

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



**To:** Chairman and Planning Board Members

**From:** Nicole Malo, Planner

**Through:** Donald Leland Craig, AICP, Planning Director

**Meeting Date:** November 16, 2011

**Agenda Item:** **Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit A, A-1, B (RE# 00072082-003903)** – A request to allow the display of merchandise sold in-store, for Yours and Mayan, LLC., located on Lazy Way Lane, Unit A, A-1, B in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West

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**Request:** The applicant is requesting an Exception for Outdoor Merchandise Display to allow the use of shelving, two small tables, the doors and the window shutters for display of merchandise at Yours and Mayan along Lazy Way Lane.

**Applicant:** Donald Kilgore

**Property Owner:** City of Key West

**Location:** 205 Elizabeth Street – Lazy Way Lane Units A, A-1, and B  
RE#00072082-003903

**Zoning:** HRCC-1



**Background**

The shops on Lazy Way Lane were designed as part of the original 1996 Bight Master Plan and are owned by the City. According to the Plan the shops on Lazy Way Lane are envisioned to be an old world market place area where pedestrians can meander through the various small craft shops while enjoying the harbor area. Currently, units A through F share a front wood deck that is broken up by palm trees. Units G and H have private cement entrance areas and gardens. Although the small interior floor areas and shared decking promotes pedestrian flow and outdoor market space as envisioned, the Historic Preservation Guidelines strictly prohibit outdoor display. In an effort to bring the area into compliance with the Land Development Regulations through a request for a Special Exception staff, as the property owner, has worked carefully to promote the continuity and organization of each display with respect to the visibility of the structural features themselves and the historic fabric of the area; although, each application is specific to the character of the current owner of the individual business. Please see the attached Outline regarding the parameters of acceptable display options that were given to the tenants of Lazy Way Lane.

The applicant is the leaseholder of the first three units (A, A-1 and B) of the Lazy Way Lane shops, also known as Yours and Mayan. Unit A is located on the corner of Lazy Way Lane and Elizabeth Street and has an entrance on Elizabeth Street and a large window that faces Lazy Way Lane. Units B and C each have two sets of double doors that open on to a small deck facing Lazy Way Lane. The types of merchandise currently sold at Yours and Mayan include handmade merchandise from Central America, such as, but not limited to jewelry, bags and wood carvings.

**Request**

The applicant is requesting an Exception for Outdoor Merchandise Display for the maximum timeframe of 60 months for all three units as follows. All display fixtures are wood.

**Unit A**

- Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
- Display on the shutters and hanging mask display on the window facing Lazy Way Lane.

## Units A-1 and B

- Display of merchandise hanging from the wooden panels on the double doors (either open or closed).
- One small wooden chair and two 32”x 32” wooden tables to be located as shown on the site plans for fire access.
- Three wooden shelves adjacent to the double doors

## Analysis

The outdoor display of merchandise in the historic zoning districts of the City is prohibited unless an Exception is granted by the Planning Board, as provided in Section 106-52 of the City Code. Pursuant to Section 106-51 of the City Code, merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. If the Exception for an Outdoor Display is approved by the Planning Board, and if at any time during the display of merchandise the applicant is out of compliance with any conditions of approval, the approval can be revoked by the Planning Board under Section 106-52(4) of the City Code. The Planning Board has the authority to choose to approve the proposed Exception for a lesser term than the maximum amount of time that has been requested. Granting or denying the proposed Exception on a case-by-case basis gives the Planning Board the discretion to approve or deny proposed displays based on the following criteria:

**(1) Factors favoring the Exception are as follows:**

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

The proposed Exception is located on a pedestrian passageway, exterior of the storefront on Lazy Way Lane. The property includes several storefronts, leased from the City of Key West, which are small structures that typically share small wooden front deck area characteristic of exteriors utilized for the display of goods. Further, according to the Bight Master Plan the shops on Lazy Way Lane are envisioned to be an old world market place area where pedestrians can meander through the various small craft shops while enjoying the harbor area.

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

The Exception for the type of merchandise and the type of display is compatible with the character of the neighborhood. Each type of display associated with this application are wood and compatible with the historic fabric of the structures themselves. Further, the merchandise is typical of an outdoor marketplace as envisioned in the Bight Master Plan. The Exception is proposed in the HRCC-1 zoning district where the intent of the district is to incorporate the City’s intensely vibrant tourist commercial entertainment center which is characterized by specialty shops and sidewalk-oriented restaurants.

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

The location of the proposed display is visible from the public right-of-way; however it is not visually incongruous with the character of the historic waterfront district.

**(2) Factors disfavoring the Exception are as follows:**

**a. Architecture contributing to the historical fabric or visual character of the neighborhood is obscured by the Exception.**

When reviewing this specific request, the Planning Department coordinated with the City's Historic Preservation Planner, and the proposed display would not obscure the architecture or the visual character of the neighborhood. Specific display designs were required to be met by all the Lazy Way Lane applicants to enhance the visibility of the structure and promote characteristics compatible of the historic waterfront district.

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

Lazy Way Lane is not a dedicated right-of-way, therefore the proposed Exception does not abut a street of the historic district. However, the exception is visible from the Green Street waterfront plaza and some aspects will be visible from the right-of-way.

