and Associates, Inc.

Property Owner: City of Key West

Location: Leasehold areas of Mallory Square
RE# 00072082-001100, 00072082-001400 and 00072082-003700

Zoning: Historic Public Service – HPS



- Area 1 and 3 - RE# 00072082-003700
- Area 2 - RE# 00072082-001100
- Area 4 - RE# 00072082-001400

Background:

The proposed development includes four areas which have been defined based on leasehold areas within the larger context of Mallory Square. However, because these areas are not parcels (as legally defined in the city's subdivision ordinance) but rather lease areas within a much larger parcel, site calculations provided are for the entire Mallory Square area. Further, the city has allowed the applicant to locate portions of improvements outside of the area boundaries on City property, including a portion of the secondary garbage and recycling area, and roof overhangs. The City and applicant (Tropical Soup Corporation) will execute a final lease agreement after project approvals have been secured, and it is expected that the leasehold area will be adjusted to ensure that essential operational elements are included in the demised area.

On January 20, 2011 the Major Development plan for Mallory Square was approved via Resolution 2011-002 by the Planning Board. However, the associated variance request was postponed by the Board until time certain to give the applicant and neighbors time to resolve concerns about the proposed variances. Subsequently, the variance request was postponed by both the Board and/or the applicant until the current meeting of June 16, 2011 as follows:

- November 18, 2010 - Applicant requests postponement for revisions
- December 16, 2010 - Meeting canceled. No quorum
- January 20, 2011 - Planning Board requests postponement to allow applicant time to resolve issues with neighbor
- February 17, 2011 - Planning Board requests postponement to await full board attendance
- March 17, 2011 - Applicant requests postponement to revise plans
- April 21, 2011 - Planning Board requests postponement to await outcome of Cable Hut demolition determination

In an effort to work with the neighbors and reduce variance requests, the applicant submitted revised site plans that reduced the length of the building by eight feet (8') thus removing the need for a side yard setback request. The revised plans also allow for the building's structural elements to be located within the demised leasehold area. On June 14, 2011 the revised plans will be reviewed by HARC.

Although the proposed design of the building is not affected by the maintenance or demolition of the Cable Hut on the site an update of the condition of the Cable Hut was requested at the Planning Board meeting held April 21, 2011. The city has issued a task order to Chen and Associates, LLC., to do an independent structural analysis of the building which has not been completed to date.

Request:

The proposed variance request is associated with a Major Development Plan (Resolution 2011-002) for four contiguous leasehold areas; however, site data calculations are derived from the entire Mallory Square area because it is considered a single parcel. The proposed project provides a cohesive approach to the four areas involved while recognizing that certain rights (such as the proposed restaurant use) are limited to specific areas. Variances to impervious surface ratio and open space requirements are due to the existing hardscape and development of the entire Mallory Square: Variances for the Coastal Construction Control Line setbacks are required for the proposed development. In addition a height variance for non-habitable space is

necessary to accommodate the proposed roof design; that variance will be heard by the Board of Adjustment due to charter provisions.

The majority of Mallory Square consists of paved open space areas consistent with a public recreational plaza which contains a variety of open space, commercial and port uses. The proposed development request reduces impervious surface slightly and increases open space and landscaping. Please note that according to Code Section 108-346(a), active recreation areas may be counted as open space, even if they are impervious. However, Mallory Square may not conform to the definition of an active recreation area; therefore, in an abundance of caution the department has required open space as part of this variance request, as defined in Section 108-346 as permeable open surfaces.

The majority of the proposed leasehold area is located within the grid of two Coastal Construction Control Lines which requires that no building shall be constructed within 30 feet of the mean high water line (within this specified zone) in accordance with Code Section 122-1148(a)2. Mallory Dock extends approximately 36' waterward over the mean high water line; however, this additional extension is not considered under the code definition and therefore the applicant is applying for a variance to the Coastal Construction Control Line requirements even though it might appear that the placement of the structure is over 54 feet from the functional edge of the water. The southwest portion of the property also sits along a waterfront inlet that extends past the property towards the adjacent Key West Aquarium and a second Coastal Construction Control Line variance is necessary from the mean high water line along the inlet. Nearly 2/3 of the leasehold area is located within the area of the two Coastal Construction Control Line setbacks.

| Project Data | | | | |
|--|---|-------------------|---|------------------|
| | Required/ Allowed | Existing | Proposed | Variance Request |
| Zoning | HPS | | | |
| Flood Zone | V-13 | | | |
| Size of Site | 154,988 s.f. | | | |
| Front Setback (Wall Street) | 20' | 3' 11" | No Change Proposed (Not within leasehold area) | |
| Southern Side yard Setback | Greater of 5' or 10% of lot width (Max 15') | 9' | 15' | None Required |
| North Side Setback | Greater of 5' or 10% of lot width (Max 15') | 8' 4" | No Change Proposed (Not within leasehold area) | |
| Rear Setback | 20' | 20' | 20' | None Required |
| *Coastal Construction Control Line along channel | 30' | 25' | 18' | 12' |
| Coastal Construction Control Line- southwestern inlet | 30' | 9' | 15' | 15' |
| F.A.R | 1.0 (154,988 s.f) | 0.25 (38,795 s.f) | 0.27 (42, 210 s.f) | None Required |
| Building Coverage | 40% (61,995 s.f) | 21% (33,162 s.f) | 23% (35,530 s.f) | None Required |
| Impervious Surface | 50% (77,494 s.f) | 91% (140,815s.f) | 91% (140,780 s.f) | 41% (63,321s.f) |
| Parking | None Required | | | |
| Bicycle Parking | None | | 16 | None |
| **Open Space/ Landscaping | 20% (30,997 s.f) | 9% (14,173 s.f) | 9% (14,208 s.f) | 11% (16,789 s.f) |
| Non-habitable Height | 25' | 28' 8" | 33' 7 ½ " | 8' 7 ½ " |

* Mallory Dock extends approximately 36' waterward over the mean high water line; however, this additional extension is not considered under the code definition (Section 122-1148(a)2) and therefore the applicant is applying for a variance to the Coastal Construction Control Line requirements even though it might appear that the placement of the structure is over 54 feet from the functional edge of the water.

**According to Code Section 108-346(a), active recreation areas may be counted as open space, even if they are impervious. Mallory Square conforms to the definition of an active recreation area, however, in an abundance of caution the applicant has chosen to define open space calculations as permeable open surfaces only.

Process:

Development Review Committee Meeting:

October 28, 2010

HARC Meetings:

September 28, 2010 – H10-010-355

June 14, 2011 - TBD

Tree Commission Meeting:

October 12, 2010

Planning Board Meeting:

November 18, 2010- Postponed

December 16, 2010 - No quorum

January 20, 2011 - Postponed

February 17, 2011- Postponed

March 17, 2011 – Postponed

April 21, 2011 – Postponed

June 16, 2011

Analysis – Evaluation for Compliance With The Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all of the following:

- 1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.**

The proposed project is located within a much larger parcel with existing and long standing characteristics which in part can be attributed to its use as an important public plaza. As such, impervious surface and open space are inherent characteristics of the overall plaza and could not be corrected by a single project located in a portion of the site. However, although Mallory Square is unique in Key West, other HPS zoned properties may also possess similar conditions, even if the uses are not fully comparable. Mallory Square is unusual in that the dock portion of the square is built-out well over the mean high water line; while this approach creates a larger docking area and public waterfront area, it does not change how the coastal construction control line is measured. However, approximately 2/3 of the leasehold area is located within the Coastal Construction Control Line setback area created by both waterfronts making any development on the site difficult without seeking variances.

- 2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.**

Although the proposed redevelopment of the restaurant structure and the overall site improvements are conditions resulting from the applicant's request, the overall conditions of Mallory Square and the location of the leasehold areas are not the product of actions taken by the applicant. Further, the buildable area within the demised lease is further confined by the two coastal construction control lines.

- 3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.**

Granting of the variance request will confer special privileges upon the applicant.

- 4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.**

The property owner, the City of Key West, has reasonable use of Mallory Square without the proposed project and therefore hardship conditions do not exist relative to this application.

- 5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

Impervious surface and open space requests are likely the minimum needed to execute the plan, and in fact the proposed project provides a small amount of increased pervious surface, landscaping and will improve stormwater management in the project area.

- 6. Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.**

The proposed project is consistent with existing uses in Mallory Square and is part of the public plaza overall. Further, the project will not impact public access to the waterfront and will improve conditions, through additional landscaping and proposed plaza construction associated with publicly used areas. The proposed project will also address unsafe structure conditions associated with the cable hut.

- 7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.**

Existing nonconforming uses of other properties do not form the basis for this analysis.

The Planning Board shall make factual findings regarding the following:

- 1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

The applicant does not meet all the standards established by the City Code for a variance.

- 2. That the applicant has demonstrated a "good neighbor policy" by contacting or**

attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The department is aware that the neighbors to the South of Mallory Square have objected to the variance application. The applicant has met with the neighbors and has modified the plans numerous times, most recently by reducing the size of the building to move the structure out of the side yard setback, closest to the adjacent property, in an attempt to address the objections expressed by these neighbors. The department is unaware if the needs of the neighbors have been met.

Concurrency Facilities and Other Utilities or Service (Section 108-233):

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Section 94-36 requires a concurrency determination to be made concerning proposed development. The applicant provided a concurrency analysis as part of this application. Staff has reviewed the provided concurrency analysis report and determined that the proposed project meets the City's requirements for concurrency management with the exception of stormwater management. The City's General Services Department has specified improvements necessary to meet code requirements and conditions to ensure stormwater management are included in the associated Major Development Plan.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be **denied**.

However, if the Planning Board chooses to approve the variance application, the Planning Department recommends the following condition:

1. That the application for a Major Development Plan with conditions is approved
2. That the site plan is subject to final HARC approval

**Draft
Resolution**

**PLANNING BOARD RESOLUTION
2011-XX**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO IMPERVIOUS SURFACE RATIO IN THE HPS ZONING DISTRICT PER SECTION 122-960(4)b. OPEN SPACE REQUIREMENTS PER SECTION 108-346(b), AND COASTAL CONSTRUCTION CONTROL LINE SETBACK REQUIREMENTS PER SECTION 122-1148(2) FOR PROPERTY LOCATED AT MALLORY SQUARE (RE# 00072082-001100, 00072082-001400 and 0072082-003700), UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Code Section 90-391 allows applicants to request variances from the Planning Board; and

WHEREAS, Section 122-960 (4)b. of the Code of Ordinances provides that the maximum dimensional requirements for impervious surface ratio in the HPS zoning district is 50; and

WHEREAS, the applicant requested a variance to impervious surface ratio to allow redevelopment of proposed leasehold portions of Mallory Square; and

WHEREAS, Section 108 -346(b) of the Code of Ordinances provides that minimum open space requirements for a commercial property are 20%; and

WHEREAS, the applicant requested a variance to open space requirements to allow redevelopment of proposed leasehold portions of Mallory Square; and

_____Chairman

_____Planning Director

WHEREAS, Section 122-1148(2) of the Code of Ordinances provides that the maximum dimensional requirements for the Coastal Control Line setback requirements at Mallory Square is 30 feet; and

WHEREAS, the applicant requested a variance to Coastal Control Line setback requirements to allow redevelopment of proposed leasehold portions of Mallory Square; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 16, 2011; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that the literal interpretation of the provisions of the Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those

neighbors;

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

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

Section 2. That the variances for impervious surface ratio requirements in the HPS zoning district per Section 122-960(4)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE# 00072082-001100, 00072082-001400 and 0072082-003700), as shown on the attached plan set dated June 6, 2011, with the following condition:

1. That the application for a Major Development Plan with conditions is approved.

Section 3. It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no

change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate this variance, which variances shall be of no force or effect.

Section 5. This variance 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 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.

Read and passed on first reading at a meeting held this 16th day of June, 2011.

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

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald L. Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

Application

From: Owen Trepanier

Sent: Monday, June 06, 2011 11:06 AM

To: Nicole Malo

Cc: WPHORN@aol.com; jackflats509@gmail.com

Subject: Mallory Square

Hi Nicole,

This is a follow up to our recent discussions regarding the input we've from City staff, Planning Board members, and neighbors about the new ADA and FEMA-compliant structure at Mallory Square that is intended to house the existing consumption area recognized by Resolution No. 2011-002.

As a result of the input we received, we revised the plans to reduce the size of the structure and move it out of the side setback and away from our neighbors and nearby property owners, Tannex Development LC. The proposed structure will no longer require a side yard setback variance.

Thanks for your assistance.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants

402 Appelrouth Lane, P.O. Box 2155

Key West, FL 33045-2155

Ph. 305-293-8983

Fx. 305-293-8748

VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A PLANNING BOARD AND/OR BOARD OF ADJUSTMENT MEMBER ABOUT THE VARIANCE OUTSIDE THE HEARING

Variance Application

**City of Key West
Planning Department**

Please print or type a response to the following:

1. Site Address Mallory Square
2. Name of Applicant Trepanier & Assoc., Inc. on Behalf of Tropical Soup Corp.
3. Applicant is: Owner _____ Authorized Representative X _____
(attached Authorization Form must be completed)
4. Address of Applicant P.O. Box 2155, Key West, FL 33045-2155
5. Phone # of Applicant 305-293-8983 Mobile# _____ Fax# 305-293-8748
6. E-Mail Address Owen@OwenTrepanier.com
7. Name of Owner, if different than above City of Key West
8. Address of Owner 525 Angela Street, Key West, FL 33040
9. Phone Number of Owner 305-809-3888 Fax# 305-809-3866
10. Email Address jscholl@keywestcity.com
11. Zoning District of Parcel HPS RE# Various- Please see next page
12. Description of Proposed Construction, Development, and Use
Build a wholly new ADA- and FEMA-compliant structure. New structure will house 2,344 sq. ft. of existing consumption area.

13. Required information: (application will not move forward until all information is provided)

| | Required | Existing | Requested |
|-----------------------------|-------------|---------------------|---------------------------|
| Front Setback | 20ft | 4.75ft | No Change |
| Side Setback left | 15ft | 9ft | 3.75ft |
| Side Setback right | 20ft | 15ft | No Change |
| Rear Setback | 20ft | 20ft | No Change |
| Building Coverage | 40% | 21.4% | 23.2% |
| Open Space Requirements | 20% | 60-70% ¹ | 60-70% ¹ |
| Impervious Surface | 50% | 90.9% | 90.8% ² |
| C.C.C.L. | 30ft | 2.0ft | 4.0ft |
| Non-Habitable Height | 25ft | 28.7ft | 31.3ft³ |

Mallory Square RE Numbers

| Mallory Square Real Estate Parcel Numbers | |
|---|---------------------|
| RE No. | Proposed Leasehold? |
| 00000170-000000 | No |
| 00072082-001100 | Yes |
| 00072082-001200 | No |
| 00072082-001300 | No |
| 00072082-001400 | Yes |
| 00072082-001700 | No |
| 00072082-001900 | No |
| 00072082-003500 | No |
| 00072082-003700 | Yes |

Note¹: The definition of Open Space is defined in two sections of the code, Sec. 86-9 and Sec. 108-346. In an abundance of caution for the original submission, we based our calculations of open space on pervious surface (using the definition in 86-9 - "Open space (green area) includes the gross area of the site less building coverage, parking surface, internal traffic circulation system, and other impervious surfaces, all of which should be open from the ground to the sky." Based on this portion of the definition, we defined our open space as the inverse of impervious surface. However, the then City Planner (in the position at the time the associated RFP was issued and awarded and this application subsequently submitted) opined that active and passive recreation areas are excepted from the pervious section of the definition. She pointed to the remaining portion of the definition that goes on to say "Open space areas shall remain open and unobstructed to the sky **that can be used for active or passive recreation purposes.**" The then City Planner also pointed out that the further definition of open space in Sec 108-346 (a) also makes the same exception for active recreation - "**Active recreation areas may be counted as open area.**"

Mallory Square is an exceptionally active public space, and therefore under sec. 86-9, 108.346, and the prior City Planner's direction, the recreational areas of Mallory Square (the vast majority of the Square) are considered Open Space and no variance should be required.

This position is further supported by the fact that no such Open Space variances were required as part of the recent past work (permitted by the prior City Planner in her capacity as a contractor) completed at Mallory. The work consisted of considerable reconstruction of the square.

Note²: Mallory Square has existing impervious surface in the form of buildings, parking lots and brick pavers. All the above constitute "structure" under the definition of Sec. 86-9 "Structure means anything built, constructed or assembled with a fixed location on the ground." Given that the brick pavers exceed impervious surface maximums, the pavers constitute a noncomplying structure. Non-complying structures are regulated under Chapter 122, Article II. Sec. 122-27 & 122-28 expressly permit non-complying structures to be continued and maintained as long as the value of any reconstructions, renovations, or repairs do not exceed 50% of the property's appraised or assessed value. Sec. 122-27 also discourages their expansion. In in this case, proposed work does not exceed 50% of the value of the property and as a result of the work the non-complying impervious surface will be reduced.

According to the Monroe County Property Appraiser's property record information the value of the Mallory Square property is approximately \$36,350,000.00. The estimated value of the proposed project is expected to be approximately \$1,500,000.00 (approximately 4.1% of the assessed value of Mallory).

Given the above, Chapter 122, Art. II clearly indicates no variance is required for impervious surface.

Note³: Height is measured, per Sec. 122-1149, "the crown of the nearest adjacent street". "Street" is defined in sec. 1-2 as "The term "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city, and it shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the city commission." In this case the height was measured from the footpath connecting the Westin to Mallory Square and as protected under the conditions of the Planning Board in their recommendation of development plan and conditional use approval.

14. Is Subject Property located within the Historic District? Yes X No _____
If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting.

Date 09/28/10 HARC # H10-01-355

15. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes X No _____ If Yes, please describe and attach relevant documents. Mallory Square has many easements, leases etc. However, it is the applicant's understanding that none of these adversely affect the proposed leasehold.

16. Will the work be within the dripline (canopy) of any tree on or off the property?
YES X NO _____
If yes, provide date of landscape approval, and attach a copy of such approval.
The landscape plan is scheduled for Tree Commission review on October 11th, 2010.

Check List

(to be completed by Planning Staff and Applicant at time of submittal)

| Applicant Initials | Staff Initials | The following must be included with this application |
|--------------------|-----------------------------|---|
| <u>OT</u> | <u> </u> | Copy of the most recent recorded deed showing ownership and a legal description of the subject property |
| <u>OT</u> | <u> </u> | Application Fee (to be determined according to fee schedule) |
| <u>OT</u> | <u> </u> | Site Plan (existing and proposed) as specified on Variance Application Information Sheet |
| <u>OT</u> | <u> </u> | Floor Plans of existing and proposed development (8.5 x 11) |
| <u>OT</u> | <u> </u> | Copy of the most recent survey of the subject property |
| <u>OT</u> | <u> </u> | Elevation drawings as measured from crown of road |
| <u>OT</u> | <u> </u> | Stormwater management plan |
| <u>OT</u> | <u> </u> | HARC Approval (if applicable) |
| <u>OT</u> | <u> </u> | Notarized Verification Form |
| <u>OT</u> | <u> </u> | A PDF or compatible electronic copy of the complete application on a compact disk |

Please note that all architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Two signed and sealed copies will be required at time of submittal.

Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

Mallory Square is the Historic heart of the community's maritime industry. Significant public historic places should maintain their historic and functional spacial relationships in order to maintain their historic integrity. This area was a location where structures and people were located in close proximity to the water's edge. Many regulations encourage structures and uses to be located away from the water's to reduce - **Continued on Attached**

2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

Mallory was developed long before the applicant, or even the owner, came to be involved with it. The proposed uses existed on site and the applicant seeks to build in a FEMA- and ADA-compliant manner. Mallory predates CCCL requirements is located in the v-zone. Most of the structures in the square are grand fathered under FEMA, but the new structure must comply. The applicant is responding to the - **Continued on Attached**

3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred. The granting of the proposed variances will allow the functional development of the site in an ADA, FEMA, and historically sympathetic manner. A special privilege in this case would be to allow development in contradiction to the intent of the CCCL to protect the natural shoreline and beach/dune system. Since no such natural shoreline exists at Mallory, no special privilege will be conferred. - **Continued on Attached**

4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

Under a literal interpretation of the LDRs, Mallory can not be fully used as contemplated or intended in the comprehensive plan or the HPS zoning. Both the plan and the zoning contemplate the continuation of non-conforming uses. This proposal seeks to construct a new building that will house the existing 2,344 sq. ft. of consumption area. Height - The Flood zone requires we build above 13ft leaving only 12ft above the minimum flood elevation and below the maximum height limit. While 12ft is enough height to construct usable habitable space, it is not enough room to create an architecturally sympathetic roof design. Literal interpretation of the LDRs will render this public property either unusable or require an inappropriate architectural design to be approved in this significantly historic public space. - **Continued on Attached**

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

Variances will allow an ADA- and FEMA-compliant structure that is sympathetic and appropriate for the Historic District and Mallory Square. The variances will allow reasonable use of the existing publicly-owned non-conforming use. - Continued on Attached

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The granting of the variance is not injurious to the public welfare. The proposal will be a tremendous asset to Mallory Square by providing an additional quality dining establishment which incorporates the history of Key West in a public waterfront setting.

- Continued on Attached

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Existing non-conforming uses of other properties are not considered as the basis for this request.

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:

- That the standards established in subsection (a) have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

Standards for Considering Variances – Continued

1. Existence of Special Conditions or Circumstances – CONTINUED FROM P. 6 OF 9:

potential negative impacts such as stormwater runoff and beach/ dune degradation. In the case of Mallory, the edge pier and dock area was recently reengineered according to DEP and USACE permits to prevent storm water runoff into the near shore waters through a best management practice design, and to reconstruct the hardened sheet-pile shoreline, and to reconstruct the pier/ dock area.

The first variance request is for a left-side setback variance. Yard setbacks were originally created to provide for air and light circulation between structures. Setbacks are extremely important to contiguous properties to ensure adequate spacing between structures. In this case, there is no contiguous upland property or structure adjacent to the proposed structure. The nearest structure on another property is approximately 50 feet away, more than three times the minimum setback distance for this district.

The second variance request is for the Coastal Construction Control Line ("CCCL"). The purpose of the CCCL according to the Comprehensive Plan (5-1.3) is to protect the natural shoreline and the very limited beach/dune system. Mallory Sq. happens to fall within the CCCL however it clearly has no natural shoreline or beach dune system. Mallory's shoreline is a historical working waterfront with a sheet-pile hardened shoreline and a DEP approved concrete pier. Thus in this particular special case, there is no rational nexus between the CCCL public benefit and its resulting restriction on the property rights of Mallory Square.

An additional variance request for height is due to the FEMA flood zone of Mallory. This area of Mallory is a V-Zone, which, in this case, requires the lowest structural member of the first floor to be elevated to a height of 13ft. The existing maximum height for habitable space in the HPS zoning district is 25ft. Once a structure is elevated above the flood zone there is only 12ft of habitable area within which to build. While 12ft is enough room to build a structure, the height limitation restricts the roof type and design. The historic roof form for this area is a pitched roof. In order to create a historically appropriate roof design that maintains the integrity of the Historic District, a variance for the non-habitable portion of a pitched roof is required and requested.

2. Conditions not created by applicant – CONTINUED FROM P. 6 OF 9:

historic and functional relationships created within Mallory over time. The proposed design is considerate of and sympathetic to the close waterfront proximity of this historic maritime public space.

3. Special privileges not conferred – CONTINUED FROM P. 6 OF 9:

A special privilege with regard to left side setback would be to reduce the setback and permit this structure to be built more closely to another contiguous upland structure in contradiction to the minimum life-safety setbacks or the historic character of Mallory Square.

A special privilege with regard to height, would be the granting of a variance that permitted additional floor area above the height limit that would not otherwise be permitted. In this case, all the proposed habitable space can be accommodated above the minimum FEMA flood elevation and under the prescribed height limitation. However, it is the architectural demands of this historic place that pushes the project to seek a height variance. In this case, the structure receives no advantage or special privileged since the only structure exceeding 25ft will be the architectural aspects of a pitched roof.

4. Hardship Exists – CONTINUED FROM P. 6 OF 9:

Mallory can not be fully used to benefit the public as intended in the purchase process, the Comp Plan, or the HPS Zone under literal interpretation of the LDRs. Both the plan and the zone contemplate the continuation of non-conforming uses, and the public process under which Mallory was purchased contemplated the maximum public benefit to the people of Key West. This proposal seeks to do just that, continue the nonconforming use of 2,344 sq. ft. of consumption area. Build in an ADA- and FEMA-compliant manner, maintain maximum open space in the square, and to preserve and enhance the economic benefit to the community.

The purpose of the Coastal Construction Control Line according to the Comprehensive Plan (5-1.3) is to protect the natural shoreline and the very limited beach/dune system. Mallory Sq. happens to fall within the CCCL however clearly has no natural shoreline or beach dune system. Mallory's shoreline is a historical working waterfront with a sheet-pile hardened shoreline and a DEP approved concrete pier.

A literal interpretation of the Sec. 122-1148 would prevent the City and the people of Key West from utilizing the public property to the fullest extent and benefit to the community with no furthering of the goals and intent of the CCCL. As a result, the public will loose the opportunity to exercise its right and obligation to maximize the public benefit of its public resources, even though there is no rational nexus between the restriction and the public benefit as it applies to Mallory Square.

If new structures at Mallory Square are required to follow literal interpretations of code when the result creates a setback situation that is both inconsistent with the existing structures and inconsistent with the waterfront-oriented historical maritime activities, the community as a whole and the Historic District itself will experience the hardship of a deterioration in the character of the waterfront and the integrity of the Historic District due to inconsistent design. As an example, two of the three nearby buildings (The Key West Aquarium at 1 Whitehead Street and The Key West Toy Factory at 291 Front Street) both have historic zero

setbacks. To require new buildings to now have 15 foot setbacks creates inconsistent design.

5. Minimum Variance Necessary – CONTINUED FROM P. 7 OF 9:

The proposed project is in keeping with the character of the closest adjacent property, yet significantly less intense.

The variances are the minimum necessary for the public benefit of:

1. Preserving the open space-nature of Mallory square by locating the structures on the outside of the square rather than on the interior;
2. ADA accessibility by building a new, fully ADA-accessible structure to house existing consumption area
3. Preserving, protecting, and enhancing the integrity of the Historic District by furthering the goals and intent of the Historic District-related regulations and guidelines;
4. Preserving significant public economic infrastructure (i.e. the ability to lease the restaurant use and gain the resulting economic benefits such as rental income, ad valorem taxes, sales taxes, business taxes, etc.); and
5. Reducing obstructions in the velocity flood zone by constructing a FEMA-compliant structure.

The proposed variances maintain the above mentioned public benefits without allowing a new or expanded non-conforming use.

First, the restaurant use previously existed as evidenced by City licenses, the analysis of the Planning Department, and the determination of the Planning Board (per Sec. 122-29) at the regularly scheduled meeting of 01/20/11.

Second, there is no additional non-conforming use proposed. The only use proposed is a restaurant, which has been established as a nonconforming use. The proposal does not seek, and will not allow, a stand alone bar. In fact, the definition of a bar in Sec. 86-9 specifically excludes "the sale of alcoholic beverages accessory to and within a restaurant use".

Third, there is no expansion of a non-conforming structure. The existing structure can not be restored under the FEMA regulations for structures in the velocity flood zone. The existing structure has been structurally compromised and deteriorated to the point that renovation or reconstruction will exceed 49% of its appraised value. As a result, it must be elevated or demolished. Given the state of deterioration and the nature of the structure, it can not be elevated, and so it must be demolished. A completely new structure will be built.

Finally, the left side setback variance maintains ground level water access for the people of Key West.

6. Not Injurious to the Public Welfare – CONTINUED FROM P. 7 OF 9:

The variance will also allow the public to exercise its right to continue an existing nonconforming use with the associated economic benefits through the construction of an environmentally friendly, ADA- and FEMA-compliant building, reductions in impervious surface, and increases in open space, landscaping, and stormwater management.

Additionally, the project is not injurious to the adjacent property owners' rights. This project is proposed under the existing comprehensive plan (adopted August 10, 1993) and Land Development Regulations. The current plan and LDRs for HPS are significantly more restrictive than the prior designations (HP-2 and M-1) in effect in 1986 when a development agreement for an adjacent property was negotiated. Therefore the proposed project is significantly less intense than what could have been developed under the zoning in effect at the time that the adjacent property's rights were under negotiation.

Additionally there will be no increase in potential intensity. Intensity of a restaurant is measured in terms of consumption area (the area in which people can consume food and drink), as demonstrated by the fact that parking requirements of the code use consumption area to determine the level of parking impact that must be accommodated. The consumption area can be occupied by a limited number of people (based on the life-safety codes), which in turn regulates the number of meals that need to be served on site. This is the real measure of intensity, not on the size of the kitchen, restrooms, elevators, stairs, or waiting area (i.e. FAR). It has been determined by the City's Planning Department and the Planning Board that the existing consumption area is equal to the proposed consumption area and therefore no expansion, extension, or increase exists.

The left side setback allows the building to be created in a historically sensitive and consistent design, while at the same time maintaining public access to the water's edge.

Economic Base of the Community – SEC. 122-28(G):

Sec. 122-28(g) requires the City to consider the economic base of the community when evaluating petitions for variances. The Key West economy is primarily a tourist economy. Mallory Square is the heart of Key West's tourist activity. In the case of this project, the community will benefit greatly from the increased tax base and monthly rental of the restaurant use.

As discussed above, the non-conforming use will not be expanded as there is no increase in consumption area. The non-complying structure will not be renovated or reconstructed. Instead a wholly new compliant structure will be constructed that will conform to the Federal FEMA and ADA requirements. In addition the new structure will reduce several existing non-conforming aspects of Mallory Square as whole, including storm water, impervious surface, open space, and landscaping.

Verification Form

Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Trepanier & Associates, Inc., being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the _____ Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

Mallory Square

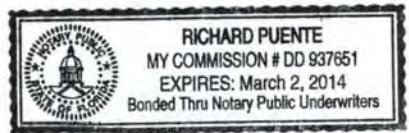
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up 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] for Trepanier & Associates, Inc.
Signature of Owner/Legal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 10/5/10 (date) by
Owen Trepanier (name). He/She is personally known to me or has
presented _____ as identification.

Richard Puente
Notary's Signature and Seal



Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD 937651 Commission Number (if any)





Verification Form

Please note, Conditional Use requests are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the request outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, JAMES K. SCHOLL, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the Owner X Owner's Legal Representative
for the property identified as the subject matter of this application:

Mallory Square Development Plan
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up 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.

J.K. Scholl
Signature of Owner/Legal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on November 4, 2010 (date) by Jim Scholl (name). He/She is personally known to me or has presented as identification.

Portia Y. Navarro
Notary's Signature and Seal



Portia Y. Navarro Name of Acknowledger typed, printed or stamped
Public Notary Title or Rank Commission Number (if any)

Authorization Form

Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

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

I, City of Key West _____ authorize
Please Print Name(s) of Owner(s)

Tropical Soup Corporation
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Planning Board.

J. K. Schell _____ for City of Key West
Signature of Owner Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on October 14, 2010 (date) by
Jimi H. Schell
Please Print Name of Affiant

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

Portia Y. Navarro
Notary's Signature and Seal

Portia Y. Navarro Name of Acknowledger printed or stamped

NOTARY Public Title or Rank

Commission Number (if any)





[Home](#)
 [Contact Us](#)
 [E-Filing Services](#)
 [Document Searches](#)
 [Forms](#)
 [H](#)

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

Entity Nam

No Events
 No Name History

Detail by Entity Name

Florida Profit Corporation

TROPICAL SOUP CORPORATION

Filing Information

Document Number P10000015973
FEI/EIN Number NONE
Date Filed 02/22/2010
State FL
Status ACTIVE
Effective Date 02/17/2010

Principal Address

415 WALL STREET
 KEY WEST FL 33040

Mailing Address

415 WALL STREET
 KEY WEST FL 33040

Registered Agent Name & Address

DEMENT, C W
 415 WALL STREET
 KEY WEST FL 33040 US

Officer/Director Detail

Name & Address

Title PSD

DEMENT, C W
 415 WALL STREET
 KEY WEST FL 33040 US

Annual Reports

No Annual Reports Filed

Document Images



02/22/2010 -- Domestic Profit

[View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.

[Previous on List](#)

[Next on List](#)

[Return To List](#)

Entity Nam

No Events

No Name History

[Sub](#)

[| Home](#) | [Contact us](#) | [Document Searches](#) | [E-Filing Services](#) | [Forms](#) | [Help](#) |

Copyright © and Privacy Policies
State of Florida, Department of State



Deed



THIS INDENTURE, Made this 30th day of August, A. D. 1952,
between GULF ATLANTIC TRANSPORTATION CO., a corporation existing
under the laws of the State of Florida, having its principal place of business
in the County of Duval and State of Florida, party of the first part, and The
City of Key West, Florida, a municipal corporation organized and existing
under the laws of the State of Florida, party of the second part,



WITNESSETH, That the said party of the first part, for and in
consideration of the sum of One Hundred Fifty Thousand Dollars, to it in
hand paid, the receipt whereof is hereby acknowledged, has granted,
bargained, sold, aliened, remise, released, conveyed and confirmed, and
by these presents doth grant, bargain, sell, alien, remise, release, convey
and confirm unto the said party of the second part, its successors and assigns
forever. all that certain parcel of land lying and being in the County of
Monroe and State of Florida, more particularly described, as follows:

On the Island of Key West, Florida, and known as part of
Lots 2, 3, 4, and 5 in Square 3, as shown on William A.
Whitehead's Map of said City, delineated in February, 1829,
being described by metes and bounds as follows:

Beginning at the Northerly corner of Wall and Whitehead
Streets, and running thence in a Northerly direction along
the Westerly side of Wall Street 464 feet to a point; thence
at right angles and in a Westerly direction 362.2 feet to the
waters of the harbor of said City; thence meander along the
waters of the harbor in a Southerly direction to the Northerly
side of Whitehead Street, if extended; thence along said
Northerly side of Whitehead Street, if extended, back to the
point of beginning.

TOGETHER with all the tenements, hereditaments and appurtenances,
with every privilege, right, title, interest and estate, reversion, remainder
and easement thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

And the said party of the first part doth covenant with the said
party of the second part that it is lawfully seized of the said premises that
they are free of all incumbrances, and that it has good right and lawful
authority to sell the same; and the said party of the first part does hereby

Attachment B
Page 11 of 12 Pages
SL No. 440769265

fully warrant the title to said land, and will defend the same against: the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its Assistant Secretary, the day and year above written.



Signed, Sealed and Delivered in Our Presence:

GULF ATLANTIC TRANSPORTATION CO.
By H. G. Williams (SEAL)
President

J. D. Johnson
Sadie E. Foster

ATTEST:

By Edna B. Wallace (SEAL)
Assistant Secretary

STATE OF FLORIDA)
COUNTY OF DUVAL) ss.

State of Florida, County of Monroe
This instrument was filed for record the 3rd day of Sept
1952 at 3:35 p.m. and duly recorded in Book
Book 0-6 on Page 274/275 File No. 29005
E. B. ADAMS, Clerk Circuit Court

I HEREBY CERTIFY, That on this _____ day of August, A. D. 1952,

before me personally appeared H. G. Williams and Edna B. Wallace, President and Assistant Secretary, respectively, of GULF ATLANTIC TRANSPORTATION CO., a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to The City of Key West, Florida, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Jacksonville, in the County of Duval and State of Florida, the day and year last aforesaid.

Lawrence R. Owen
Notary Public, State of Florida at Large.

CONSENT TO LEASE IN ORDER TO ALLOW USE OF
RIPARIAN RIGHTS

Doc# 1483547
BKN 2888 Pgm 948

WHEREAS Ocean Key House Associates, a Pennsylvania Limited Partnership, owns riparian rights which include free and unobstructed view regarding the area designated as Parcel "B," on the attached survey, and

WHEREAS the City of Key West, a municipality, is desirous of leasing Parcel "B" from the Florida Board of Trustees of the Internal Improvement Trust Fund, and

WHEREAS Ocean Key House Associates acknowledges that periodically some cruise ships docked at the Malloy Square Cruise Ship Dock, (Parcel "A" as indicated on the attached survey) may encroach upon the riparian area of Parcel "B", and

WHEREAS Ocean Key House Associates recognizes the economic desirability of facilitating cruise ship operations by the lease of the submerged land from the Florida Board of Trustees of the Internal Improvement Trust Fund.

BE IT THEREFORE RESOLVED that Ocean Key House Associates waives any objections to and consents to the Florida Board of Trustees of the Internal Improvement Trust Fund leasing to the City of Key West, the area designated Parcel "B" as shown on the certified sealed survey performed by Joe M. Trice, dated March 18th, 1984. This consent is only for the purpose of allowing the cruise ships to overhang the navigable waters above the submerged lands defined as Parcel "B" and specifically, the submerged land lease is for the use of the adjacent Key West cruise ship dock. In no circumstances will this consent to lease be construed to allow any construction of any kind on the submerged land of Parcel "B".

BE IT FURTHER RESOLVED, that this consent to lease is for the full term of the submerged lands Lease by Florida's Trustees of the Internal Improvement Trust Fund to the City of Key West, including renewals of that lease.

IN WITNESS WHEREOF the said corporation has caused this document to be executed in its name and duly authorized this day of April, 1989.

Francis P. Rogers
Cathleen Lippner
Witnesses

[Signature]
BUREL ALTMAN, General Partner
Ocean Key House Associates,
Partnership

STATE OF }
COUNTY OF } ss.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared BUREL ALTMAN Ocean Key House Associates, and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested.

WITNESS my hand and official seal in the County and date last aforesaid this 5 day of May, 1989.

[Signature]
Notary Public
State of Florida

KEY WEST PLANNING DEPT.
NOV - 4 2010
MONROE COUNTY

This Instrument Prepared By:
Glen Teal
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS RENEWAL

No. 440769265
PA No. : 44-0142062-002-ES

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to City of Key West, Florida, hereinafter referred to as the Lessee, the sovereign lands described

as follows:

A parcel of sovereign submerged land in Section 31,
Township 67 South, Range 25 East, Section 06,
Township 68 South, Range 25 East, in Key West Harbor,
Monroe County, containing 115,663 square feet, more
or less, as is more particularly described and shown on
Attachment A, dated August 10, 2000.

TO HAVE THE USE OF the hereinabove described premises from August 8, 2004, the effective date of this modified lease, through August 8, 2009, the expiration date of this modified lease. The terms and conditions on and for which this lease is granted are as follows:

1. **USE OF PROPERTY:** The Lessee is hereby authorized to construct and operate a port facility, recreational area, and one commercial dock, exclusively to be used for temporary mooring of commercial vessels for delivery of exhibits to the city aquarium used in conjunction with an upland city port, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the Department of Environmental Protection or local authority, whichever entity applies the more stringent criteria, and without liveaboards as defined in paragraph 24, as shown and conditioned in Attachment A, and the Department of Environmental Protection, consolidated Environmental Resources Permit No. 44-0142062-002-ES, dated November 20, 2000, incorporated herein and made a part of this lease by reference. All of the foregoing subject to the remaining conditions of this Lease.

2. **AGREEMENT TO EXTENT OF USE:** This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.), shall not change activities in any manner that may have an environmental impact that was not considered in the original authorization, or shall not change the type of use of the riparian uplands without first obtaining a regulatory permit/modified permit, if applicable, and the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.