**c. The Exception presents a hazard to public safety.**

The Fire Marshall has determined that the proposed Exception does not present a hazard to public safety. According to the Fire Marshalls DRC comments the proposed display allows for improved access to the interior of the structure. As a condition of approval display items shall not be placed within the required 36" ingress and egress areas.

## **RECOMMENDATION**

The Planning Department, based on criteria established by the City's Comprehensive Plan and Land Development Regulations, recommends the request for Exception to the Outdoor Merchandise Display be approved per the proposed plan with the following conditions:

1. The Exception is limited to 60 months, as shown on the site plan for:

Unit A

- Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
- Display on the shutters and hanging mask display on the window facing Lazy Way Lane.

Units A-1 and B

- Display of merchandise hanging from the wooden panels on the double doors (either open or closed).

- One small wooden chair and two 32”x 32” wooden tables to be located as shown on the site plans for fire access.
  - Three wooden shelves adjacent to the double doors.
2. The Exception will only be present during hours of operation.
  3. The Exception is specific to the applicant, Donald Kilgore, and granted for a term of 60 months.
  4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
  5. Exceptions to Section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:
    - a) The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section;
    - b) The Exception was granted pursuant to mistaken or misleading information; or
    - c) The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of this Exception.
  6. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.
  7. That no display is allowed within 36” of the door way access for ADA and Fire access.

**Draft  
Resolution**

**RESOLUTION NUMBER 2011-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY FOR PROPERTY IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, ALLOWING THE OUTDOOR DISPLAY OF MERCHANDISE TO BE LOCATED AT 205 ELIZABETH STREET (RE# 00072082-003903) UNIT A, A-1 AND B, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 106-51 of the Land Development Regulations provides that the outdoor display of merchandise in the historic zoning districts of the City is prohibited unless an Exception is granted by the Planning Board as provided in Section 106-52; and

**WHEREAS**, the subject property is located in the HRCC-1 zoning district; and

**WHEREAS**, the applicant has requested an Exception for Outdoor Merchandise Display;  
and

**WHEREAS**, the matter came before the Planning Board at a duly noticed public meeting on November 16, 2011; and

**Page 1**  
**Resolution Number \_\_\_\_\_**

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

**WHEREAS**, the Planning Board has considered the factors favoring and disfavoring the Exception, as provided in Section 106-52; and

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

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

**Section 2.** That an Exception for Outdoor Merchandise Display, under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 205 Elizabeth Street (RE# 00072082-003903), Lazy Way Lane, Unit A, A-1 and B, Key West, Florida, see attached plans, with the following conditions of approval:

1. The Exception is limited to 60 months, as shown on the site plan for:

Unit A

- Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
- Display on the shutters and hanging mask display on the window facing Lazy Way Lane.

Units A-1 and B

- Display of merchandise hanging from the wooden panels on the double doors (either open or closed).



- One small wooden chair and two 32”x 32” wooden tables to be located as shown on the site plans for fire access.
  - Three wooden shelves adjacent to the double doors.
2. The Exception will only be present during hours of operation.
  3. The Exception is specific to the applicant, Donald Kilgore, and granted for a term of 60 months.
  4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
  5. Exceptions to Section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:
    - a) The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section;
    - b) The Exception was granted pursuant to mistaken or misleading information; or
    - c) The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of this Exception.
  6. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.
  6. That no display is allowed within 36” of the door way access for ADA and Fire access.

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

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

**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West 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 at a special meeting held this 16th day of November, 2011.

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

**Page 4**  
**Resolution Number \_\_\_\_\_**

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

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Richard Klitenick, Chairman  
Key West Planning Board

Date

**Attest:**

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Donald Leland Craig, AICP  
Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

# Application

Application for Exception for Outdoor Merchandise Display  
City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



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

Applicant's Name DONALD KILGORE A, A-1, B  
Address of Proposed Display 205 Elizabeth St. Key West FL ~~FL~~  
RE# of Property \_\_\_\_\_  
Business Name YOURS AND MAYAN  
Business Address \_\_\_\_\_  
Applicant's Mailing Address 2109 HARRIS AVE. Key West, FL 33040  
Telephone 305-393-1197 Email yoursandmayan@gmail.com  
Name of Property Owner CITY OF Key West  
Mailing Address \_\_\_\_\_  
Telephone \_\_\_\_\_ Email \_\_\_\_\_

Located in or on:

- a porch, patio, or other attached portion of an adjacent permanent structure.
- an arcade, gazebo, or other temporary structure.
- a cart or movable booth. (Must have received or obtained HARC approval)
- a portable table, rack, or other non-permanent equipment.



Describe the specific merchandise to be displayed and business conducted.

HANDMADE PRODUCTS FROM CENTRAL AMERICA  
JEWELRY, BAGS, WOOD CARVINGS,

Application for Exception for Outdoor Merchandise Display  
City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



Describe the structure and equipment used in the display in detail, including any seating.

ALL DISPLAYS ARE WOOD, TABLES ARE HAND  
CARVED FROM CENTRAL AMERICA. SHELVES  
ARE PAINTED WOOD.

How far is the display from the street? 3' minimum  
How far is the display from the sidewalk? 4' minimum  
Length of time exception will be needed (no more than 60 months) 60 MONTHS

**PLEASE PROVIDE THE FOLLOWING TO COMPLETE YOUR APPLICATION:**

1. Provide fee of \$100.00. There are additional fees of \$50.00 for fire department review and \$100.00 for advertising and noticing. **For a total of \$250.00.** Please, make check payable to the City of Key West.
2. **Photographs** of the existing area and proposed display
3. A **site sketch** showing general lay out and location of the display relative to visibility from the public right-of-way
4. Copy of the **Warranty Deed**
5. Completed **Authorization** and **Verification** forms as necessary.
6. Recent Property Boundary **Survey**
7. **Property Appraisers** information (www.mcpafl.org)



*The information furnished above is true and accurate to the best of my knowledge.*

Signature *Donald S. [Signature]* Date 7/19/11

# **Verification Form**

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an entity)*

I, Jim Scholl, in my capacity as City Manager  
*(print name)* *(print position; president, managing member)*  
of City of Key West  
*(print name of entity serving as Authorized Representative)*

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

205 Elizabeth St (Lany Way Lu) # A, A1B  
*Street Address of subject property*

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

[Signature]  
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this November 4 2011 by  
Jim K. Scholl  
*Name of Authorized Representative* *date*

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

[Signature]  
*Notary's Signature and Seal*

Portia Y. Navarro  
*Name of Acknowledger typed, printed or stamped*





**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an individual)*

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

205 Elizabeth STREET KEY WEST UNITS A,B,C  
*Street address of subject property*

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

*Donald Kilgore*  
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this 19, July, 2011 by  
*date*

Donald Kilgore  
*Name of Authorized Representative*

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

*Maria G. Ratcliff*  
*Notary's Signature and Seal*

Maria G. Ratcliff  
*Name of Acknowledger typed, printed or stamped*



EE 053741  
*Commission Number, if any*



# **Authorization Form**

**City of Key West  
Planning Department**



**Authorization Form**  
(Where Owner is a Business Entity)

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

I, Jim Scholl as  
*Please Print Name of person with authority to execute documents on behalf of entity*

City Manager of City of Key West  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize Donald Kilgore - Lang Way Lane tenant  
*Please Print Name of Representative* Unit A, A1, B

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

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

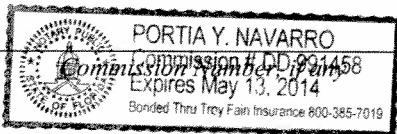
Subscribed and sworn to (or affirmed) before me on this November 4, 2011 by  
*date*

Jim Scholl  
*Name of Authorized Representative*

She is personally known to me or has presented \_\_\_\_\_ as identification.

[Signature]  
*Notary's Signature and Seal*

PORTIA Y. NAVARRO  
*Name of Acknowledger typed, printed or stamped*



## **Description of Uses and Map of Area**

## **Shoppes on Lazy Way**

**UNITS A & B - YOURS AND MAYAN** – Guatemalan crafts, jewelry, purses, key chains and woodcarvings made by the Mayan Indians.

**UNIT C - LAZY BREEZE SEAGLASS** – Jewelry, hand painted wooden pieces, island-themed gifts, bookmarks and sand-cast candles.

**UNIT D – KEY WEST PRETZEL COMPANY** – Preparation of food products and operation of a retail store offering a variety of pretzels and homemade sauces, fresh squeezed lemonade and fruit drinks, coffee and breakfast pretzels for take away.

**UNIT F – AER PHOTOGRAPHY, INC.** – Retail art gallery and studio including photography, paintings, pottery, silk screening, gyotaku, watercolors and metal sculpture, painted furniture and other mixed media.

**UNIT G - DRAGONFLY KEY WEST** – Gifts, clothing, hair accessories and jewelry.

**UNIT H - CAPTAIN QUICK DRY** – Quick drying and solar protective clothing for men, women and children related to boating and fishing and accessories.