3. **PROPERTY RIGHTS:** The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

4. **INTEREST IN RIPARIAN UPLAND PROPERTY:** During the term of this lease, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's leasehold or fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

5. **ASSIGNMENT OF LEASE:** This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

6. **INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS:** The Lessee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

7. **VENUE:** Lessee waives venue as to any litigation arising from matters relating to this lease and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

8. **NOTICES/COMPLIANCE/TERMINATION:** The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

City of Key West
City Manger: Julio Avel
P. O. Box 1409
Key West, FL 33040

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

9. **TAXES AND ASSESSMENTS:** The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

10. **NUISANCES OR ILLEGAL OPERATIONS:** The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.



11. **MAINTENANCE OF FACILITY/RIGHT TO INSPECT:** The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

12. **NON-DISCRIMINATION:** The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

13. **ENFORCEMENT OF PROVISIONS:** No failure, or successive failures, on the part of the Lessor to enforce any provision; nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

14. **PERMISSION GRANTED:** Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

15. **RENEWAL PROVISIONS:** Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment B, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

16. **REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES:** If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

17. **REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY:** Any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in its uplands enforceable in summary proceedings as provided by law.

18. **RECORDATION OF LEASE:** The Lessee, at its own expense, shall record this fully executed lease in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. Book and pages at which the lease is recorded.

19. **RIPARIAN RIGHTS/FINAL ADJUDICATION:** In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.



20. **AMENDMENTS/MODIFICATIONS:** This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

21. **ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS:** No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased area. No restaurant or dining activities are to occur within the leased area. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, piling or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

22. **ACOE AUTHORIZATION:** Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (ACOE) permit if it is required by the ACOE. Any modifications to the construction and/or activities authorized herein that may be required by the ACOE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

23. **COMPLIANCE WITH FLORIDA LAWS:** On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

24. **LIVEBOARDS:** The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

25. **GAMBLING VESSELS:** During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

30. **SPECIAL LEASE CONDITIONS:**

A. Lessee shall maintain for the term of this lease and any subsequent renewal periods the manatee informational display and manatee awareness signs.

B. All ships shall be moored within the boundaries of the lease area.

C. The city shall supply a list of all ships to be docked at the facility and their lengths.

D. The Lessee shall ensure that (a) no vessel shall be moored at the dock 45 minutes before or 45 minutes after daily estimated time of sunset as stipulated by the Dock Master; (b) no vessel using the lease facility shall operate in any manner which infringes upon the view of the horizon within this time period; (c) the Sunset Celebration activities on the Mallory dock shall be allowed to continue until and unless an agreement has been reached to move the Sunset Celebration activities to a mutually agreement site, with said agreement subject to approval from the Lessor; and (d) no more than 12 one-night variances per calendar year are allowed. With 14 days after each variance, the Lessee shall provide the Lessor's authorized agent an affidavit signed by the Lessee's authorized agent documenting the date of the occurrence of the variance. The affidavit shall be provided to the Division of State Lands, Florida Key Office, 2796 Overseas Highway, Suite 221, Marathon, FL 33050-4276 (305-289-2310).

E. The Lessor hereby agrees to the special provision of this lease with allows the subleasing of the leased structures for ancillary community sponsored cultural functions such as the "Sunset Celebration", and sports activities. However, the Lessee shall ensure that no ancillary activity will be conducted for a continuous period of time longer than 24 hours and that no super structures will be erected on the lease structure on either a permanent or temporary basis without the prior written consent of the Lessor's authorized agent.



WITNESSES:

Edith Green
Original Signature

Edith Green
Print/Type Name of Witness

Fredrica Jones
Original Signature

Fredrica Jones
Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

BY: [Signature] (SEAL)

* Dale Adams, Operations and Management Consultant-
Manager, Bureau of Public Land Administration,
Division of State Lands, Department of Environmental
Protection, as agent for and on behalf of the Board of Trustees of
the Internal Improvement Trust Fund of the State of Florida
* Scott E. Woolam, Bureau Chief.


"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 26th day of August, 2004, by
* Dale Adams, Operations and Management Consultant-Manager, Bureau of Public Land Administration, Division of State Lands,
Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust
Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:
[Signature]
DEP Attorney

Florence L. Davis
Notary Public, State of Florida

Printed, Typed or Stamped Name
My Commission Expires:  Florence L. Davis
MY COMMISSION # CC974568 EXPIRES
October 11, 2004
BOROED THRU TRISTY FARM INSURANCE, INC.
Commission/Serial No. _____



WITNESSES:

Deborah J. Dole
Original Signature

Deborah J. Dole
Typed/Printed Name of Witness

Tracy A. Decker
Original Signature

Tracy A. Decker
Typed/Printed Name of Witness

City of Key West, Florida (SEAL)
BY: [Signature]
Original Signature of Executing Authority

Julio Avasel
Typed/Printed Name of Executing Authority
City Manager
Title of Executing Authority

"LESSEE"

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 26th day of August, 2004, by
Julio Avasel as City Manager for and on behalf of the City of Key West, Florida. He is personally known to me or who has
produced _____ as identification.

My Commission Expires:

March 22, 2007

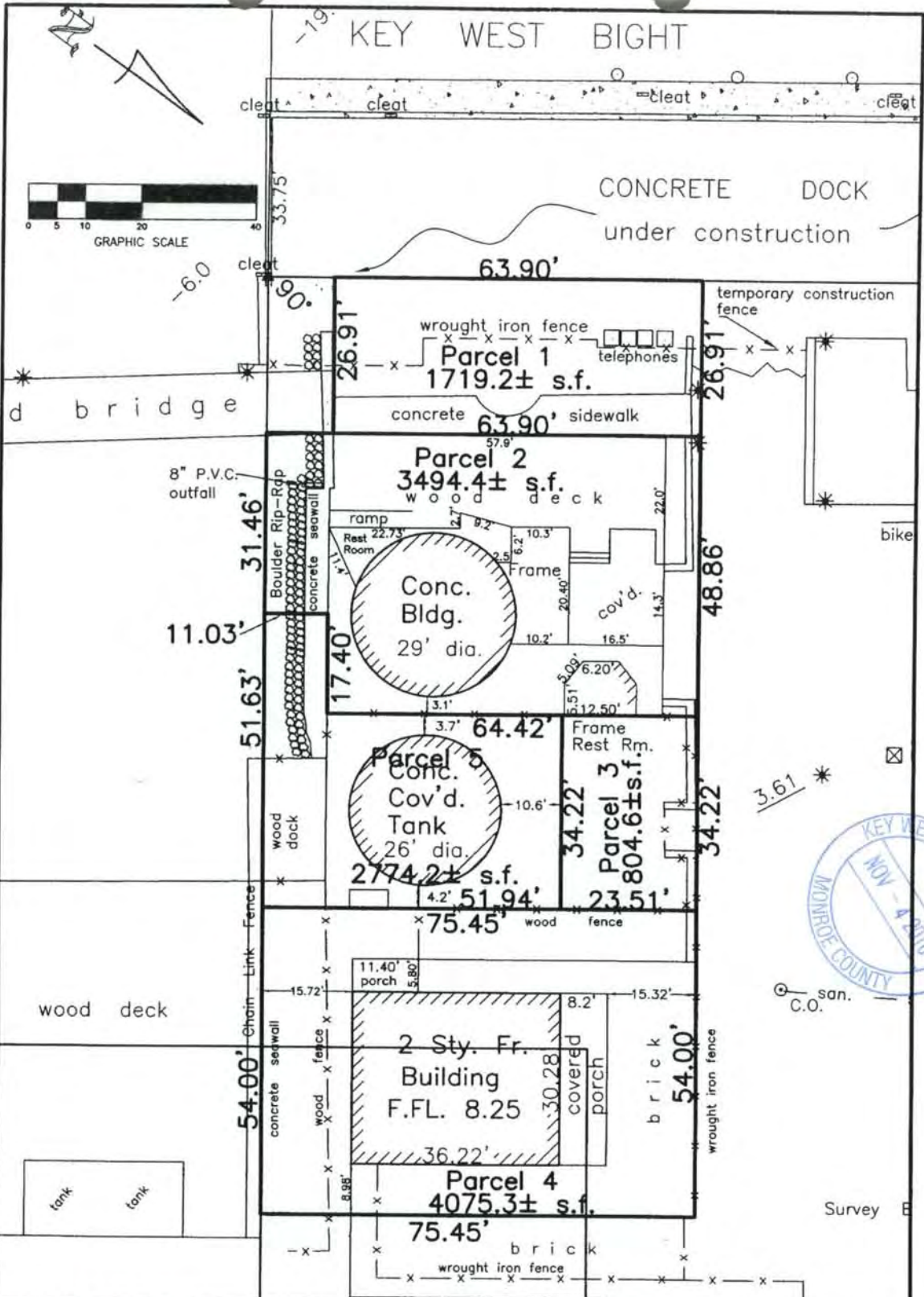
Commission/Serial No. DD134360



Maria G. Batsiff
Notary Signature

Notary Public, State of Florida
Maria G. Batsiff
Printed, Typed or Stamped Name

Survey



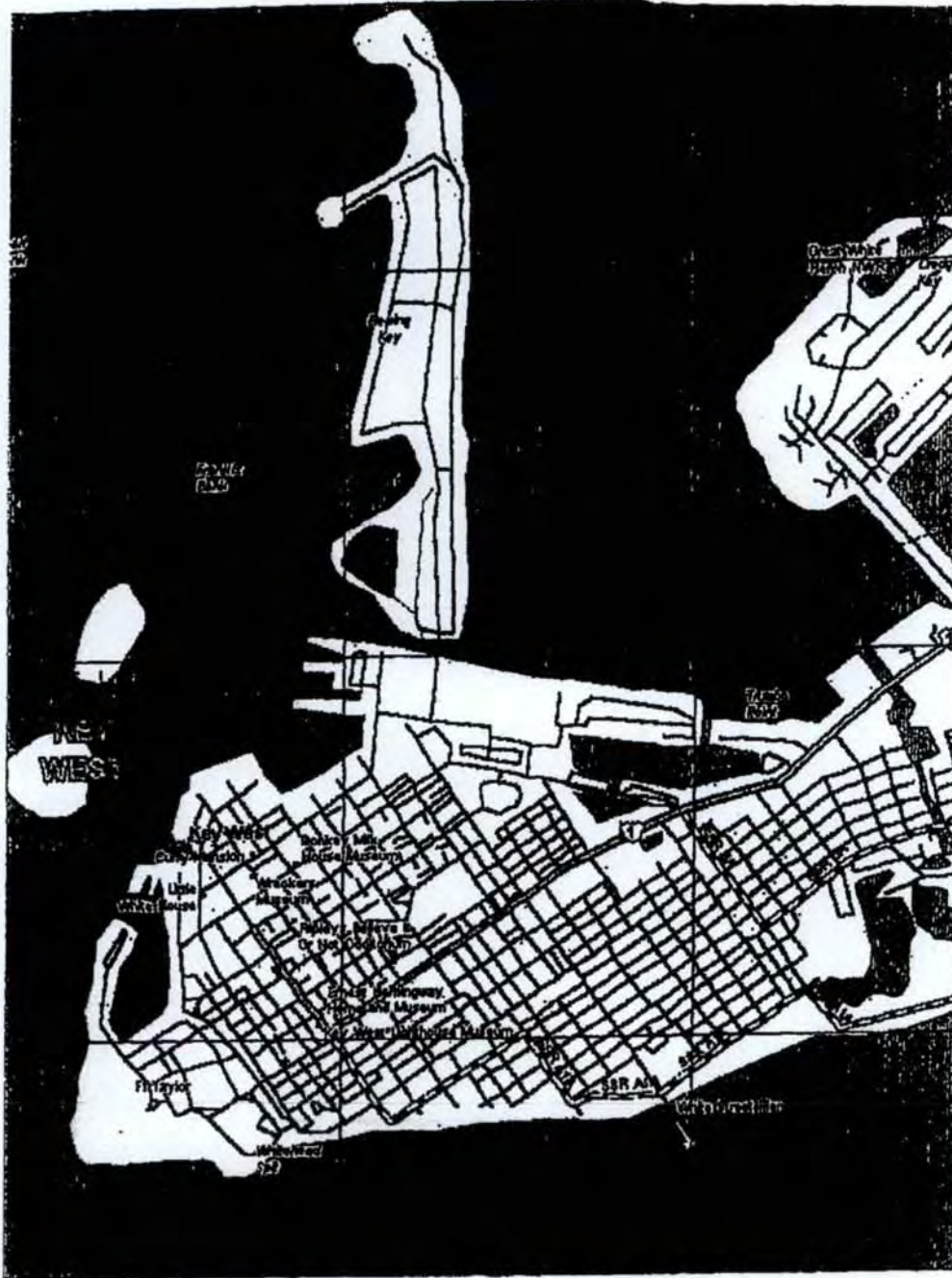
| | | | |
|------------------------------------|-----------|--------------------------|-----------------|
| City of Key West Mallory Square | | | |
| Lease Areas | | Dwn No.: 10-108 | |
| Scale: 1"=20' | Ref. file | Flood panel No. 1516K | Dwn. By: F.H.H. |
| Date: 1/28/10 | | Flood Zone: | Flood Elev. |
| REVISIONS AND/OR ADDITIONS | | | |
| | | | |
| | | | |
| | | | |

ISLAND SURVEYING INC.
ENGINEERS PLANNERS SURVEYORS

3152 Northside Drive
Suite \2101
Key West, FL 33040
(305) 293-0466
Fax. (305) 293-0237
fhildeb1@bellsouth.net

LOCATION MAP

Doc# 1493547
Bk# 2080 Pg# 944



J.S.G.S. QUAD: KEY WEST

RECEIVED
OCT 06 2000

Sheet 1 of 3

D.E.P. MARATHON

| | | | |
|----------------------------|-----------|------------------------|-----------------|
| of Key West West Bight | | | |
| ific Purpose Survey | | Dwn No.: | |
| erged Land Lease | | 00-356 | |
| 1"=80' | Ref. file | Flood panel No. 1716 H | Dwn. By: F.H.H. |
| 1/08/00 | | Flood Zone: | Flood Elev. |
| REVISIONS AND/OR ADDITIONS | | | |
| 2: revise lease area | | | |
| | | | |
| | | | |

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR

315
Sull
Key
(301
Fax

Attachment A
Page 6 of 12 Pages
SL No. 440769265

LEGAL DESCRIPTION:

A parcel of submerged land adjacent to Lots 1,2,3,4 and 5 of Square 3, William A. Whitehead's Map or Plan of the Island of Key West, Monroe County, Florida, being more particularly described by metes and bounds as follows: Commencing at the intersection of the Westerly right-of-way boundary line of Wall Street with the Southerly right-of-way boundary line of Whitehead Street and running thence North 70°27'37" West along the said right-of-way line of Whitehead Street for a distance of 297.87 feet to the Point of Beginning; thence continue North 70°27'37" West for a distance of 212.13 feet; thence North 19°32'23" East for a distance of 664.0 feet; thence South 70°27'37" East for a distance of 145.0 feet to a point on the outside face of a concrete seawall and the Mean High Water line of the Gulf of Mexico; thence South 20°20'28" West along the said seawall and Mean High Water line for a distance of 150.0 feet; thence South 70°26'15" East along the said seawall and Mean High Water line for a distance of 37.09 feet; thence South 19°32'23" West along the said seawall and Mean High Water line for a distance of 464.0 feet; thence south 70° 27'37" East along the said Mean High Water line for a distance of 20.87 feet; thence South 16° 57'32" West along the said Mean High Water line for a distance of 50.05 feet back to the Point of Beginning. Contains 115,663 square feet, more or less.



SURVEYOR'S NOTES:

North arrow based on assumed median
 reference Bearing: Previous Deed
 3.4 denotes existing elevation
 elevations based on N.G.V.D. 1929 Datum
 Bench Mark No.: Basic Elevation: 14.324

Monumentation:

▲ = Found P.K. Nail, P.L.S. No. 2749

Abbreviations:

y. = Story
 /W = Right-of-Way
 = Plat
 . = Measured
 = Deed
 t.W. = Mean High Water
 xc. = Section
 tp. = Township
 ge. = Range
 T.S. = Not to Scale
 = Centerline
 lev. = Elevation
 .M. = Bench Mark
 □ = Concrete Utility Pole
 ○ = Wood utility Pole
 -○ = Wood Utility Pole

o/h = Overhead
 u/g = Underground
 F.F.L. = Finish Floor Elevation
 conc. = concrete
 C.B.S. = Concrete Block Stucco
 cov'd. = Covered
 wd. = Wood
 A/C = Air Conditioner
 P.O.C. = Point of Commence
 P.O.B. = Point of Beginning
 P.B. = Plat Book
 * = Light

-20.0 Denotes depth of
 Water at Mean
 Low Water
 Mean Low Water (-) 0.4
 Mean High Water 0.90

Doc# 1493847
 Bkn 2888 Pg# 945

Field Work performed on: 7/1/00

Concrete Seawall +1000 feet South, 800'± North, also Riprap and sandy Beach (Pier House)
 1/2 L.F. Lies along State Owned Lands
 Legal Description from I.I.T.F., No. 440769265, revised 8/10/00

CERTIFICATION:

I HEREBY CERTIFY that the attached Specific Purpose Survey, Submerged Land lease true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-8, Florida Statute, Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
 Professional Land Surveyor & Mapper No. 2749
 Professional Engineer No. 36810
 State of Florida

RECEIVED

NOV 06 2000

KEY WEST PLANNING DEPT.