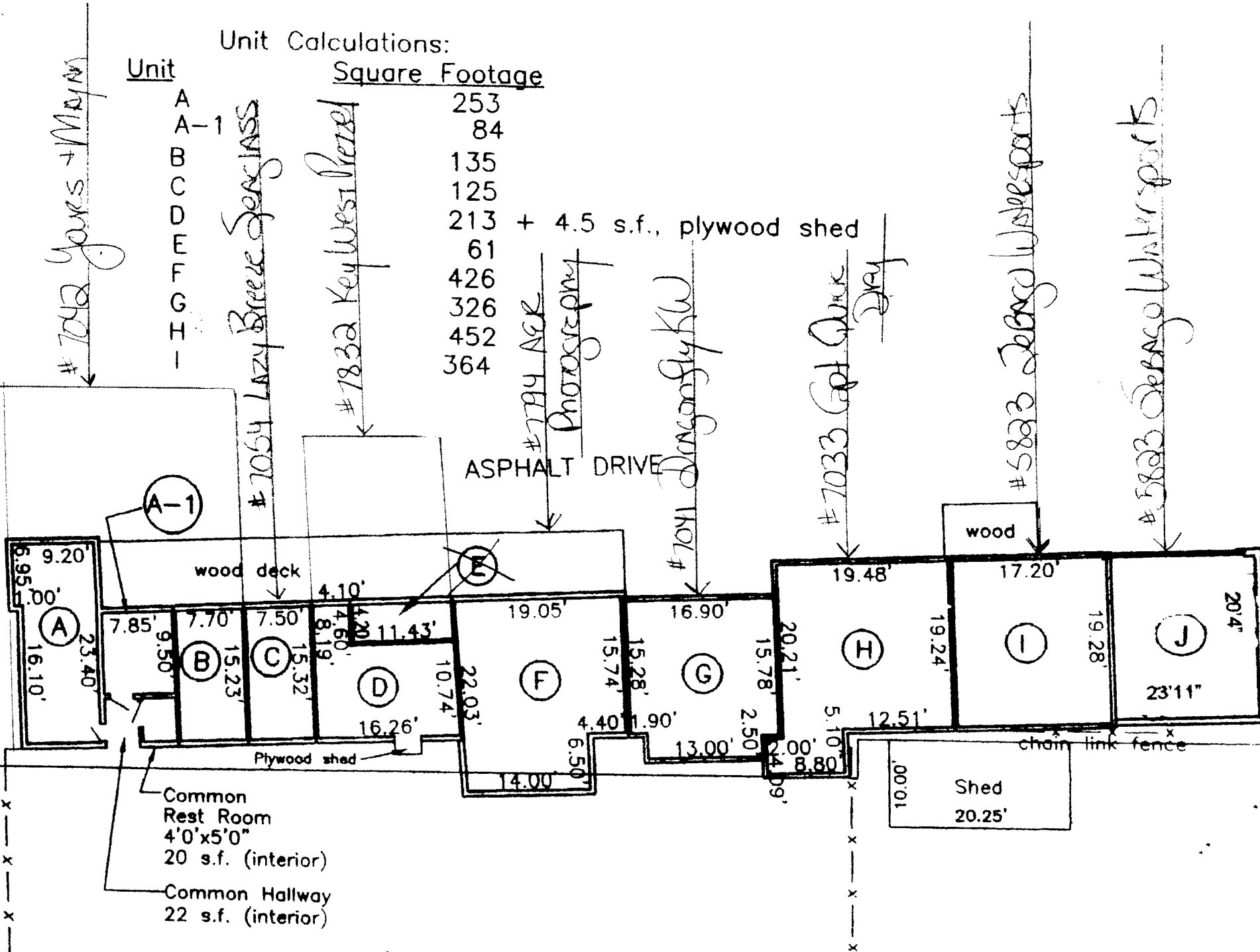
**UNIT I – SEBAGO WATERSPORTS** – Ticket sales, “check-in” and Sebago merchandise.

**UNIT J – SEBAGO WATERSPORTS** – Indoor storage of equipment used to facilitate boat operations located in KWB Marina including, but not limited to, ice machines and inventory (no outdoor storage permitted).

S I K E I S U I T S (M/R/W)

Unit Calculations:

Unit	Square Footage
A	253
A-1	84
B	135
C	125
D	213 + 4.5 s.f., plywood shed
E	61
F	426
G	326
H	452
I	364



Common Rest Room  
4'0" x 5'0"  
20 s.f. (interior)

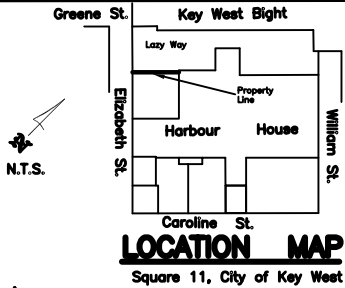
Common Hallway  
22 s.f. (interior)

Shed  
20.25'

ASPHALT DRIVE

chain link fence

# Survey



**SURVEYOR'S NOTES:**

North arrow based on assumed median Reference Bearing: R/W Caroline Street  
 3.4 denotes existing elevation  
 Elevations based on N.G.V.D. 1929 Datum  
 Bench Mark No.: Basic Elevation: 14.324

**Monumentation:**

- ⊙ = set 1/2" Iron Pipe, P.L.S. No. 2749
- = Found 1/2" Iron Bar
- ▲ = Set P.K. Nail, P.L.S. No. 2749

**Abbreviations:**

- |                             |                                 |
|-----------------------------|---------------------------------|
| Sty. = Story                | o/h = Overhead                  |
| R/W = Right-of-Way          | u/g = Underground               |
| fd. = Found                 | F.F.L. = Finish Floor Elevation |
| p. = Plat                   | irr. = Irregular                |
| m. = Measured               | conc. = concrete                |
| d. = Deed                   | I.P. = Iron Pipe                |
| N.T.S. = Not to Scale       | I.B. = Iron Bar                 |
| ⊕ = Centerline              | cov'd. = Covered                |
| Elev. = Elevation           | C.B. = Concrete Block           |
| B.M. = Bench Mark           | wd. = Wood                      |
| P.O.C. = Point of Commence  | ☒ = Concrete Utility Pole       |
| P.O.B. = Point of Beginning | ⊙ = Wood utility Pole           |
| P.B. = Plat Book            |                                 |
| pg. = page                  | w.m. = Water Meter              |
| A/C = Air Conditioner       | Bal. = Balcony                  |
| C.L.F. = Chain Link Fence   | Pl. = Planter                   |
|                             | Hydt. = Fire Hydrant            |
|                             | F.W. = Fire Well                |

Field Work performed on: 3/11/11

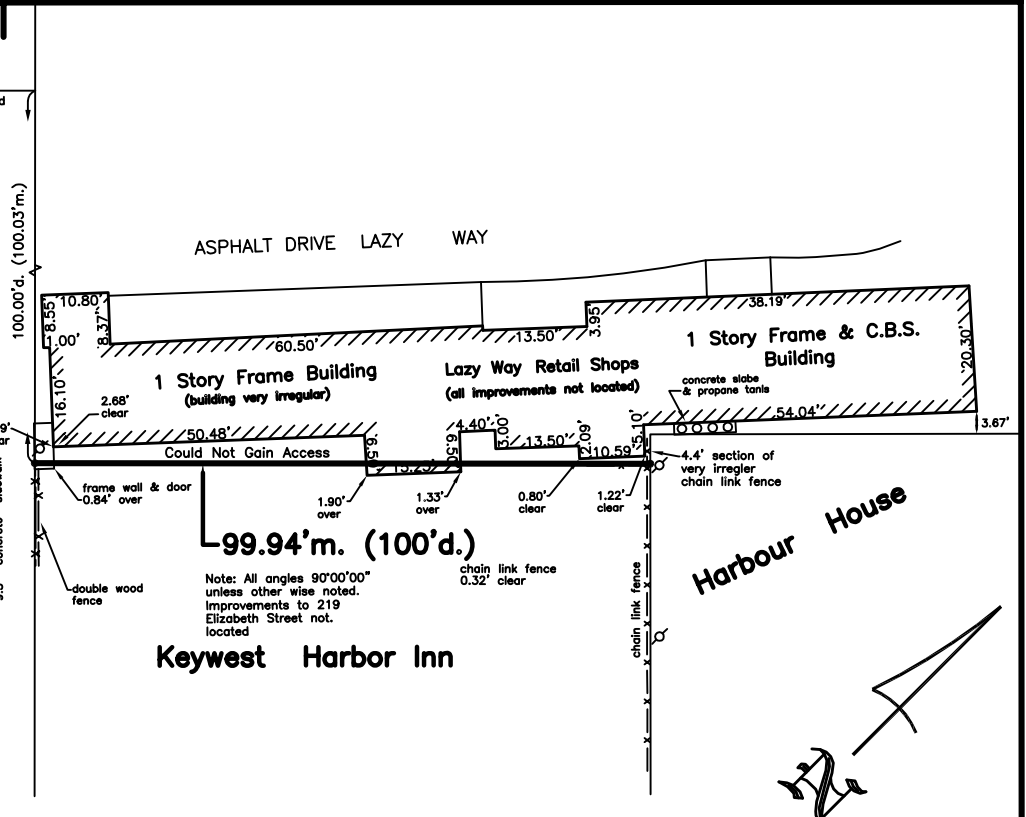
**CERTIFICATION:**

I HEREBY CERTIFY that the attached **Specific Purpose Survey, Property Line** is 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 61G17-6, Florida Statue 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

**GREENE STREET**

Southeasterly R/W of Greene Street Extended



City of Key West			
Lazy Way, Key West, Florida 33040			
Specific Purpose Survey		Dwn No.:	
property line		11-150	
Scale: 1"=20'	Ref. 202-66 file	Flood panel No. 1516 K	Dwn. By: F.H.H.
Date: 3/10/11		Flood Zone: AE	Flood Elev. 7'
REVISIONS AND/OR ADDITIONS			

**ISLAND SURVEYING INC.**  
**ENGINEERS PLANNERS SURVEYORS**

3152 Northside Drive  
 Suite 201  
 Key West, Fl. 33040  
 (305) 293-0466  
 Fax. (305) 293-0237  
 fhildeb1@bellsouth.net  
 L.B. No. 7700