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

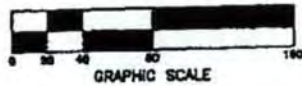
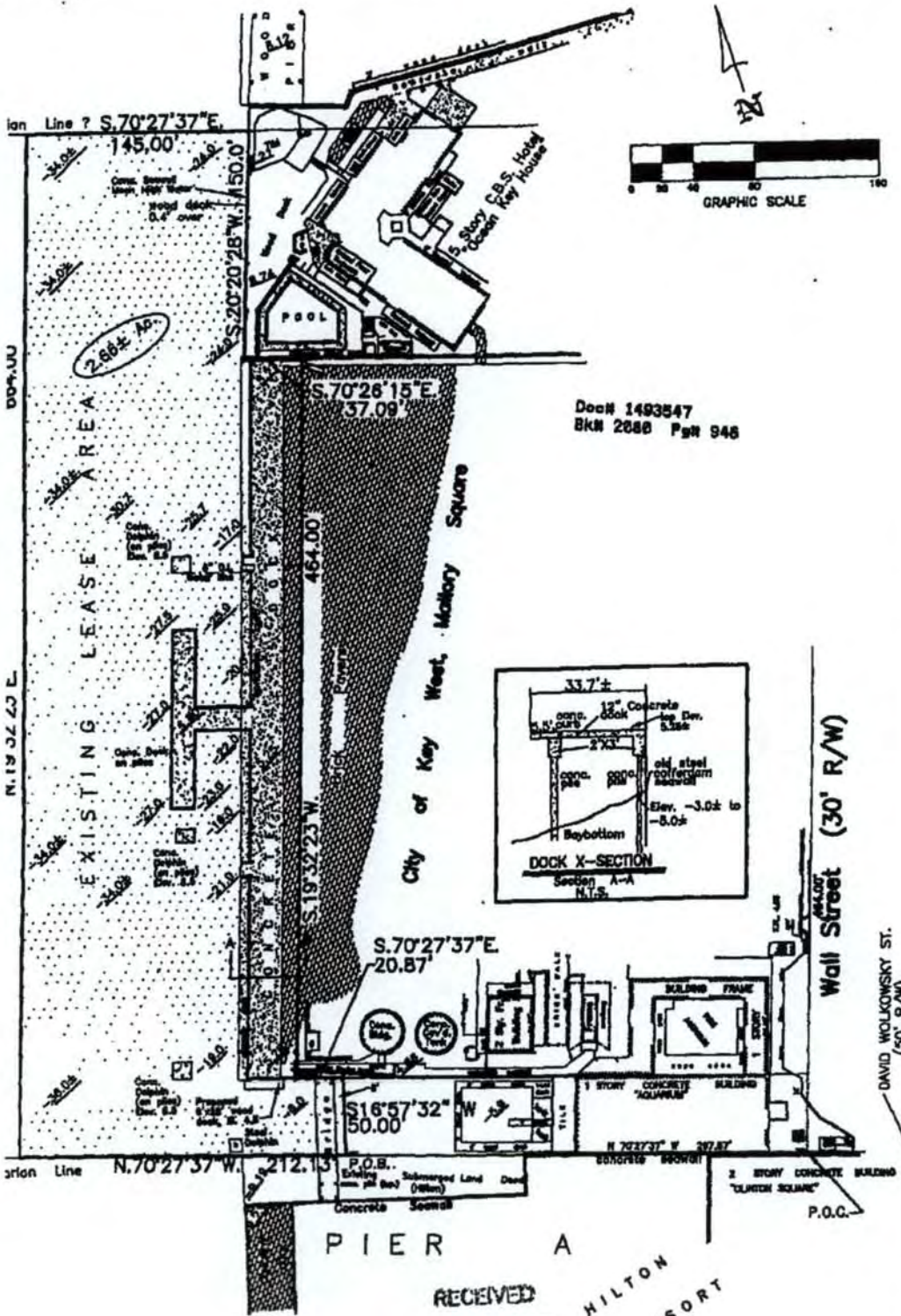
Sheet 3 of 3

| | | | | |
|------------------------------|-----------|---|------------------|---------------------|
| of Key West of West Bight | | Specific Purpose Survey Submerged Land Lease | | Draw No.: 00-356 |
| 1"=80' | Ref. file | Flood panel No. 1716 H | Drawn By: F.H.H. | |
| 3/08/00 | | Flood Zone: | | |
| REVISIONS AND/OR ADDITIONS | | | | |
| X: revise lease area | | | | |
| of keywest/bight | | | | |

FREDERICK H. HILDEBRANDT
 ENGINEER PLANNER SURVEYOR

3150 Northside Drive
 Jite 101
 Key West, FL 33040
 (305) 293-0466
 fax. (305) 293-0237

Attachment A
 Page 7 of 12 Pages
 SL No. 440769265



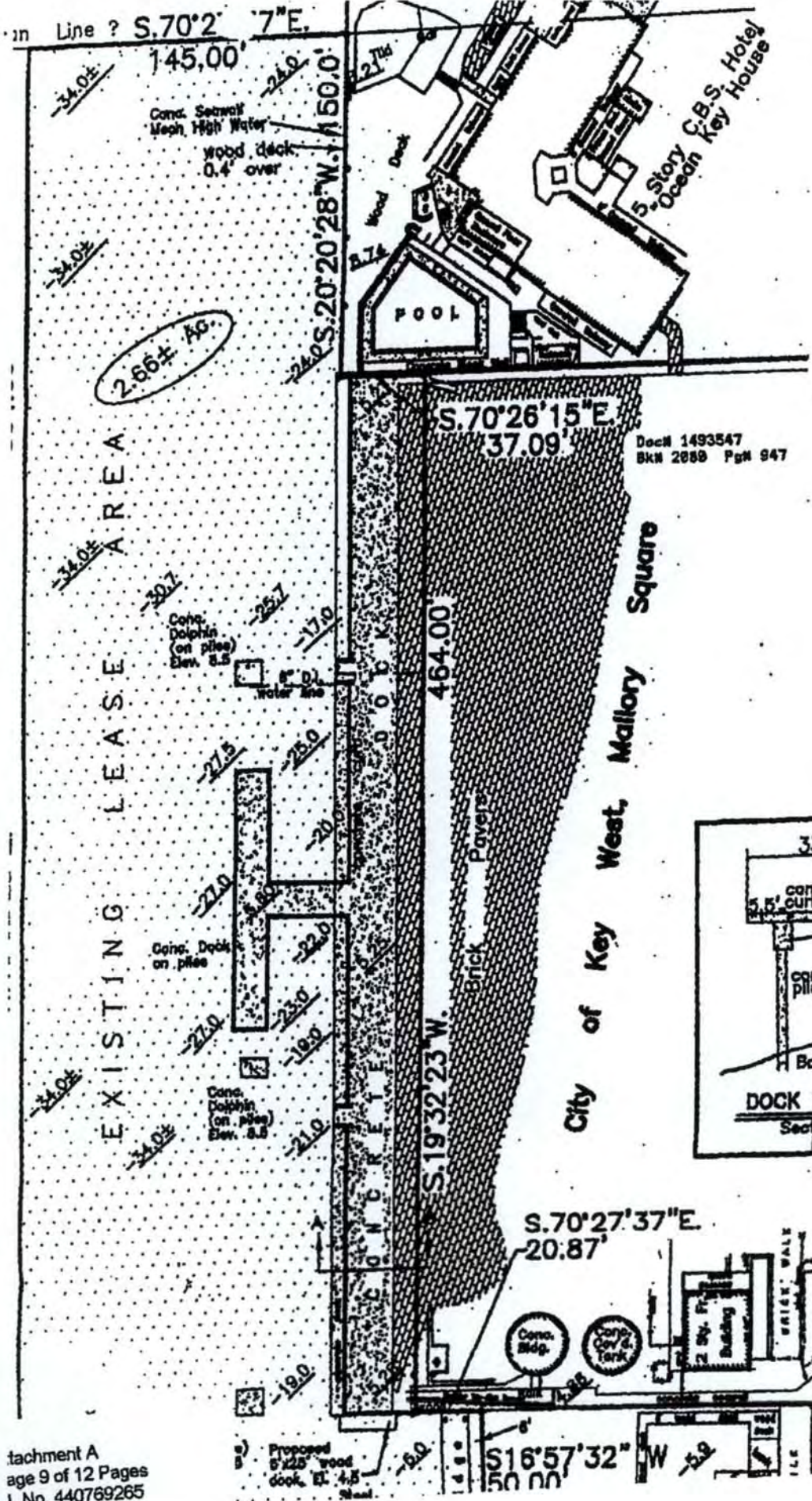
RECEIVED
OCT 06 2009
HILTON
RESORT

Sheet 2 of 3

| | | | |
|--|-----------|---------------------------|-----------------|
| of Key West West Harbor, Mallory Square | | | |
| fic Purpose Survey arged Land Lease | | Own No.: 00-356 | |
| 1"=80' | Ref. file | Flood panel No. 1716 H | Own. By: F.H.H. |
| 7/27/00 | | Flood Zone: | Flood |
| REVISIONS AND/OR ADDITIONS | | | |
| : revise lease area | | | |
| f Key West/Mallory Lease | | | |

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR
3150 Northside Drive
11
L. Fl. 33040
33-0466
5) 293-0237

Attachment A
Page 8 of 12 Pages
SL No. 440769265



Attachment A
Page 9 of 12 Pages
L No. 440769265

Engineer Report

Engineer Report

**Cable Storage Structure
Mallory Square
Key West, Florida 33040**

August 3, 2010



SeaTech inc.

830 Crane Boulevard
Sugarloaf Key, Florida 33042
Phone (305) 872-0888
Fax (305) 872-8898

7552 Navarre Parkway, Suite 7
Navarre, Florida 32566
Phone (850) 939-3959
Fax (850) 939-3953

Engineer Report

**Cable Storage Structure
Mallory Square
Key West, Florida 33040**



TABLE OF CONTENTS

Section 1Scope of Work
Section 2Existing Conditions
Section 3 History
Section 4 Findings & Discussion
Section 5 Conclusions & Recommendations
Section 6 Photographs

Attachment ALocal Map
Attachment B.....Site Map

Section 1: Scope of Work

The purpose of this Engineer Report is to provide a professional evaluation of the Cable Storage Structure on Parcel 2 at Mallory Square, Key West, Florida.

Section 2: Existing Conditions

The Cable Storage Building is located at Mallory Square, Key West, Florida. (See Attachment A, Local Map and Attachment B, Site Map)

The Mallory Square property includes five parcels at the south side of the property. There is a cable storage structure on Parcel 2 and another on Parcel 3. The Cable Storage Building on Parcel 2 is the subject of this report.

The building has a circular footprint and was constructed with a concrete foundation and concrete walls that extend approximately five feet above grade. There are wood framed walls that extend an additional three feet (approx.) above the concrete walls. The building has a wood framed roof system. There is a wood framed floor system inside the building near grade level that is elevated above the bottom of the concrete foundation.

Section 3: History

The Cable Storage Building was originally used to store underwater cables. It was most recently used to house a kitchen to support the operations of a restaurant. The Cable Storage Building is currently being considered for use as part of a proposed restaurant on Mallory Square. The building is a non-contributing historic building that the Historic Architectural Review Commission is requesting to be integrated into the new restaurant plans.

Sea Tech, Inc. was retained to provide an evaluation of the Cable Storage Structure in order to determine the feasibility of re-using the building.

Section 4: Findings & Discussion

The building observations were conducted between 22 July 2010 and 2 August 2010. The attendees included Mr. Paul R. Semmes, PE, Mr. John Paul Castro and Mr. Ryan LaChapelle representing SeaTech, Inc.



There was no invasive work requested or performed during the observation. The observations were made only of readily visible components of the building.

Access to the interior spaces of the building was limited due to the lack of lighting and the poor condition of the floor framing system.

The concrete structure was mostly concealed by wood framing and siding materials.

There were two openings in the concrete walls that extended from the grade level to the top of the concrete structure. The openings were three feet wide and six feet wide. There were other openings in the walls for ac units, venting, etc. There was no tie beam along the top of the concrete walls.

The wood floor framing system was damaged. There were rotted wood members and one third of the floor area appeared to be settled or failed. The floor framing system appeared to be unsafe.

The roof framing system was damaged. There were rotted and deteriorated wood framing members. The wood posts were rotted and deteriorated.

Section 5: Conclusions & Recommendations

The Cable Storage Building is in poor condition. The floor framing system presents an immediate danger for injury, the roof framing system has deteriorated to the degree that the serviceability and structural integrity of the system has been compromised and the concrete walls have been modified without any compensation for the loss of the wall section, thus compromising the structural integrity of the structure. The building is Substantially Damaged as defined by the 2007 Florida Building Code, Existing Building.

The building repairs required as described in this report are in excess of the 50% limitation exacted by the requirements of the Federal Emergency Management Act (FEMA). The repairs are estimated to be approximately \$75K and the value of the building is \$92K as established by the Monroe County Property Appraiser.

The building is unsafe and should be provided with adequate barriers to prevent any entry into the building until the unsafe conditions have been remedied.

Paul R. Semmes, PE

Section 6: Photographs

BUILDING EXTERIOR



Picture #1



Picture #2

BUILDING EXTERIOR



Picture #3



Picture #4

ROTTED WOOD FRAMING



Picture #5



Picture #6



Picture #7



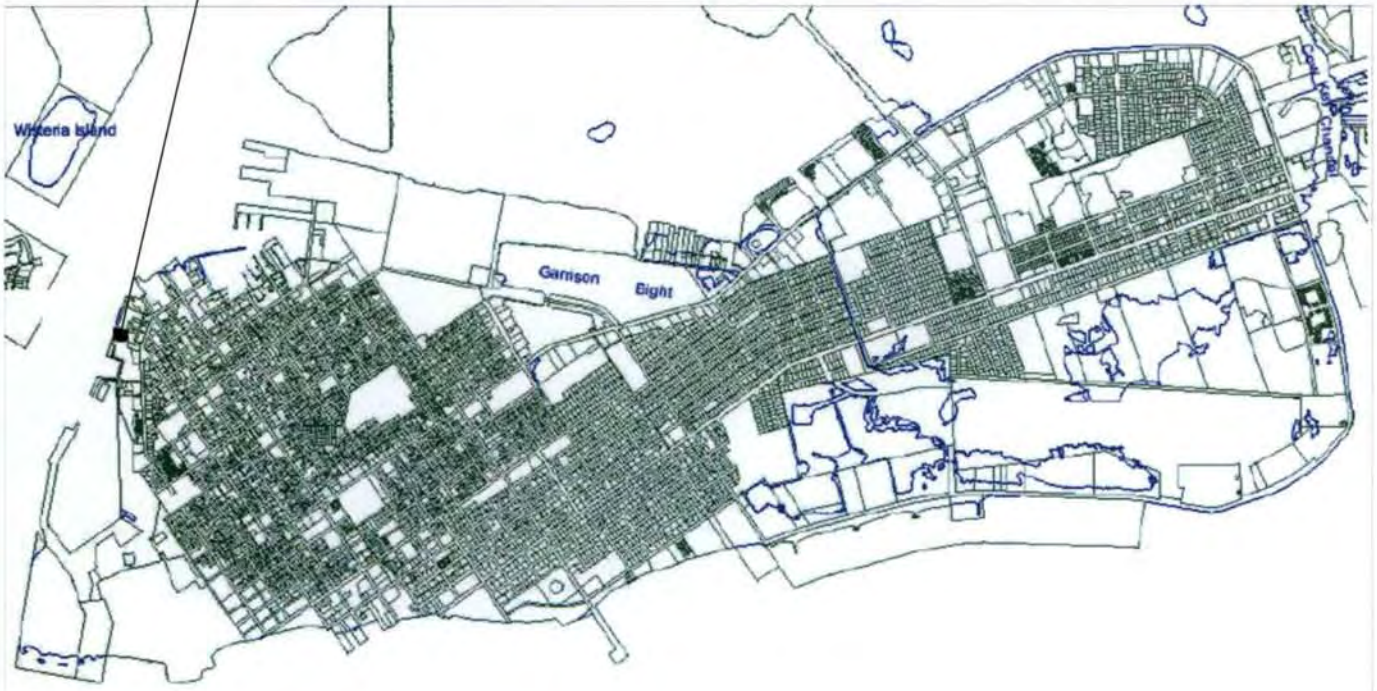
Picture #8



830 CRANE BOULEVARD SUGARLOAF KEY, FLORIDA 33042
TEL: (305) 294-9993 FAX: (850)939-3953
C.A.#28984

SHEET: ATT-A
DATE: 08-06-10
BY: EKM
JOB #

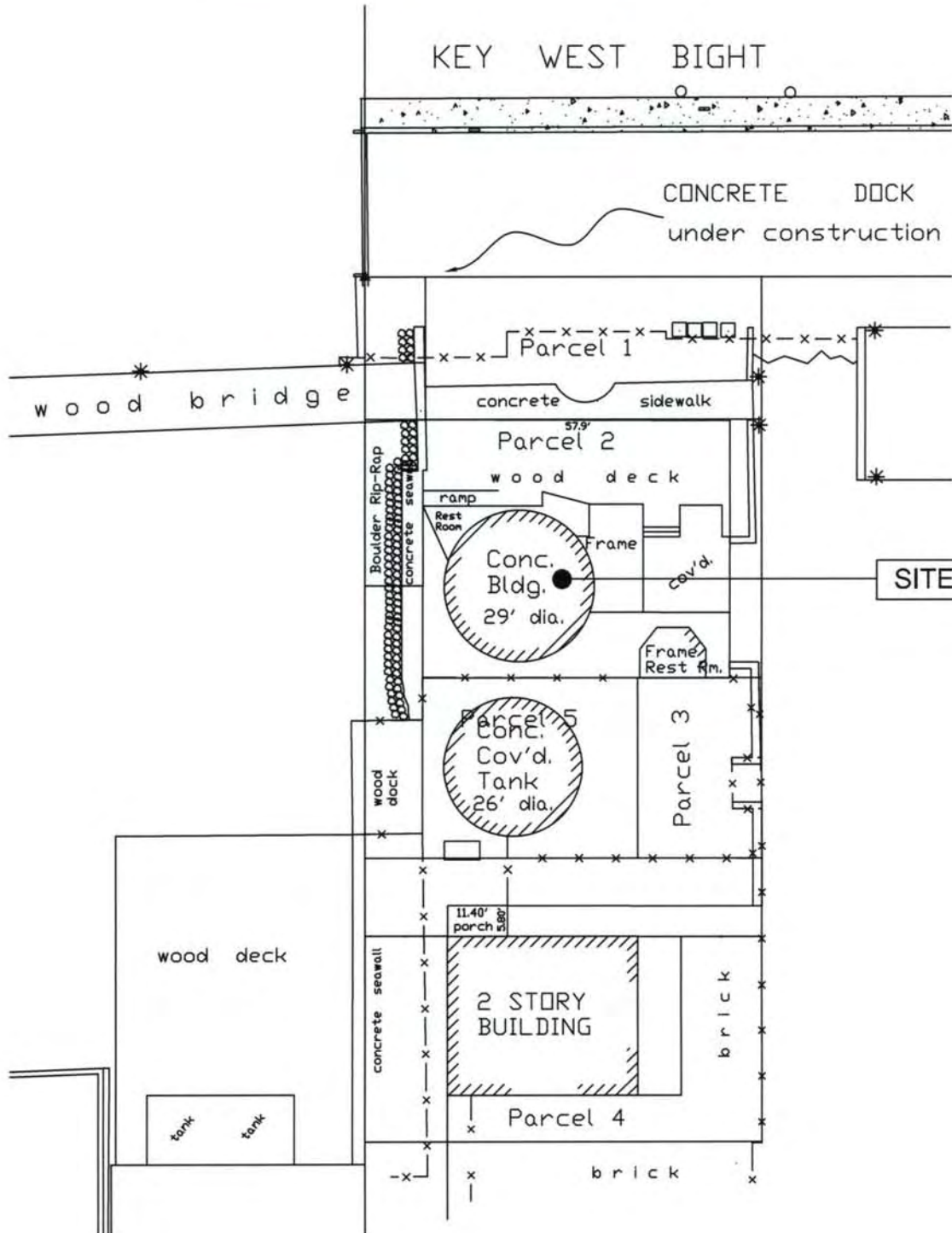
SITE





830 CRANE BOULEVARD SUGARLOAF KEY, FLORIDA 33042
TEL: (305) 294-9993 FAX: (850)939-3953
C.A.#28984

SHEET: ATT-B
DATE: 08-06-10
BY: EKM
JOB #



DRC
Minutes & Comments



MEMO

TO: Nicole Malo
Planning

FROM: Cynthia Domenech-Coogle
Urban Forestry Program Mgr.

DATE: June 09, 2011

SUBJECT: 313 Amelia Street

In April of 2011, I inspected the above property. While I can appreciate the currently planted landscape; at the front of property and limited plantings at rear of property, none would qualify to satisfy the landscape ordinance as credit for existing landscape and in order to do so landscape would need to be removed.

I have spoken with the owner whom has agreed to mitigate monetarily to plant a tree at the Martin Luther King Community Center in the amount of \$250.00. This amount shall be paid upon permitting for deck payable to City of Key West/Tree Commission.

If you have any questions please call me at your convenience.

- g. **Variations - Mallory Square (RE # 00072082-001100, and 00072082-001400, and 0072082-003700) -** Variations for impervious surface ratio and side yard setback requirements in the HPS zoning district per Section 122-960(4)b., Section 122-960(6)b., and open space requirements per Section 108-346(b), and setback regulations for the Coastal Construction Control Line per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Nicole Malo presented the project. She stated that the comments for the Major Development Plan are relevant to this application request. She added that the Verification and Authorization forms were still missing from the applications. Additionally, she stated that the variance application and the site data table in the site plans needed to be consistent. She asked that the applicant show how the site plan calculations were quantified, including building coverage, impervious surface ratio and floor area ratio for Mallory Square on a site plan, and that a site data table be imposed on the site plans.

The recording secretary Patrick Wright stated that there were no public comments.

Mrs. Torregrosa, Mr. Averette, Ms. Ignaffo, and Mrs. Nicklaus had no additional comments.

- h. **Variance - 2832 North Roosevelt Blvd (RE# 00065380-000000) -** A variance request to construct a 125 foot wireless telecommunications monopole in the Commercial General (CG) Zoning District with a maximum building height of 40 feet per Section 122-420(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida..