# **Existing Site Plan**





EST

COOL ART LOCAL ARTISTS

NO PHOTOS Please

FULL SIZE  
\$20 ea  
FINE ART PRINTS



Full Size Fine Art Prints \$20 ea Local Artist

Full Size Fine Art Prints \$20 ea Local Artist



# **Proposed Site Plan**

# YOURS AND MAYAN

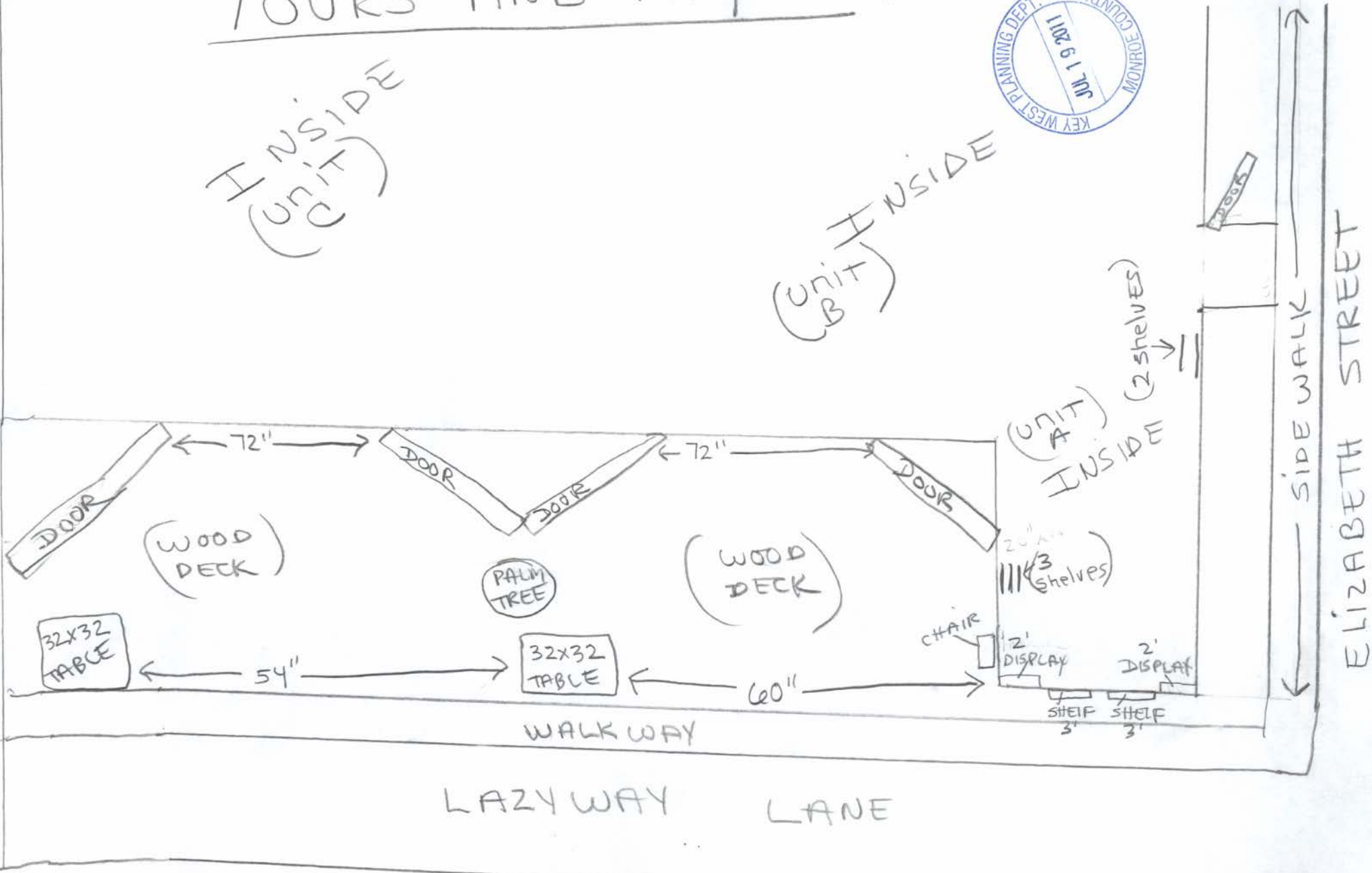
205 Elizabeth Street  
units A, B, C.



INSIDE  
(UNIT C)

INSIDE  
(UNIT B)

INSIDE  
(UNIT A)



- PICTURE #1 - ELIZABETH STREET
- #2 - LAZY WAY LANE (UNIT A)
- #3 - LAZY WAY LANE (UNITS B+C)





# **Outline for Outdoor Display Options**



The Planning Department has worked out a list of display options that meet general HARC guidelines that may be helpful in outlining acceptable Outdoor Display applications for the businesses located on Lazy Way Lane. We recommend that each individual lease holder use the list below as a guideline for creating their display that is also within the confines of the Code for Exceptions to Outdoor display, also listed below.

Each leaseholder's application should include but is not limited to (see attached application):

- 1.) Drawings or photographs demonstrating their rendition of proposed display;
- 2.) Photographs of their particular site,
- 3.) A site plan that is properly dimensioned and shows relevant outdoor site features such as windows, doors trees, fencing, stairs, and location and dimensions of proposed displays and shows the site in relation to other shops.
- 4.) Color swatch

Outdoor Display options:

- One standing display, table or display feature for artwork measuring three square feet to be located in area that allows for ADA access and a Fire access path of 36" in front of the front entrance;
- For both sides of open, double doors, hanging shelving is allowed, not to exceed the height of the door and no wider than the width of the door, and no deeper than one (1) foot from the door when completely open against the building;
- Wooden shelves on the façade of the building, on either side of front doors, not to project more than three and a half inches in depth from the side of the building, not to exceed three shelves. Shelving cannot cover window or door trim;
- No carts allowed;
- No hanging of objects anywhere, except as specifically allowed above;
- No plastic or vinyl displays;
- Display area is limited to the front porch areas;
- Access must remain unimpeded 36" in width, from the right-of-way to the interior of the structure/ front door for fire access;
- Signage shall be in accordance with Code Section 114 and approved by HARC

#### Exception for Outdoor Display

##### Sec. 106-51. - Prohibited.

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the planning board, as provided in section 106-52. Merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. Outdoor display shall mean the placement of merchandise on the exterior of a business structure, including a wall, roof, overhang, entranceway or window, or within a required setback area. For a cart, booth or arcade,

outdoor display shall mean the placement of merchandise, either freestanding or by draping it, on the exterior or beyond the vertical plane of the cart, booth or arcade. In no event shall outdoor display be permitted in the public right-of-way. The prohibitions of this section shall not apply to automotive, bicycle and moped rentals and sales and to plant sales and shall not apply to art festivals or other special events duly permitted by the city commission.

Sec. 106-52. - Exceptions.

Exceptions to section 106-51 may be granted by the planning board as follows:

(1) Factors favoring the exception are as follows:

- a. The location of the proposed exception, while outdoors, is an interior courtyard of a building or buildings, or is a space specifically designed and permitted for use by outdoor merchants.
- b. The exception (for either the type of merchandise or the type of display) is compatible or in visual harmony with the character of the neighborhood.
- c. The exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way.

(2) Factors disfavoring the exception are as follows:

- a. Architecture contributing to the historical fabric or visual character of the neighborhood is obscured by the exception.
- b. The location of the proposed exception abuts, with minimal setback, a street of the historic district, thus the exception is visible from heavily used public places and rights-of-way.
- c. The exception presents a hazard to public safety.

(3) Exceptions to section 106-51 granted by the planning board shall be for a term of no more than 60 consecutive months and may be granted subject to terms and conditions specified by the board in order to protect the architectural heritage and visual character of the district. Applications for exceptions shall be accompanied by a nonrefundable fee of \$100.00 to cover the costs to the city of processing the application and investigating the applicant.

(4) Exceptions to section 106-51 may be revoked by the planning board after notice and hearing on grounds that:

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

(5) The city manager or the planning board, upon written petition by any city resident, may cause issuance of a notice of hearing on revocation of an exception, which notice shall be issued by the city clerk.

Sec. 106-53. - Mobile vendors excepted. Sections 106-51 through 106-53 shall have no application to businesses duly licensed and operating pursuant to article VI of chapter 18 pertaining to mobile vendors or to persons granted exemptions pursuant to section 18-319(b).

Sec. 106-54. - Enforcement. Sections 106-51 through 106-53 shall be enforced by the code enforcement provisions of article VI of chapter 2.

Sec. 106-55. - Advertising causing obstruction of streets or sidewalks.

It shall be unlawful for any person to conduct any advertising or publicity business or activities pertaining thereto in a manner so as to produce an assemblage of spectators and listeners and thereby obstruct or cause the obstruction of any city street or sidewalk. This restriction shall not apply to parades or advertising under the authority of a duly issued permit.

Sec. 106-56. - Use of streets and sidewalks for advertising or display purposes.

It shall be unlawful for any person to use any portion of a street or sidewalk in the city for advertising or display purposes except as may otherwise be provided for by this subpart B.

**DRC**  
**Minutes & Comments**

# Minutes of the Development Review Committee of the City of Key West

August 25, 2011

Approved – September 22, 2011

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There were no public comments.

- 6.** Special Exception Request - 917 1A Frances Street - (RE# 00021680-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a cemetery for property located within the HHDR zoning district, pursuant to Section 18-28 (b)(2) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Nicole Malo and Mr. Dennison explained the request is to allow his company to place bottles containing alcohol in the gift baskets they sell and that no alcohol will be served on the premise. Mr. Dennison read favorable letters from two (2) of his neighbors into the record:

- 1) Patti Rodrigues-906 Frances Street
- 2) Christine Wissmann (Pribramsky & Zuelch)-937 Fleming.

The following comment from Matthew Alfonso of Keys Energy was read into the record: "Keys Energy has no objections to the Special Exception Request."

Ms. Nicklaus inquired about ADA access. Mr. Dennison stated he has very few walk-ins. Ms. Nicklaus reminded Mr. Dennison that ADA compliance is also required for his employees.

There were not any additional Staff comments for the record.

There were no public comments.

- 7.** Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit A, A-1, B (RE# 00072082-003903) - A request to allow the display of merchandise sold in-store, for Yours And Mayan, LLC., located on Lazy Way Lane, Unit A, A-1, B in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Nicole Malo presented the project. DRC has already seen three (3) of the applications for this area – Lazy Way Lane. Ms. Malo requested a new/better picture of the door with the mask on it.

Ms. Torregrosa stated the new look is much better.

Mr. Torrence reminded the shop owners to keep the area around the doors free from clutter thus allowing easy access.

The following comment from Matthew Alfonso of Keys Energy was read into the record: "Keys Energy has no objections to the Exception for Outdoor Merchandise Display."

There were not any additional Staff comments for the record.

There were no public comments.

- 8.** Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit H (RE# 00072082-003904) - A request to allow the display of merchandise sold in-store, for Captain Quickdry

# Minutes of the Development Review Committee of the City of Key West

August 25, 2011

Approved – September 22, 2011

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Inc., located on Lazy Way Lane, Unit H in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Nicole Malo presented the project. As previously stated, DRC has already seen three (3) of the applications for this area – Lazy Way Lane. Ms. Malo asked the applicant to obtain a signed authorization form from the City.