Brendon Cunningham presented the project. He asked the applicant what was meant by “stealth” pole and how many carriers the pole will accommodate. He stated that there is a minor problem with the verification form.

Rick Richter represented the project. He explained that the antennas are inside of the pole making it stealth.

Mrs. Torregrosa asked the applicant for clarification on how the antennas are installed. Mr. Richter explained that the casing is removed so that new antennas can be installed in the monopole.

No public comments.

Mr. Averette, Ms. Ignaffo, and Ms. Nicklaus had no comments.

Mrs. Torregrosa asked the applicant if they have moved forward with the application for the State Historic Preservation Office.

7. **Adjournment**

A motion to adjourn was made by Mrs. Nicklaus and seconded by Mr. Averette.

Motion was carried by unanimous voice vote.

Meeting adjourned at 3:03 p.m..

Respectively Submitted,

Patrick Wright
Administrative Coordinator



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

TO: Amy Kimball-Murley, Planning Director

FROM: Elizabeth Ignoffo, E.I., Permits and Contracts Engineer

CC: Doug Bradshaw, Senior Project Manager
Allen Perez, P.E.

DATE: November 10, 2010

SUBJECT: **Mallory Square: Development Plan and Conditional Use Application**



The Development Plan for Mallory Square Restaurant was reviewed. The following items are noted:

1. The Lease Hold Area consists of 10,093.5 square feet, comprised of Parcels 1, 2, 3, and 4. In accordance with City of Key West Code of Ordinances, Sec. 108-777, one-half inch of dry detention or retention pretreatment shall be provided for commercial projects. In addition, projects having greater than 40% impervious area, which discharge to Outstanding Florida Waters, shall provide dry detention or retention pretreatment equal to 50% of the total required.
2. The Conceptual Drainage Plan shows restaurant downspouts tied into a stormwater system, consisting of two drainage structures and \pm 160 LF of storm pipe. The existing stormwater system consists of two catch basin inlets, a triple chamber baffle box and injection well.
3. Two optional stormwater emitters for irrigation purposes are proposed to be located adjacent to planting areas and connected to the restaurant roof drain lines. The City of Key West objects to landscape materials entering the existing stormwater drainage system. Provide an irrigation system separate from the stormwater drainage system.
4. The City of Key West requires a stormwater discharge system to include a baffle box structure, equipped with solid cover for safety and maintenance access for sediment removal, prior to connection to the point of site discharge.
5. No drainage calculations are shown on the Conceptual Drainage Plan. Please provide a Drainage Plan, showing stormwater runoff detention pretreatment sized, in accordance with City of Key West Code of Ordinances. A minimum one-half inch of dry detention or retention pretreatment shall be provided, as required by the City of Key West Code of Ordinances, Sec. 108-777.
6. The Development Plan and Conditional Use Application did not include a Utility Connection Plan. Please Provide a Utility Connection Plan, in coordination with the City of Key West Utilities Department and the Florida Keys Aqueduct Authority, showing the sanitary sewer collection and transmission system, location of the grease interceptor, and water service connection and backflow preventer location, prior to obtaining a building permit.

KEY WEST FIRE DEPARTMENT

Nicole Malo

From: Alan Averette
Sent: Wednesday, November 10, 2010 11:03 AM
To: Nicole Malo
Subject: Variance- Mallory Square
Attachments: image001.png; oledata.mso



**KEY WEST FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE**

In reference to the variances for Mallory Square (RE # 00072082-001100, and 00072082-001400, and 0072082-003700). The Key West Fire Marshal's Office has no objections at this time.

ALAN AVERETTE, Lt. Fire Inspector
Key West Fire Department
1600 N. Roosevelt Boulevard
Key West, Florida 33040
305-809-3933 Office
305-293-8399 Fax
aaverett@keywestcity.com

Serving the Southernmost City



MEMO

TO: Amy Kimball-Murley
Planning Director

FROM: Cynthia Domenech-Coogle
Urban Forestry Program Mgr.

DATE: October 22, 2010

**SUBJECT: Mallory Square – Major Development and Variance
Requests**

The above described property submitted a landscape plan application depicting plantings and removals at the Tree Commission meeting on October 12, 2010. The landscape plan was approved. The mitigation requirements for tree removal are 63.7 caliper inches of native canopy trees and 5 native palms minimum 4' to be planted on site. There are several trees to remain which are to be protected and barricaded according to ordinance Sec. 108-447, 448 and Sec. 110-366. A copy of permit number 5601 is enclosed.



City of Key West
TREE PERMIT

Permit# 5601 Date Issued 10/14/10

Address Mallory Square/City of Key West & Tropical Soup, Inc.

This is to certify City of KeyWest/Tropical Soup, Inc./Joe Walsh/Elizabeth Newland
has permission to Transplant (1) Gumbo Limbo, remove (1) Gumbo Limbo, (1) Poinciana, (3) Sea Grape trees and (4) Coconut palms on property as per approved plans. Replacements as described per approved landscape plans FL #1, to be planted on site. All retained trees and plants shall be protected as per ordinance Sec. 110-366. Call for barricade protection prior to commencement of construction. All plants shall be planted according to current "Best Management Practices". Call landscape office for final inspection. Replacement trees shall be maintained as trees in perpetuity.

as per application approved 10/12/10

The person accepting this permit shall conform to the terms of the application on file in the office of the Tree Commission of Key West. All work shall conform to the requirements of the Code of Ordinances of the City of Key West, Chapter 110-Article VI. Tree Protection.

This Tree Permit is effective for 6 months from the date issued.

IMPORTANT NOTICE

This card must be posted in a location clearly visible from the street and in a protected covering.

APPROVED BY: Niels Weise, Chair

**Phone: (305)809-3764
City of Key West, Florida
Tree Commission
PO Box 1409
Key West, FL 33040**



(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33040-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

October 25, 2010

Mrs. Amy Kimball-Murley, AICP
City of Key West
PO Box 1409
Key West, Florida 33040



RE: DEVELOPMENT REVIEW COMMITTEE
KEYS ENERGY SERVICES COMMENTS MEETING OF OCTOBER 28, 2010

Dear Mrs. Kimball-Murley:

Keys Energy Services (KEYS) received the Development Review Committee Agenda for OCTOBER 28, 2010. KEYS has reviewed the items that will be discussed at the City's Development Review Committee meeting.

Below are KEYS' comments:

1. LOCATION: Conditional Use - 803 Whitehead Street
COMMENT: KEYS has no objection. The customer will need to provide KEYS with a Project Review form; this will ensure adequate service for the customer and sounding customers.
2. LOCATION: Variance - 328 Truman Ave
COMMENT: KEYS has no objection.
3. LOCATION: Variance - 630 Eaton Street
COMMENT: KEYS has no objection
4. LOCATION: Conditional Use - 540 Greene Street
COMMENT: KEYS has no objection. The customer will need to provide KEYS with a Project Review form; this will ensure adequate service for the customer and sounding customers.
5. LOCATION: Mallory Square Major Development Plan
COMMENT: The customer will need to provide KEYS with a full set of plans and a Project Review form. The available voltage at this location is single phase 120/240 high voltage underground.
6. LOCATION: Variance - Mallory Square
COMMENT: KEYS has no objections.

Thank you for giving KEYS the opportunity to participate in the City's review process. If you have any questions, please call me at 295-1055.

Sincerely:

Matthew Alfonso

Matthew Alfonso
Supervisor of Engineering
Matthew.Alfonso@KeysEnergy.com

C:

L. Tejada, General Manager & CEO
J. Wetzler, Asst. General Manager & CFO
D. Finigan, Director of Engineering/Control Center
A. Tejada, Director of Customer Service
File: PLI-132

Florida Keys Aqueduct Authority



Engineering Department
1100 Kennedy Drive, Key West, Florida 33040
Telephone (305)296-2454 Fax (305)295-2223

MEMORANDUM

TO: Carlene Cowart, Administrative Coordinator
FROM: Marnie Walterson-Distribution Design Specialist
DATE: October 27, 2010
SUBJECT: Development Review Committee Meeting



A representative of the FCAA will not be able to attend the DRC meeting scheduled for October 28, 2010. Comments on the projects are as follows:

Discussion Items

Conditional Use - 803 Whitehead Street (RE# 00017050-000000) – This site is presently being served by FCAA Location #002670 which is a 5/8" service. The site has a 12" water main located on Whitehead Street, which seems capable of serving this project. A complete set of plans will be required for review to determine meter requirements and System Development Charges.

Variations - 328 Truman Avenue (RE# 00025490-000000) - The FCAA has no objections for an application for variations to building coverage, impervious surface ratio and side-yard setback requirements to accommodate the addition of an exterior staircase for emergency egress in the Historic Medium Density Residential zoning district per Section 122-600 (4) a. & b. and (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Variance - 630 Eaton Street (RE# 00006290-000000) - The FCAA has no objections for an application for a variance request to building coverage requirements in the HNC-2 zoning district per Section 122-840 (4).(a.) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Conditional Use - 540 Greene Street (RE # 00001160-000000) This site is presently being served by FCAA Location #006013 which is a 5/8" service. The site has an 8" water main located on Greene Street, which seems capable of serving this project. A complete set of plans will be required for review to determine meter requirements and System Development Charges.

Major Development Plan - Mallory Square (RE # 00072082-001100, and 00072082-001400, and 0072082-003700) - This site is presently being served by a 5/8" service. The site has an 8" water main located on Wall Street, which seems capable of serving this project. A complete set of plans will be required for review to determine meter requirements and System Development Charges.

Variations - Mallory Square (RE # 00072082-001100, and 00072082-001400, and 0072082-003700) - The FCAA has no objections for an application for a variance request for impervious surface ratio and side yard setback requirements in the HPS zoning district per Section 122-960(4)b., Section 122-960(6)b., and open space requirements per Section 108-346(b), and setback regulations for the Coastal Construction Control Line per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

CC: Irma Boveda, Customer Service Manager KW





City Of Key West
Planning Department
Historic Preservation Division
3140 Flagler Avenue
Key West, Florida 33040

October 4, 2010

Arch. William P. Horn
915 Eaton Street
Key West, Florida 33040

RE: ADD HANDICAP RAMP TO HOSPITALITY HOUSE, REPAINT
EXTERIOR, NEW PAVING AND LANDSCAPING, DEMOLITION OF ALL
NON-HISTORIC ADDITIONS, DECKS TO CABLE HUT STRUCTURE, ADD
NEW TWO STORY RESTAURANT BUILDING
FOR: MALLORY SQUARE - HARC APPLICATION # H10-01-355
HISTORIC DISTRICT OF KEY WEST

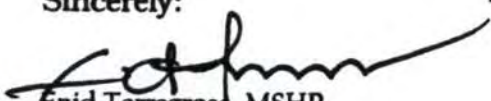
Dear Architect Horn:

This letter is to notify you that the Key West Historic Architecture Review Commission **approved** the application for the above mentioned project on the public hearing held on Tuesday, September 28, 2010. On this meeting you submitted different elevation plans showing four types of roofline slopes, as well as the original plans. The Commission decided that the 6:12 ratio was the more appropriate roof design.

You may now apply for the necessary permits. Should you have any questions, please do not hesitate to contact me at your convenience.

On behalf of the Historic Architectural Review Commission of our City, thank you for your interest in the preservation of Key West historic heritage.

Sincerely:


Enid Torregrosa, MSHP
Historic Preservation Planner
City Of Key West
3140 Flagler Avenue
Key West, Florida 33040

305.809.3973

etorregr@keywestcity.com



City Of Key West
Planning Department
3140 Flagler Avenue
Key West, Florida 33040

September 21, 2010

Arch. William P. Horn
915 Eaton Street
Key West, Florida 33040

RE: ADD HANDICAP RAMP TO HOSPITALITY HOUSE, REPAINT EXTERIOR, NEW PAVING AND LANDSCAPING, DEMOLITION OF ALL NON HISTORIC ADDITIONS AND DECKS TO CABLE HUT STRUCTURE. ADD NEW TWO STORY RESTAURANT BUILDING FOR: MALLORY SQUARE - HARC APPLICATION # H10-01-355 KEY WEST HISTORIC DISTRICT

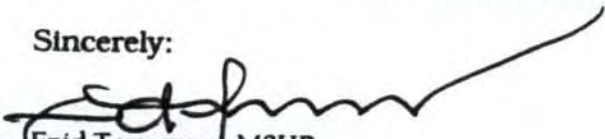
Dear Architect Horn:

This letter is to notify you that the Key West Historic Architecture Review Commission **approved** the first reading for demolition for the above mentioned project on the public hearing held on Tuesday, September 14, 2010. The Commission decision was based on the documents submitted and your presentation.

Because this project includes a demolition request a second reading will take place on September 28, 2010 at Old City Hall. Should you have any questions, please do not hesitate to contact me at your convenience.

On behalf of the Historic Architectural Review Commission of our City, thank you for your interest in the preservation of Key West historic heritage.

Sincerely:


Enid Torregrosa, MSHP
Historic Preservation Planner
City Of Key West
3140 Flagler Avenue
Key West, Florida 33040

305.809.3973

etorregr@keywestcity.com



CITY OF KEY WEST Fax 809-3978
BUILDING DEPARTMENT
CERTIFICATE of APPROPRIATENESS
 APPLICATION # 10-010355

HISTORIC ARCHITECTURAL REVIEW APPLICATION

OWNER NAME: TROPICAL SOUP CORP. DATE: 7/31/10
 OWNERS ADDRESS: 509 DUKAL ST. PHONE #: 293-1895
 APPLICANT'S NAME: WILLIAM P. HORN ARCHITECT, P.A. PHONE #: 296-8302
 APPLICANT'S ADDRESS: 915 EATON ST.
 ADDRESS OF CONSTRUCTION: MALLOM SQUARE # OF UNITS: 2

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT

DETAILED DESCRIPTION OF WORK:
ADD HANDICAP RAMP TO HOSPITALITY HOUSE, RE-PAINT EXTERIOR, NEW PAVING + LANDSCAPING, DEMOLITION OF ALL NON-HISTORIC ADDITIONS, DECKS TO CABLE HUT STRUCTURE, ADD NEW 2 STORY RESTAURANT BUILDING - SEE PLANS

Chapter 837.06 F.S.- False Official Statements- Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided for in s. 775.082 or s. 775.083



This application for Certificate of Appropriateness must precede applications for building permits, variances and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

Once completed, the application shall be reviewed by staff for completeness and either approved or scheduled for presentation to the Historic Architectural Review Commission at the next available meeting. The applicant must be present at this meeting. The filing of this application does not ensure approval as submitted.

Applications that do not possess the required submittals will be considered incomplete and will not be reviewed for approval.

REQUIRED SUBMITTALS

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | TWO SETS OF SCALED DRAWINGS OF FLOOR PLAN, SITE PLAN AND EXTERIOR ELEVATIONS (for new buildings and additions) |
| <input type="checkbox"/> | TREE REMOVAL PERMIT (if applicable) |
| <input checked="" type="checkbox"/> | PHOTOGRAPHS OF EXISTING BUILDING (repairs, rehab, or expansions) |
| <input checked="" type="checkbox"/> | PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings or additions) |
| <input type="checkbox"/> | ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES |

Staff Use Only

Date: _____

Staff Approval: _____

Fee Due: \$ _____

Date: 7/31/10
 Applicant Signature: _____

HISTORIC ARCHITECTURAL REVIEW COMMISSION USE ONLY

Approved _____

Denied _____

Deferred _____

Reason for Deferral or Denial:

HARC Comments:

*Not listed as contributing but cable hut is historic
Ordinance for demolition Sec. 102-218
Guidelines for additions, alterations and
new construction (pages 34-38).*

Limit of Work Approved, Conditions of Approval and/or Suggested
Changes:

Date: _____

Signature: _____

Historic Architectural
Review Commission

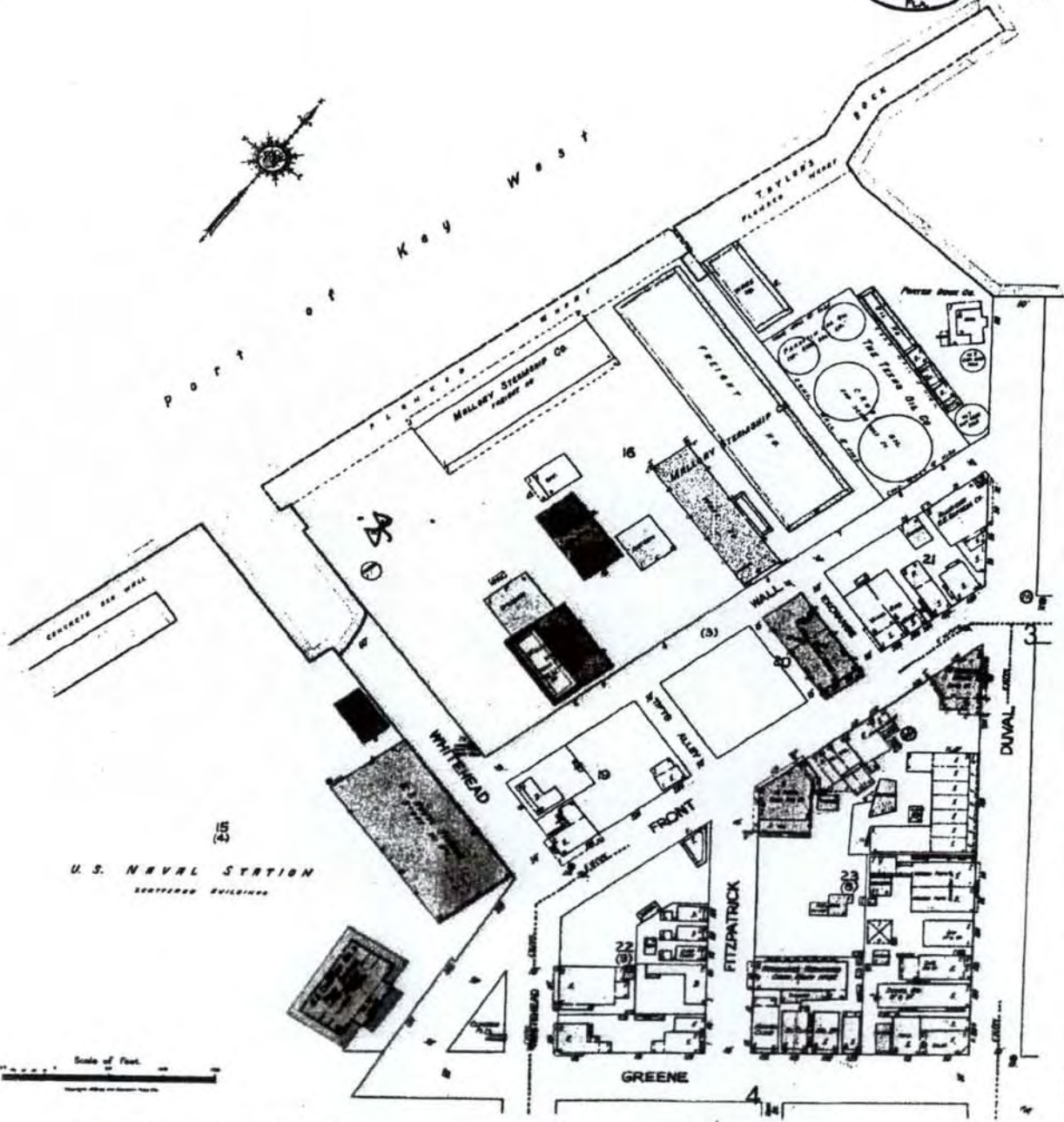
2

FEB 925
KEY WEST
FLA

2



PORT OF KEY WEST



U.S. NAVAL STATION
SCOTT'S BUILDING

Scale of Feet

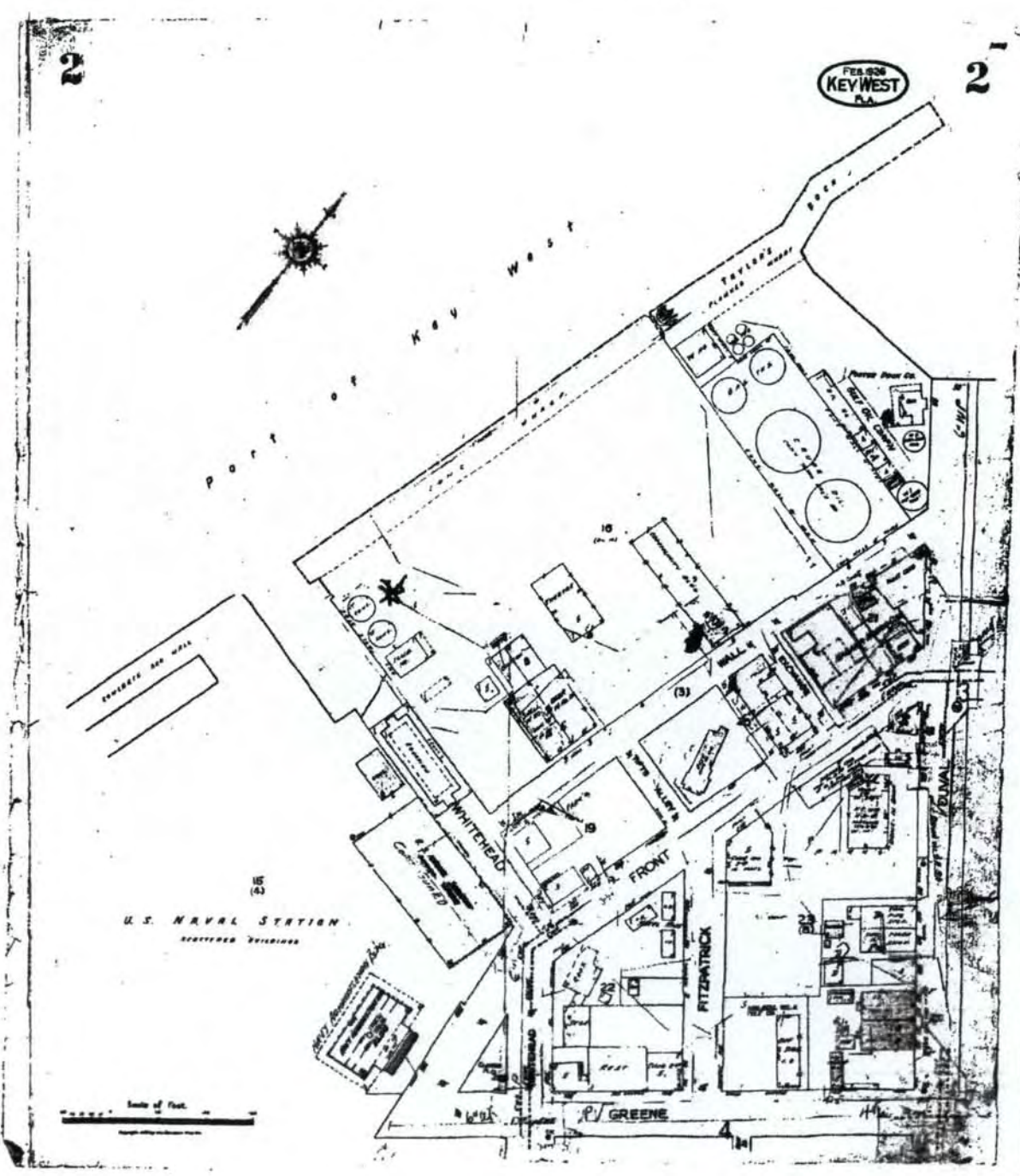



The Sanborn Library, LLC

This Sanborn® Map is a certified copy produced by Environmental Data Resources, Inc. under arrangement with The Sanborn Library, LLC. Information on this Sanborn® Map is derived from Sanborn fire surveys conducted in

Copyright © 1928 The Sanborn Library, LLC
Map 104 Research Associate

Reproduction in whole or in part of any map of The Sanborn Library, LLC, may be prohibited without prior written permission from The Sanborn Library, LLC.




The Sanborn Library, LLC
 This Sanborn Map is a certified copy produced by Environmental Data Resources, Inc. under arrangement with The Sanborn Library, LLC. Information on this Sanborn Map is derived from Sanborn field surveys conducted in:
 Copyright © 1982 The Sanborn Library, LLC 1075
 100 Research Avenue
 Reproduction in whole or in part of any map of The Sanborn Library, LLC may be prohibited without prior written permission from The Sanborn Library, LLC.

- 5b-10- Request to demolish existing one story restaurant and historical cable hut and built a new two story restaurant building- **Mallory Square- Applicant Architect William P. Horn (H10-01-300)** Add handicap ramp to hospitality house, re paint exterior, new paving and landscaping. Demolition of existing one story restaurant building, including removal of the non-contributing but historic cable hut structure and removal of the non historic additions. Add new two story restaurant building.

The application includes the demolition of an existing concrete tank, attached frame structures and a wood deck. The application also includes plans for a new two story restaurant. There are two concrete tanks in Mallory Square, this project proposes the demolition of the southernmost one. The plans also include some site design and improvements to the existing Hospitality House. This staff report is for the review of the proposed demolition of the concrete tank and non historic frame additions to it.

According to the Sanborn map of 1962 both concrete tanks are shown in the same location the existing ones are. The Historic Architectural Surveys of 2004, 1998 and 1976 do not include this particular structure as contributing resource; nevertheless the tank next to it, is listed as contributing.

Staff did some research at the Monroe County Library and found aerial photos of 1930's and 1961 showing the two concrete tanks. In the photos both tanks do not have structures attached to them, they are free standing. Staff was also provided with a copy of an article that Mr. Tom Hambright wrote in 1991 which makes reference to the history of these concrete structures. According to the article wrote by Mr. Hambright, *Key West & Cuba become link for international communications*, these concrete structures were built for storing telephone line cables. The cables by that time were known as *gutta percha* cables; the cables needed to be preserved underwater. The tanks provided the necessary environment to protect the cables while were in storage. Mr. Hambright wrote in his article;

"American Telephone and Telegraph Co. (AT&T) built the cable storage tanks on Mallory Docks. The tanks were needed to support the underwater telephone lines to Cuba. AT&T built the first tank in the early 1920's when the first phone line to Cuba opened and built the second in 1930 to support the six channel telephone cable laid that year."

It is staff understanding that probably the southern most of the two tanks was not included as contributing due to many structures that had been attached to it and that the original structure have been altered through time. Staff also believes that because the structure was not included in the Sanborn Maps of 1926 and 1948 it was not considered contributing. Nevertheless the structure still remains standing.

As part of the application an Engineer Report done by Paul R. Semmes was included for review. On this report Mr. Semmes concludes that;

"The Cable Storage Building is in poor condition. The floor framing system presents an imminent danger for injury, the roof framing system has deteriorated to the degree that the serviceability and structural integrity of the system has been compromised and the concrete walls have been partially demolished without any compensation for the loss of the wall sections, thus compromising the structural integrity of the structure. The building is Substantially Damaged as defined by the 2007 Florida Building Code, Existing Building.

The building repairs required as described in this report are in excess of the 50% limitation exacted by the requirements of the Federal Emergency Management Act (FEMA). The repairs are estimated to be approximately \$75K and the value of the building is \$92K as established by the Monroe County Property Appraiser.

The building is unsafe and should be provided with adequate barriers to prevent any entry into the building until the unsafe conditions have been remedied."

Staff reviewed the FEMA regulations and this structure can not be considered an exception to the 50% limitation for reconstruction since it is not listed on a local, state or individually listed in the National Register of Historic Places.

Staff understands that the Code of Ordinances as well as the Historic Architectural Guidelines should be reviewed for this application. The Code, under Sec. 102-218, establishes the criteria for demolitions to be used by the Historic Architectural Review Commission when reviewing a Certificate of Appropriateness. According to the Code Sec. 102-218 establishes the following;

(a) The historic architectural review commission shall issue a certificate of appropriateness for an application for demolition:

*(1) If the subject of the application is a contributing or **historic** building or structure, then it should not be demolished unless its condition is irrevocably compromised by extreme deterioration or it does not meet any of the criteria of section 102-125(1) through (9).*

(2) For a contributing historic or noncontributing building or structure, a complete construction plan for the site is approved by the historic architectural review commission.

(b) The historic architectural review commission shall not issue permits that would result in:

(1) Removing buildings or structures that are important in defining the overall historic character of a district or neighborhood so that the character is diminished;

(2) Removing historic buildings or structures and thus destroying the historic relationship between buildings or structures and open space; and

(3) Removing an historic building or structure in a complex; or removing a building facade; or removing a significant later addition that is important in defining the historic character of a site or the surrounding district or neighborhood.

(4) Removing buildings or structures that would otherwise qualify as contributing, as set forth in section 102-62(3).

(c) Nothing in this section is intended to alter the authority of the Building Official to condemn for demolition dangerous buildings, as provided in chapter 14 of the Code of Ordinances.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(c)), 7-3-1997; Ord. No. 06-14, § 12, 8-1-2006)

The Code also establishes, under Sec. 102-1, Definitions, that a historic building or structure means;

any building or structure which, in whole or in any structural part, was built 50 or more years prior to the current date, and which is located in the historic zoning districts of the city or has been designated as a historic building and/or structure.

It is staff understanding that the concrete tank that is proposed to be demolished meets the criteria of a historic structure. According to historic photos from the 1930's and 1961 and the Sanborn Map of 1962 this structure was built more than 50 years ago and is located in a historic zoning district. Staff has not found evidence that the wood frame additions or the wood deck are historic; the 1962 Sanborn Map shows both tanks with no attached additions. Staff does not have evidence that the concrete tank condition is irrevocably compromised by extreme deterioration, but an opinion from an engineer states that the structure is *Substantially Damaged*. Staff also wants to bring to the commission's attention that this structure is located within the coastal flood v zone of the FEMA map and FEMA requirements apply since the structure is not listed in the surveys as a contributing resource.

Staff also reviewed Sec. 102-125 (1) through (9) to establish if the proposed buildings to be demolished meet any of the criteria established in the section;

Sec. 102-125. Historic architectural review commission findings precedent to issuance.

Upon conclusion of the hearings and the historic architectural review commission's deliberations, the historic architectural review commission shall issue the certificate of no contributing value only if it finds, by clear and convincing evidence, that the building or structure, by virtue of its design, workmanship, materials, setting, and/or history does not meet any of the nine criteria set forth below. The building or structure:

- (1) Embodies no distinctive characteristics of a type, period, or method of construction of aesthetic or historic significance in the city and is not a significant and distinguishable building entity whose components may lack individual distinction;*
- (2) Is not specifically associated with events that have made a significant contribution to local, state, or national history;*
- (3) Has no significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state or nation, and is not associated with the life of a person significant in the past;*
- (4) Is not the site of a historic event with a significant effect upon society;*
- (5) Does not exemplify the cultural, political, economic, social, or historic heritage of the city;*
- (6) Does not portray the environment in an era of history characterized by a distinctive architectural style;*
- (7) If a part of or related to a square, park, or other distinctive area, nevertheless should not be developed or preserved according to a plan based on the area's historic, cultural, natural, or architectural motif;*
- (8) Does not have a unique location or singular physical characteristic which represents an established and familiar visual feature of its neighborhood or of the city, and does not exemplify the best remaining architectural type in a neighborhood; and*
- (9) Has not yielded, and is not likely to yield, information important in history.*

(Ord. No. 97-10, § 1(3-10.3(F)(4)), 7-3-1997; Ord. No. 06-14, § 7, 8-1-2006)

It is staff understanding that, although the existing concrete tank has too many attached non historic additions, it is a historic resource. The history of the resource differs with criteria (2), (3), (4), (5), (7) and (9) of Sec 102-125. According to documents from the Monroe County Library this concrete tank was one of two structures that provided storage space for telephone cables that connected Key West, and the United States with Cuba. Although staff understands that the structure was built for just a utilitarian purpose and does not have any architectural or visual qualities there is history behind it.

After reviewing the entire application it is staff understanding that the proposed demolition of the concrete covered tank is inconsistent with the City of Key West Ordinance and Guidelines. Nevertheless the proposed demolition of the structures that are attached to the tank, as well as the wood deck can be considered for demolition by this commission since these structures are not historic and are not significant elements to the historic resource.

Staff understands that the non historic wood frame structures that surround the historic concrete tank can be recommended to be demolished. Staff understands that the Commission will need to review all the documents attached to the application and make a determination of the proposed demolition of the concrete tank.

This application will require a second reading.

11. Request for demolition of non historic structures and new construction-
Mallory Square- Applicant William P. Horn Architect (H10-01-355)

Add handicap ramp to hospitality house, re paint exterior, new paving and landscaping. Demolition of all non historic additions and decks to cable hut structure. Add new two story restaurant building.

This is a new application that incorporates in the interior of the new proposed building the existing historic cable hut tank. The application also includes a request for demolition of **non historic** frame structures that are attached and surrounds the historic cable hut. The submitted plans propose a new two story restaurant as well as some site design and improvements to the existing Hospitality House.

Staff understands that the Code of Ordinances as well as the Historic Architectural Guidelines should be reviewed for this application. The Code, under Sec. 102-218, establishes the criteria for demolitions to be used by the Historic Architectural Review Commission when reviewing a Certificate of Appropriateness. According to the Code Sec. 102-218 establishes the following;

(a) The historic architectural review commission shall issue a certificate of appropriateness for an application for demolition:

*(1) If the subject of the application is a contributing or **historic** building or structure, then it should not be demolished unless its condition is irrevocably compromised by extreme deterioration or it does not meet any of the criteria of section 102-125(1) through (9).*

(2) For a contributing historic or noncontributing building or structure, a complete construction plan for the site is approved by the historic architectural review commission.

(b) The historic architectural review commission shall not issue permits that would result in:

(1) Removing buildings or structures that are important in defining the overall historic character of a district or neighborhood so that the character is diminished;

(2) Removing historic buildings or structures and thus destroying the historic relationship between buildings or structures and open space; and

(3) Removing an historic building or structure in a complex; or removing a building facade; or removing a significant later addition that is important in defining the historic character of a site or the surrounding district or neighborhood.

(4) Removing buildings or structures that would otherwise qualify as contributing, as set forth in section 102-62(3).

(c) Nothing in this section is intended to alter the authority of the Building Official to condemn for demolition dangerous buildings, as provided in chapter 14 of the Code of Ordinances.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(c)), 7-3-1997; Ord. No. 06-14, § 12, 8-1-2006)

The Code also establishes, under Sec. 102-1, Definitions, that a historic building or structure is;

any building or structure which, in whole or in any structural part, was built 50 or more years prior to the current date, and which is located in the historic zoning districts of the city or has been designated as a historic building and/or structure.

It is staff understanding that the proposed demolition of the structures that are attached to the tank, as well as the wood deck can be considered by this commission since these structures are not historic and are not significant elements to the historic resource or to the urban context. This request will require a second reading.

Design Review

The applicant has been working very close with staff during the past three months. Preliminary drawings were presented and after review of the guidelines the submitted plans are submitted for review. As mentioned before, the plans integrate the existing historic cable hut as part of the interior experience. The new plan for the site includes a two story structure for restaurant use. The proposed structure is rectangular in shape 48'-10" wide by 65'-3" depth and will have a maximum height of 34'-8 1/2" from ridge to crown of the road.

The plans also include the restoration of the Hospitality House and the addition of a ramp to comply with ADA requirements. Landscape design is also integrated in the plans as well as site improvements.

The Historic Architectural Guidelines can be apply to review the proposed new design, particularly guidelines for Additions, Alterations and New Construction (pages 36-38);

Key West's historic district's tightly spaced blocks contain a wide variety of architectural styles, which relate well to each other. The relationships between the buildings create much of the character of the district. Their height, detailing, mass roof forms, and landscaping all contribute to its visual harmony. It is important that new construction harmonize with the existing historical building stock and streetscapes.

For this particular site it is important to remember that, although still in the historic district, this new design is proposed for Mallory Square which is an open space and a waterfront site. Commercial use is allowed and promoted for this particular area.

1. **Siting** - *New construction must conform to all current city easement, setback and building requirements. No existing building shall be relocated and no new structure shall be placed closer to the sidewalk, street or visible alley, than the distance of pre-existing historic structures. Areas reserved for parks or open space must be retained.*

The proposed new design will require a height variance. The zoning requirements for this particular historic district HPS are;

Front yard- 20 ft
Street side- 10 ft
Side- 5 ft
Rear- 20 ft
Maximum height- 25 ft

2. **Elevation of finished floor above grade** - *Applications for buildings with the first finished floor above the minimum height necessary to comply with federal flood regulations will not be approved unless the applicant demonstrates that such elevation does not interfere with the essential form and integrity of properties in the neighborhood. In situations wherein parking is proposed below the first finished floor, HARC shall consider how visible the parking is from the public right-of-way; whether the parking area is enclosed or otherwise concealed by walls, louvers, lattice, landscaping or other features; and whether fill and/or berms are used to minimize the gap between the first finished floor and the crown of the nearest road.*

This will not be the case. Interesting, due to the location of the site, on a costal zone, FEMA requirements are very specific regarding what is allowed to be installed on a new structure in the first 12 feet over the crown of the road. This is the reason of why the structure needs to be two story.

3. **Height** - *must not exceed two and a half stories. There must be a sympathetic relationship of height between new buildings and existing adjacent structures of the neighborhood. New buildings must be compatible with historic floor elevations. The height of all new construction shall be based upon the height of existing structures within the vicinity.*

The proposed building will be a two story structure. The structure will be approximately six feet taller than the Hospitality House.

4. **Proportion, scale and mass** - *massing, scale and proportion shall be similar to that of existing historical buildings in the historical*

zone. No new construction shall be enlarged so that its proportions are out of scale with its surroundings. No new construction shall be more than two and a half stories. No structure shall outsize the majority of structures in the streetscape or historic zone.

The scale and massing of the proposed building has been lowered by the use of mixed rooflines and by the incorporation of similar proportions from the Hospitality House to the new design. Although the new building reads as a commercial building the front façade, facing Mallory Square, shows architectural forms that resemble the old house, while keeping its commercial appearance. The use of intercepting gables reduces the scale of the two story building.

The main façade incorporates transparent elements close to the existing contributing cable hut. This façade also has a horizontal band under the large window that coincides with the lower part of the eaves of the cable hut. In a way this band visually connects the new building with the historic cable hut while gives a more pedestrian scale.

On the west elevation the design incorporates a full façade porch on the second floor that gives another layer to the façade. The use of different façade layers breaks the mass and volume of the structure.

The design strategies incorporated in the new design creates a structure compatible with the mass and scale of surrounding structures. The design incorporates proportions that will be harmonious with the historic Hospitality house.

5. **Compatibility** – *Design must be compatible with Key West architectural characteristics in the historical zones. All new construction must be in keeping with the historic character in terms of size, scale, design, materials, color and texture.*

The proposed design is contemporary while keeping traditional elements found in Old Town. The proposed size and scale are well balanced with the existing Hospitality House and its surroundings. The materials and textures proposed, although contemporary, are harmonious to the historic urban context.

6. **Building Detail** – *All new buildings shall incorporate a level of detail that assures compatibility with the surrounding historic context. New construction shall not precisely mimic the details of historic buildings but should have features that are compatible with the lines of historic architecture.*

The new proposed building features traditional forms, textures and materials compatible to surrounding buildings. Although the design is contemporary it integrates many traditional elements found in the historic district like gable roofs, second floor porches, awnings and rhythm between solids and voids.

7. ***Relationship of materials*** - *Materials used on new construction shall be of similar color, dimension, texture, and appearance as historic fabrics. The predominant exterior finish in historic zones is wood weatherboard, clapboard, drop siding, or board and batten. Exceptions for the use of composite materials may be permissible. Roofing is primarily sheet metal or metal shingles. New construction shall establish a relationship with existing historic structures by utilizing similar finishes and metals.*

The proposed new construction integrates new materials that are appropriate to new construction in Old Town. Proposed textures and overall appearance are in keeping with the historic urban context as well as with commercial buildings within the surrounding area.

It is staffs believe that the proposed new restaurant is consistent with the guidelines. The proposed contemporary design will create a harmonious balance with the existing urban fabric. The proposed improvements to the Hospitality house as well as new landscape and site design will enhance this part of Mallory Square that is in need of rehabilitation and re use. The incorporation of the cable hut to the interior space as a backdrop to the bar will bring a new experience to patrons and new life to the secluded historic resource. A second hearing is required for this project.



CITY OF KEY WEST *Fax 809-3978*
 BUILDING DEPARTMENT

CERTIFICATE of APPROPRIATENESS

APPLICATION # H10-01-300

OWNER NAME: TROPICAL SOUP CORP.

DATE: 7/21/10

OWNERS ADDRESS: 509 DUVAL ST.

PHONE #: 293-1895

APPLICANT'S NAME: WILLIAM P. HORN ARCHITECT, P.A.

PHONE #: 296-8302

APPLICANT'S ADDRESS: 915 EATON ST.

ADDRESS OF CONSTRUCTION: MALLOY SQUARE

OF UNITS: 2

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT

DETAILED DESCRIPTION OF WORK:

ADD HANDICAP RAMP TO HOSPITALITY HOUSE, RE-POINT EXTEND, NEW PAVING & LANDSCAPING, DEMOLITION OF EXISTING ONE STORY RESTAURANT BUILDING (INCLUDING REMOVAL OF THE NON-CONTRIBUTING, BUT HISTORIC CABLE HUT STRUCTURE AND REMOVAL OF THE NON-HISTORIC ADDITIONS), ADD NEW 2-STORY RESTAURANT BUILDING - SEE PLANS

Chapter 837.06 F.S.- False Official Statements- Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083

This application for Certificate of Appropriateness must precede applications for building permits, variances and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

Once completed, the application shall be reviewed by staff for completeness and either approved or scheduled for presentation to the Historic Architectural Review Commission at the next available meeting. The applicant must be present at this meeting. The filing of this application does not ensure approval as submitted.

Applications that do not possess the required submittals will be considered incomplete and will not be reviewed for approval.

Date: 7/21/10
 Applicant Signature: _____

REQUIRED SUBMITTALS

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | TWO SETS OF SCALED DRAWINGS OF FLOOR PLAN, SITE PLAN AND EXTERIOR ELEVATIONS (for new buildings and additions) |
| <input type="checkbox"/> | TREE REMOVAL PERMIT (if applicable) |
| <input checked="" type="checkbox"/> | PHOTOGRAPHS OF EXISTING BUILDING (repairs, rehabs, or expansions) |
| <input checked="" type="checkbox"/> | PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings or additions) |
| <input type="checkbox"/> | ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES |

Staff Use Only

Date: _____

Staff Approval: _____

Fee Due: _____

\$ _____

HISTORIC ARCHITECTURAL REVIEW APPLICATION

HISTORIC ARCHITECTURAL REVIEW COMMISSION USE ONLY

Approved _____

Denied _____

Deferred _____

Reason for Deferral or Denial:

HARC Comments:

Not listed in the surveys. / but historic

Ordinance for demolition in the historic district

Sec. 102.218 and Sect. 102-1

Limit of Work Approved, Conditions of Approval and/or Suggested
Changes:

Date: _____

Signature: _____

Historic Architectural
Review Commission

Property Appraiser Information

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 8801131 Parcel ID: 00072082-003700

Ownership Details

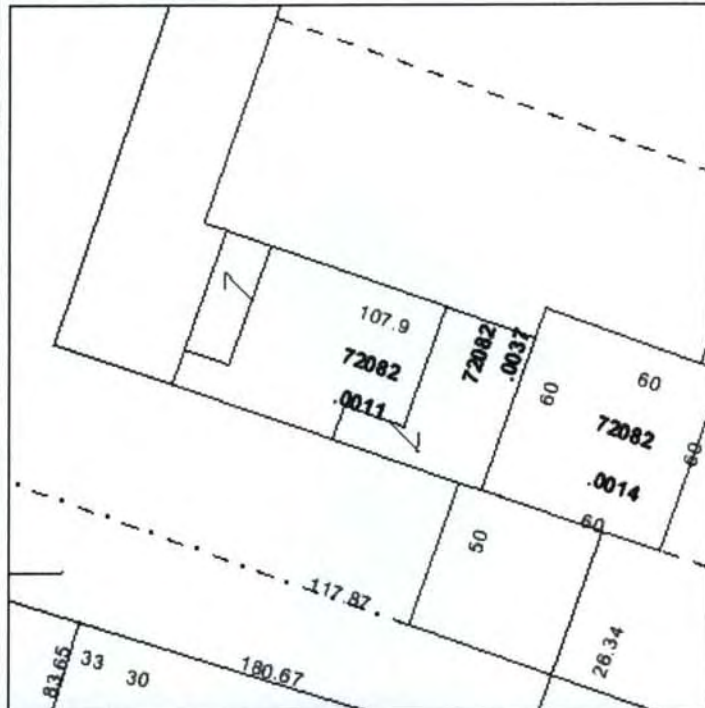
Mailing Address:

CITY OF KEY WEST
PO BOX 1409
KEY WEST, FL 33041-1409

Property Details

PC Code: 21 - RESTAURANTS & CAFETERIAS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: PART OF MALLORY SQUARE KEY WEST
Legal Description: (TROPICAL SHELL AND GIFT INC LEASE DATED 2/20/85) G64-274/275

Parcel Map



Land Details

| Land Use Code | Frontage | Depth | Land Area |
|-----------------------------|----------|-------|-------------|
| 100W - COMMERCIAL WATERFRON | 0 | 0 | 2,038.00 SF |
| 100D - COMMERCIAL DRY | 0 | 0 | 774.00 SF |

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 625
 Year Built: 1950

Building 1 Details

Building Type
 Effective Age 10
 Year Built 1950
 Functional Obs 0

Condition E
 Perimeter 100
 Special Arch 0
 Economic Obs 0

Quality Grade 350
 Depreciation % 13
 Grnd Floor Area 625

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

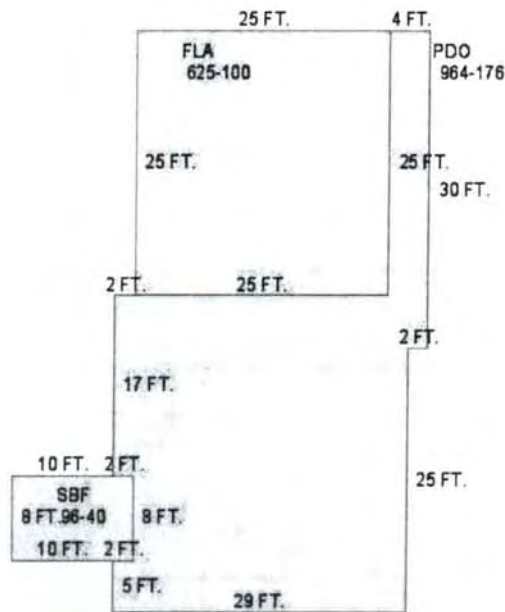
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 1
 3 Fix Bath 1
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 1

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 | 1993 | | | | | 625 |
| 2 | PDO | | 1 | 1993 | | | | | 964 |
| 3 | SBF | | 1 | 1999 | | | | | 96 |

Interior Finish:

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|-------------|---------------------|-------------------|--------|-----------|-----|
| | 16369 | RESTRNT/CAFETR-B- | 100 | N | N |

Exterior Wall:

| Interior Finish Nbr | Type | Area % |
|---------------------|---------------|--------|
| 5644 | REIN CONCRETE | 100 |

Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|-----|------------------|---------|--------|-------|------------|-----------|-------|------|
| 1 | UB2:UTILITY BLDG | 660 SF | 0 | 0 | 1949 | 1950 | 1 | 50 |
| 2 | FN2:FENCES | 560 SF | 140 | 4 | 1999 | 2000 | 2 | 30 |
| 3 | WD2:WOOD DECK | 216 SF | 24 | 9 | 1999 | 2000 | 1 | 40 |

Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|------|---------|-------------|----------------|--------|-------------|-------------------------|
| | 9600712 | 02/01/1996 | 08/01/1996 | 2,000 | | ELECTRIC PERMIT |
| | 9999999 | 11/05/1999 | 11/05/1999 | 1 | | REMODEL TO RESTAURANT |
| | 9903174 | 10/25/1999 | 12/21/1999 | 3,000 | | INSTALL 10 NEW FIXTURES |
| | 9903174 | 09/16/1999 | 12/21/1999 | 3,000 | | REMODELING |
| | 9802425 | 08/10/1998 | 12/21/1999 | 2,800 | | FENCE |
| | 9903522 | 10/29/1999 | 12/21/1999 | 3,800 | | DECK |
| | 0103146 | 09/14/2001 | 12/04/2001 | 4,850 | | NEW COUNTER |
| | 0102798 | 09/17/2001 | 12/04/2001 | 6,000 | | NEW ELECTRICAL/200 AMP |

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 |
|-----------|------------------|------------------------------|------------------|---------------------------|----------------------|---------------------|----------------------|
| 2010 | 113,477 | 4,387 | 1,253,588 | 1,371,452 | 1,371,452 | 0 | 1,371,452 |
| 2009 | 114,781 | 4,489 | 1,357,336 | 1,476,606 | 1,368,594 | 0 | 1,476,606 |
| 2008 | 117,390 | 4,577 | 1,122,210 | 1,244,177 | 1,244,177 | 0 | 1,244,177 |
| 2007 | 87,389 | 4,699 | 1,122,210 | 1,214,298 | 1,214,298 | 0 | 1,214,298 |
| 2006 | 87,389 | 4,787 | 424,250 | 516,426 | 516,426 | 0 | 516,426 |

| | | | | | | | |
|------|--------|-------|---------|---------|---------|---|---------|
| 2005 | 70,700 | 4,890 | 339,890 | 415,480 | 415,480 | 0 | 415,480 |
| 2004 | 72,302 | 4,997 | 311,770 | 389,069 | 389,069 | 0 | 389,069 |
| 2003 | 72,302 | 5,100 | 287,648 | 365,050 | 365,050 | 0 | 365,050 |
| 2002 | 72,302 | 5,188 | 287,648 | 365,138 | 365,138 | 0 | 365,138 |
| 2001 | 72,302 | 5,310 | 287,648 | 365,260 | 365,260 | 0 | 365,260 |
| 2000 | 67,548 | 2,324 | 223,668 | 293,540 | 293,540 | 0 | 293,540 |
| 1999 | 0 | 1,056 | 177,813 | 178,869 | 178,869 | 0 | 178,869 |
| 1998 | 0 | 1,056 | 177,813 | 178,869 | 178,869 | 0 | 178,869 |
| 1997 | 0 | 1,056 | 173,208 | 174,264 | 174,264 | 0 | 174,264 |
| 1996 | 0 | 1,056 | 173,208 | 174,264 | 174,264 | 0 | 174,264 |
| 1995 | 0 | 1,056 | 173,208 | 174,264 | 174,264 | 0 | 174,264 |
| 1994 | 0 | 1,056 | 173,208 | 174,264 | 174,264 | 0 | 174,264 |
| 1993 | 0 | 1,056 | 173,208 | 174,264 | 174,264 | 0 | 174,264 |
| 1992 | 0 | 1,056 | 218,044 | 219,100 | 219,100 | 0 | 219,100 |

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.

There are no sales to display for this parcel.

This page has been visited 410,609 times.

Monroe County Property Appraiser
 Ervin A. Higgs, CFA
 P.O. Box 1176
 Key West, FL 33041-1176

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 8757808 Parcel ID: 00072082-001400

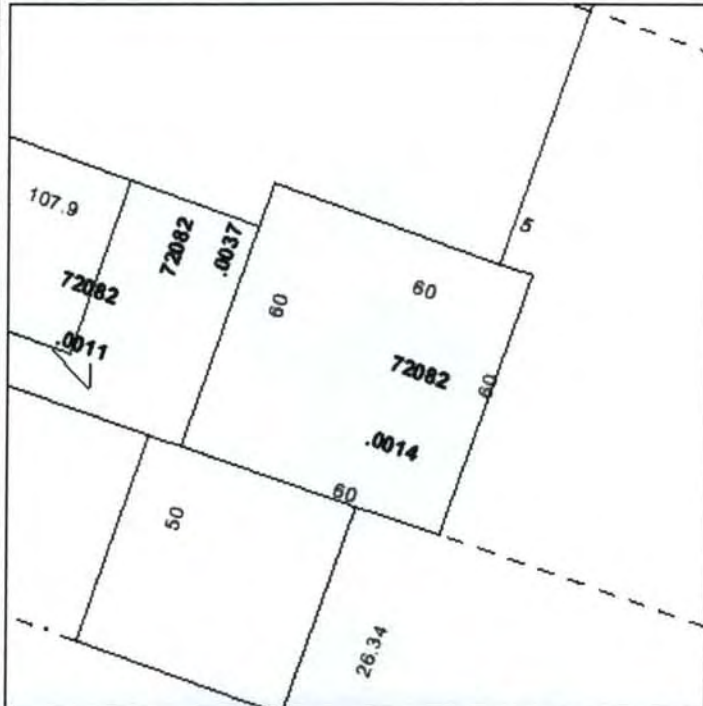
Ownership Details

Mailing Address:
CITY OF KEY WEST
PO BOX 1409
KEY WEST, FL 33041-1409

Property Details

PC Code: 77 - CLUBS,LODGES (PC/LIST)
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 10 MALLORY SQUARE KEY WEST
Legal Description: (OLD ISLAND RESTORATION FOUNDATION INC LEASE) G64-274/275

Parcel Map



Exemptions

| Exemption | Amount |
|-----------------|--------------|
| 12 - NON-PROFIT | 1,432,050.00 |

Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---------------|----------|-------|-----------|
|---------------|----------|-------|-----------|

| | | | |
|-----------------------|----|----|-------------|
| 100D - COMMERCIAL DRY | 60 | 60 | 3,600.00 SF |
|-----------------------|----|----|-------------|

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 1080
 Year Built: 1938

Building 1 Details

Building Type
 Effective Age 14
 Year Built 1938
 Functional Obs 0

Condition E
 Perimeter 132
 Special Arch 0
 Economic Obs 0

Quality Grade 500
 Depreciation % 15
 Grnd Floor Area 1,080

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

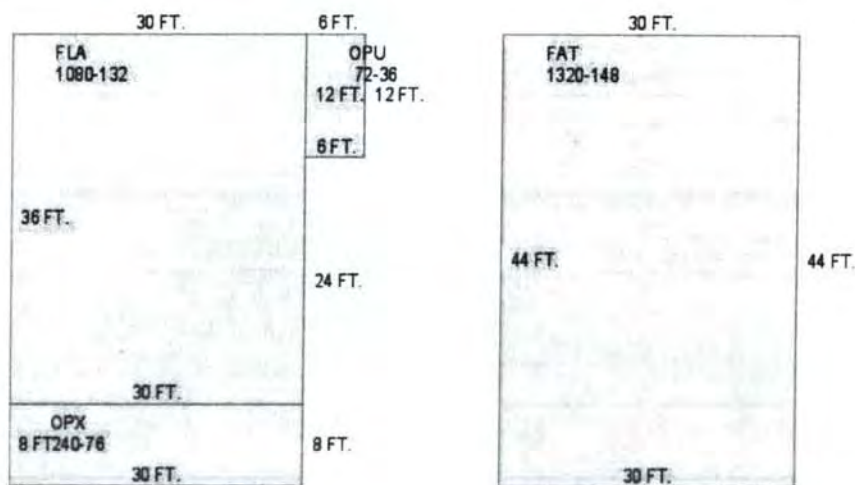
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 4

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 | OPX | 1 | 1988 | 240 |
| 2 | FLA | 1 | 1988 | 1,080 |
| 3 | OPU | 1 | 1988 | 72 |
| 4 | FAT | 1 | 1988 | 1,320 |

Interior Finish:

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|-------------|---------------------|-------------------|--------|-----------|-----|
| | 15962 | OPX | 100 | N | N |
| | 15963 | TOURIST ATTRAC-B- | 100 | Y | Y |
| | 15964 | OPU | 100 | N | N |
| | 15965 | FAT | 100 | N | N |

Exterior Wall:

| Interior Finish Nbr | Type | Area % |
|---------------------|--------------------|--------|
| 5492 | AB AVE WOOD SIDING | 100 |

Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|-----|-----------------|---------|--------|-------|------------|-----------|-------|------|
| 1 | PT2:BRICK PATIO | 420 SF | 60 | 7 | 1979 | 1980 | 1 | 50 |
| 2 | PT2:BRICK PATIO | 77 SF | 11 | 7 | 1979 | 1980 | 2 | 50 |

Appraiser Notes

MALLORY SQUARE-- OLD ISLAND RESTORATION-HOSPITALITY HOUSE- #10 MALLORY SQUARE TPP 8610696 - OLD ISLAND RESTORATION FOUNDATION (EXEMPT)

Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|------|---------|-------------|----------------|--------|-------------|---------------------------|
| | B942155 | 06/01/1994 | 12/01/1994 | 3,400 | | REPAIRS & MODIFICATIONS |
| | B953897 | 11/01/1995 | 12/01/1995 | 2,500 | | REPAIRS |
| | 9700923 | 03/01/1997 | 12/01/1997 | 1,960 | | ROOF REPAIRS |
| | 0103340 | 10/24/2001 | 12/04/2001 | 18,000 | | RENOVATIONS/HANDICAP RAMP |
| | 0103340 | 12/10/2001 | 09/10/2002 | 18,000 | | ELECTRICAL |

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 |
|-----------|------------------|------------------------------|------------------|---------------------------|----------------------|---------------------|----------------------|
| 2010 | 228,058 | 1,323 | 1,363,968 | 1,593,349 | 1,432,050 | 1,593,349 | 0 |
| 2009 | 228,058 | 1,390 | 1,607,400 | 1,836,848 | 1,301,864 | 1,836,848 | 0 |

Property Search -- Monroe County Property Appraiser

| | | | | | | | |
|------|---------|-------|---------|-----------|-----------|-----------|---------|
| 2008 | 228,058 | 1,455 | 954,000 | 1,183,513 | 1,183,513 | 1,183,513 | 0 |
| 2007 | 166,054 | 1,522 | 954,000 | 1,121,576 | 1,121,576 | 1,121,576 | 0 |
| 2006 | 166,054 | 1,587 | 504,000 | 671,641 | 671,641 | 671,641 | 0 |
| 2005 | 167,963 | 1,654 | 396,000 | 565,617 | 565,617 | 565,617 | 0 |
| 2004 | 171,775 | 1,721 | 360,000 | 533,496 | 533,496 | 533,496 | 0 |
| 2003 | 171,775 | 1,786 | 295,200 | 468,761 | 468,761 | 468,761 | 0 |
| 2002 | 171,775 | 1,853 | 295,200 | 468,828 | 468,828 | 468,828 | 0 |
| 2001 | 163,383 | 1,918 | 295,200 | 460,501 | 460,501 | 460,501 | 0 |
| 2000 | 163,383 | 635 | 187,200 | 351,218 | 351,218 | 351,218 | 0 |
| 1999 | 163,383 | 657 | 187,200 | 351,240 | 351,240 | 351,240 | 0 |
| 1998 | 108,922 | 677 | 187,200 | 296,799 | 296,799 | 296,799 | 0 |
| 1997 | 108,922 | 699 | 180,000 | 289,621 | 289,621 | 289,621 | 0 |
| 1996 | 99,020 | 720 | 180,000 | 279,740 | 279,740 | 279,740 | 0 |
| 1995 | 99,020 | 741 | 180,000 | 279,761 | 279,761 | 279,761 | 0 |
| 1994 | 99,020 | 762 | 180,000 | 279,782 | 279,782 | 279,782 | 0 |
| 1993 | 99,020 | 784 | 180,000 | 279,804 | 279,804 | 279,804 | 0 |
| 1992 | 99,020 | 805 | 180,000 | 279,825 | 279,825 | 279,825 | 0 |
| 1991 | 99,020 | 826 | 180,000 | 279,846 | 279,846 | 279,846 | 0 |
| 1990 | 99,020 | 848 | 188,100 | 287,968 | 287,968 | 287,968 | 0 |
| 1989 | 99,020 | 868 | 187,200 | 287,088 | 287,088 | 0 | 287,088 |

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.

There are no sales to display for this parcel.

This page has been visited 410,203 times.

Monroe County Property Appraiser
 Ervin A. Higgs, CFA
 P.O. Box 1176
 Key West, FL 33041-1176

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 8757778 Parcel ID: 00072082-001100

Ownership Details

Mailing Address:
CITY OF KEY WEST
PO BOX 1409
KEY WEST, FL 33041-1409

Property Details

PC Code: 89 - MUNICIPAL OTHER THAN (PC/LIST)
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 1 MALLORY SQUARE KEY WEST
Legal Description: (F/K/A ISLAND ADVENTURES OF KEY WEST LEASE) EXPIRED 1/31/95 G64-274/275

Parcel Map



Exemptions

| Exemption | Amount |
|----------------------|--------------|
| 15 - MUNICIPAL LANDS | 1,428,251.00 |

Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---------------|----------|-------|-----------|
|---------------|----------|-------|-----------|

| | | | |
|-----------------------------|----|----|-------------|
| 100W - COMMERCIAL WATERFRON | 47 | 58 | 2,992.00 SF |
|-----------------------------|----|----|-------------|

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 703
Year Built: 1986

Building 1 Details

Building Type
Effective Age 8
Year Built 1986
Functional Obs 0

Condition E
Perimeter 136
Special Arch 0
Economic Obs 0

Quality Grade 350
Depreciation % 10
Grnd Floor Area 703

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 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 7

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0

No sketch available to display

Sections:

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|-----|------|----------|-----------|------------|-------|-----|------------|---------------------|------|
|-----|------|----------|-----------|------------|-------|-----|------------|---------------------|------|

| | | | | |
|---|-----|---|------|-----|
| 1 | FLA | 1 | 1988 | 616 |
| 2 | FLA | 1 | 1988 | 87 |

Interior Finish:

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|-------------|---------------------|------------------|--------|-----------|-----|
| | 15952 | OFF BLDG-1 STY-D | 100 | N | Y |
| | 15953 | OFF BLDG-1 STY-D | 100 | N | N |

Exterior Wall:

| Interior Finish Nbr | Type | Area % |
|---------------------|--------------------|--------|
| 5488 | AB AVE WOOD SIDING | 29 |
| 5489 | C.B.S. | 71 |

Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|-----|----------------|----------|--------|-------|------------|-----------|-------|------|
| 1 | WD2:WOOD DECK | 625 SF | 25 | 25 | 1987 | 1988 | 3 | 40 |
| 2 | WD2:WOOD DECK | 1,688 SF | 0 | 0 | 1987 | 1988 | 2 | 40 |
| 3 | DK4:WOOD DOCKS | 672 SF | 56 | 12 | 1985 | 1986 | 1 | 40 |
| 4 | SW2:SEAWALL | 448 SF | 56 | 8 | 1979 | 1980 | 4 | 60 |

Appraiser Notes

#1 MALLORY SQUARE

Building Permits

| Bldg | Number | Date issued | Date Completed | Amount | Description | Notes |
|------|---------|-------------|----------------|--------|-------------|--------------|
| | 9704298 | 12/22/1997 | 12/21/1999 | 1,000 | | GUTTERS |
| | 9800138 | 01/14/1998 | 12/21/1999 | 5,000 | | ELECTRICAL |
| | 04-3507 | 11/10/2004 | | 2,000 | | DEDUCT METER |
| | 04-3668 | 11/29/2004 | | 23,995 | | FENCE, GATES |

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 |
|-----------|------------------|------------------------------|------------------|---------------------------|----------------------|---------------------|----------------------|
| 2010 | 90,942 | 29,798 | 1,307,511 | 1,428,251 | 1,428,251 | 1,428,251 | 0 |
| 2009 | 92,963 | 31,431 | 1,496,000 | 1,620,394 | 1,618,969 | 1,620,394 | 0 |
| 2008 | 92,963 | 32,427 | 1,346,400 | 1,471,790 | 1,471,790 | 1,471,790 | 0 |
| 2007 | 69,951 | 28,394 | 1,346,400 | 1,444,745 | 1,444,745 | 1,444,745 | 0 |

Property Search -- Monroe County Property Appraiser

| | | | | | | | |
|------|--------|--------|---------|---------|---------|---------|---------|
| 2006 | 69,951 | 26,559 | 463,760 | 560,270 | 560,270 | 560,270 | 0 |
| 2005 | 71,440 | 27,735 | 374,000 | 473,175 | 473,175 | 473,175 | 0 |
| 2004 | 72,880 | 28,698 | 344,080 | 445,658 | 445,658 | 445,658 | 0 |
| 2003 | 72,880 | 30,010 | 329,120 | 432,010 | 432,010 | 432,010 | 0 |
| 2002 | 72,880 | 30,838 | 329,120 | 432,838 | 432,838 | 432,838 | 0 |
| 2001 | 72,880 | 32,148 | 329,120 | 434,148 | 434,148 | 434,148 | 0 |
| 2000 | 72,880 | 11,362 | 269,280 | 353,522 | 353,522 | 353,522 | 0 |
| 1999 | 72,880 | 11,780 | 269,280 | 353,940 | 353,940 | 353,940 | 0 |
| 1998 | 48,700 | 12,110 | 269,280 | 330,090 | 330,090 | 330,090 | 0 |
| 1997 | 49,676 | 12,567 | 263,296 | 325,539 | 325,539 | 325,539 | 0 |
| 1996 | 45,160 | 12,857 | 263,296 | 321,313 | 321,313 | 321,313 | 0 |
| 1995 | 45,160 | 13,313 | 263,296 | 321,769 | 321,769 | 0 | 321,769 |
| 1994 | 45,160 | 13,645 | 263,296 | 322,101 | 322,101 | 0 | 322,101 |
| 1993 | 45,160 | 14,060 | 263,296 | 322,516 | 322,516 | 0 | 322,516 |
| 1992 | 45,160 | 14,392 | 263,296 | 322,848 | 322,848 | 0 | 322,848 |
| 1991 | 45,160 | 14,847 | 258,016 | 318,023 | 318,023 | 0 | 318,023 |
| 1990 | 45,186 | 15,138 | 235,293 | 295,617 | 295,617 | 0 | 295,617 |
| 1989 | 45,186 | 15,594 | 234,560 | 295,340 | 295,340 | 0 | 295,340 |

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.

There are no sales to display for this parcel.

This page has been visited 410,091 times.

Monroe County Property Appraiser
 Ervin A. Higgs, CFA
 P.O. Box 1176
 Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., June 16, 2011 at Old City Hall, 510 Greene Street**, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 00072082-003700) – A request for impervious surface ratio requirements in the HPS zoning district per Section 122-960(4)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line setback requirements per Section 122-1148(2), 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:

Request: Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 00072082-003700) – A request for impervious surface ratio requirements in the HPS zoning district per Section 122-960(4)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line setback requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant: Trepanier & Associates, Inc. on behalf of Tropical Soup Corp **Owner:** City of Key West

Project Location: Mallory Square **Date of Hearing:** Thursday, June 16, 2011

Time of Hearing: 6:00 PM **Location of Hearing:** Old City Hall, City Commission Chambers
510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. 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. **Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas.**

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email ccowart@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: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

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

Request: Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 00072082-003700) – A request for impervious surface ratio requirements in the HPS zoning district per Section 122-960(4)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line setback requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant: Trepanier & Associates, Inc. on behalf of Tropical Soup Corp **Owner:** City of Key West

Project Location: Mallory Square **Date of Hearing:** Thursday, June 16, 2011

Time of Hearing: 6:00 PM **Location of Hearing:** Old City Hall, City Commission Chambers
510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. 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. **Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas.**

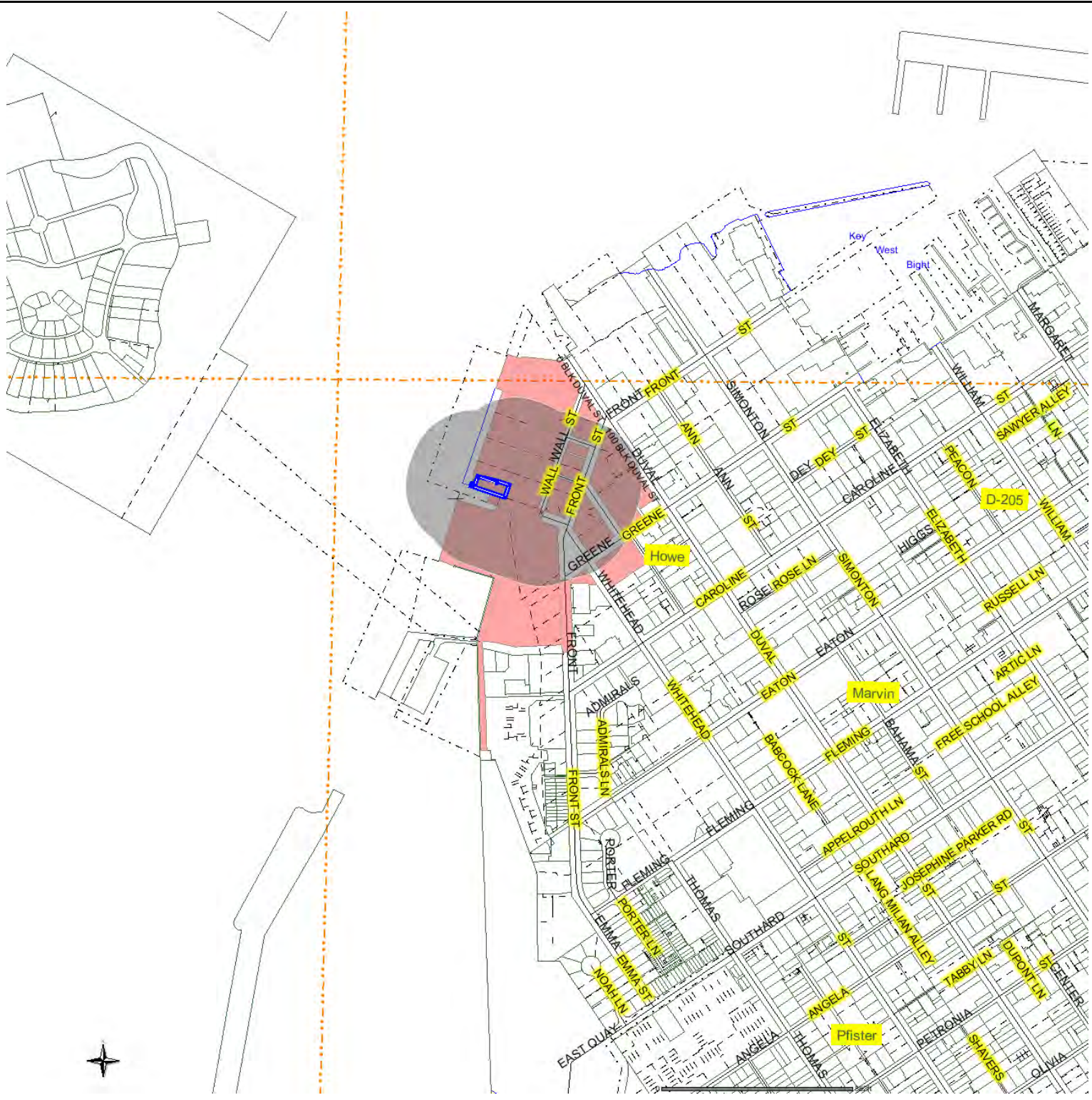
Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email ccowart@keywestcity.com .

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: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

Mallory Square

- Legend**
- theBuffer
 - theBufferTarget
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines



PALMIS

Monroe County Property Appraiser
 500 Whitehead Street
 Key West, 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.

Mallory

105 WHITEHEAD STREET CORP
209 DUVAL STREET
KEY WEST, FL 33040

126 DUVAL COMPANY
423 FRONT ST STE 2
KEY WEST, FL 33040

130 DUVAL STREET INC
19707 TURNBERRY WAY
AVENTURA, FL 33180

230 EAST 7TH STREET ASSOCIATES
526 DUVAL ST
KEY WEST, FL 33040

ALLF CECIL E IRREVOCABLE TRUST
10/15/94
111 VIA DLIOMO
NEW SMYRNA BEACH, FL 32169

BLACKWELL CAROLYN A
PO BOX 4125
KEY WEST, FL 33041

BOARD OF TRUSTEES OF THE
FUND-3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32304

FRONT STREET INVESTMENTS LLC
526 DUVAL ST
KEY WEST, FL 33040

GREENE STREET CONDOS LLC
301 WHITEHEAD ST
KEY WEST, FL 33040

HILARIO RAMOS CORP
209 DUVAL STREET
KEY WEST, FL 33040

LOVE IN KEY WEST LLC
P O BOX 28 - GEDNEY STATION
WHITE PLAINS, NY 10605

LOVE MILE MARKER I LLC
PO BOX 2528
PALM BEACH, FL 33480

LOVE QUAY WEST LLC
1 CVS DR
WOONSOCKET, RI 02895

MEL FISHER MARITIME HERITAGE
SOCIETY INC
200 GREENE ST
KEY WEST, FL 33040

MITCHELL WOLFSON FOUNDATION
INC
9400 S DADELAND BLVD
MIAMI, FL 33156

NEW IDEAS INC
1512 ROOSEVELT BLVD
KEY WEST, FL 33040

OLD HARBOR HOUSE INC
423 FRONT ST
KEY WEST, FL 33040

PIACIBELLO GEORGEANN
1523 PATRICIA STREET
KEY WEST, FL 33040

PIER A DEVELOPMENT CORP
1000 MARKET ST
PORTSMOUTH, NH 03801

R N J KEY WEST LLC
9629 PARKVIEW AVE
BOCA RATON, FL 33428

REFLECTIONS ON KEY WEST
CONDOMINIUM ASSOC INC
3520 PIEDMONT RD NE STE 410
ATLANTA, GA 30305

RUPP WILLIAM R TR DTD 10/3/91
675 THIRD AVE
NEW YORK, NY 10017

SEABOARD ASSOCIATES LIMITED
PARTNERSHIP
3520 PIEDMONT RD NE STE 410
ATLANTA, GA 30305

TANNEX DEVELOPMENT LC
1000 MARKET ST
PORTSMOUTH, NH 03801

TIITF/DNR
DNR DOUGLAS BLDG
TALLAHASSEE, FL 32399

TRUMAN ANNEX COMMERCIAL
OWNERS ASSOC INC
1100 LINTON BLVD
DELRAY BEACH, FL 33444

WOODRUFF RICHARD
PO BOX 2152
KEY WEST, FL 33045

ALLF CECIL E IRREVOCABLE TRUST
DTD 10/15/94 &
111 VIA DLIOMO
NEW SMYRNA BEACH, FL 32169

SUNSET PLAZA INC
P O BOX 8850
CORAL SPRINGS, FL 33075

PIACIBELLO FRANK AND
GEORGEANN B
1523 PATRICIA STREET
KEY WEST, FL 33040

FRONT STREET INVESTMENTS LLC
526 DUVAL ST
KEY WEST, FL 33040

OLD HARBOR HOUSE INC THE
423 FRONT STREET
KEY WEST, FL 33040

LA MER ENTERPRISES INC
20201 E COUNTRY CLUB DR
AVENTURA, FL 33180

LOVE IN KEY WEST LLC
P O BOX 28 - GEDNEY STATION
WHITE PLAINS, NY 10605

HILARIO RAMOS CORP
209 DUVAL STREET
KEY WEST, FL 33040

CONCH TOUR TRAIN INC
PO BOX 1237
KEY WEST, FL 0

PIACIBELLO GEORGEANN
1523 PATRICIA STREET
KEY WEST, FL 0

126 DUVAL COMPANY
423 FRONT ST
KEY WEST, FL 33040

NEW IDEAS INC
1512 ROOSEVELT BLVD
KEY WEST, FL 33040

KEY WEST MJM INVESTMENTS INC
P O BOX 403353
MIAMI BEACH, FL 33140

105 WHITEHEAD STREET CORP
209 DUVAL STREET
KEY WEST, FL 33040

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33041

121 DUVAL COMPANY
423 FRONT STREET
KEY WEST, FL 33040

230 EAST 7TH STREET ASSOCIATES
526 DUVAL ST
KEY WEST, FL 33040

RUPP WILLIAM R TR DTD 10/3/91
675 THIRD AVE
NEW YORK, NY 10017

SEABOARD ASSOCIATES LIMITED
PARTNERSHIP
1701 W HILLSBORO BLVD
DEERFIELD BEACH, FL 33442

LOVE QUAY WEST LLC
1 CVS DRIVE
WOONSOCKET, RI 2895

LOVE MILE MARKER I LLC
P O BOX 2528
PALM BEACH, FL 33480

PIER HOUSE JOINT VENTURE ET AL
ONE DUVAL ST
KEY WEST, FL 33040

FRONT STREET INVESTMENTS LLC
526 DUVAL ST
KEY WEST, FL 33040

MEL FISHER MARITIME HERITAGE
SOCIETY INC THE
200 GREENE ST
KEY WEST, FL 33040

WACHOVIA BANK, NA
PO BOX 36246
CHARLOTTE, NC 28236

MEL FISHER MARITIME HERITAGE
SOCIETY INC THE
200 GREENE STREET
KEY WEST, FL 33040

TANNEX DEVELOPMENT CORP
1100 LINTON BLVD SUITE C-9
DELRAY BEACH, FL 33444

BOARD OF TRUSTEES OF THE
FUND-3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32304

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33040

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33040

00000170-000000 CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33041

00072082-001200 CAYO HEUSO CITY
OF KEY WEST
420 WALL ST
P O BOX 1409
KEY WEST, FL 33040

00072082-001400 HOSPITALITY HOUSE
CITY OF KEY WEST
10 MALLORY SQUARE
P O BOX 1409
KEY WEST, FL 33040

00072082-001700 CHAMBER OF
COMMERCE CITY OF KEY WEST
402 WALL ST
P O BOX 1409
KEY WEST, FL 33040

00072082-001100 CITY OF KEY WEST
1 MALLORY SQUARE
P O BOX 1409
KEY WEST, FL 33040

00072082-001300 WALL ST CITY OF
KEY WEST
MALLORY SQUARE
P O BOX 1409
KEY WEST, FL 33040

00072082-003500 5X10 FOOT ON
MALLORY SQUARE CITY OF KEY
WEST
410 WALL STEET
P O BOX 1409
KEY WEST, FL 33040

00072082-000400 PRIDE OF KW GLASS
BOTTOM BOAT CITY OF KEY WEST
2 DUVAL ST
P O BOX 1409
KEY WEST, FL 33040

00072082-001800 KEY WEST ART
CENTER CITY OF KEY WEST
301 FRONT ST
P O BOX 1409
KEY WEST, FL 33040

00072082-001900 TROPICAL SHELL &
GIFT CITY OF KEY WEST
1 WHITEHEAD ST
P O BOX 1409
KEY WEST, FL 33040

00072082-003700 RIGHT OF
HOSPITALITY HOUSE CITY OF KEY
WEST
PART OF MALLORY SQUARE
P O BOX 1409
KEY WEST, FL 33040