Ms. Torregrosa stated the HARC application for the sign needs to be discussed and asked the applicant to contact her.

Mr. Torrence reminded the shop owners to keep the area around the doors free from clutter thus allowing easy access at all times.

The following comment from Matthew Alfonso of Keys Energy was read into the record: "Keys Energy has no objections to the Exception for Outdoor Merchandise Display."

There were not any additional Staff comments for the record.

There were no public comments.

9. Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit F (RE# 00072082-00390) - A request to allow the display of merchandise sold in-store, for AER Photography Inc., located on Lazy Way Lane, Unit F in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Nicole Malo presented the project. As previously stated, DRC has already seen three (3) of the applications for this area – Lazy Way Lane. Ms. Malo asked the applicant to obtain a signed authorization form from the City. The site plans need some work before moving forward. In addition, there are concerns about the area appearing to be cluttered. Ms. Malo stated she will be working with the applicant to address the concerns.

Ms. Torregrosa stated that a cart would require HARC approval. Ms. Torregrosa also explained that in the Historic District signs are required to be permanent. Anything with the name of the business on it constitutes a sign.

Mr. Torrence reminded the shop owners to keep the area around the doors free from clutter thus allowing easy access at all times.

The following comment from Matthew Alfonso of Keys Energy was read into the record: "Keys Energy has no objections to the Exception for Outdoor Merchandise Display."

There were not any additional Staff comments for the record.

There were no public comments.

## Adjournment

Meeting adjourned at 10:55 am.

# 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 Thrift-Distribution Design Specialist  
**DATE:** May 18, 2010  
**SUBJECT:** Development Review Committee Meeting

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A representative of the FKAA will not be able to attend the DRC meeting scheduled for May 27, 2010. Comments on the projects are as follows:

#### 4. New Business

- a. **Variations – 2718 Harris Street (RE# 00067640-000000)** – The FKAA has no objection for a variance request for proposed rear-yard setback, building coverage and impervious surface ratio in the Single Family zoning district per Sections 122-238 (6)(a)(3), 122-238 (4)(a), and 122-238 (4)(b)(1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.
- b. **Exception for Outdoor Display – Lazy Way Lane (RE# 00072082-003903, 00072082-003904 and 00072082-003905)** – The FKAA has no objection for an application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in store, for eight retail spaces within two parcels located on Lazy Way Lane in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.
- c. **Exception for Outdoor Merchandise Display - 129 Duval Street (RE# 00000520-000100)** – The FKAA has no objection for an application for Exception for Outdoor Merchandise Display in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.
- d. **Easement – 5203 College Road (RE# 00072082-002300)** – The FKAA has their 20” transmission water main running on the west side of the road same side of the road the easement is being requested on. Minimum clearances must be maintained when working near our water main. Call Sunshine One-Call prior to any work.
- e. **Variance – 530 Grinnell Street (RE# 00007600-000000)** – The FKAA has no objection for a variance request to allow the installation of an air conditioning unit in the side and rear yard setbacks in the Historic High Density Residential (HHDR) zoning district per Section 122-1184 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.
- f. **Intergovernmental Coordination - Monroe County Comprehensive Plan Amendment - Wisteria Island** – The FKAA currently has no utilities serving Wisteria Island. A full set of Architectural and Civil plans will be required to determine if the installation of FKAA utilities would be feasible.

CC: Irma Boveda, Customer Service Manager KW

# **Property Appraiser Information**



**Karl D. Borglum**  
**Property Appraiser**  
**Monroe County, Florida**

office (305) 292-3420  
 fax (305) 292-3501  
 Website tested on Internet  
 Explorer

**GIS Mapping requires Adobe Flash 10.3 or higher.**

## Property Record View

Alternate Key: 9073758 Parcel ID: 00072082-003903

### Ownership Details

**Mailing Address:**

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

### Property Details

**PC Code:** 11 - STORES ONE STORY

**Millage Group:** 12KW

**Affordable Housing:** No

**Section-Township-  
Range:** 06-68-25

**Property Location:** LAZY WAY LN KEY WEST

**Legal Description:** KW PT SQR 11 (HARBORWALK SHOPPES AT LAZY WAY INC LEASE) G42-467/68 OR427-17/18 OR572-126E OR656-645/46 OR1424-992/99(LG)

Show Parcel Map - Must have Adobe Flash Player 10.3 or higher

### Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	1,479.00 SF

### Building Summary

**Number of Buildings:** 1

**Number of Commercial Buildings:** 1

**Total Living Area:** 1219

**Year Built:** 1953

### Building 1 Details

**Building Type**  
**Effective Age** 20

**Condition** A  
**Perimeter** 192

**Quality Grade** 350  
**Depreciation %** 23

**Year Built** 1953  
**Functional Obs** 0

**Special Arch** 0  
**Economic Obs** 0

**Grnd Floor Area** 1,219

**Inclusions:**

**Roof Type**  
**Heat 1**  
**Heat Src 1**

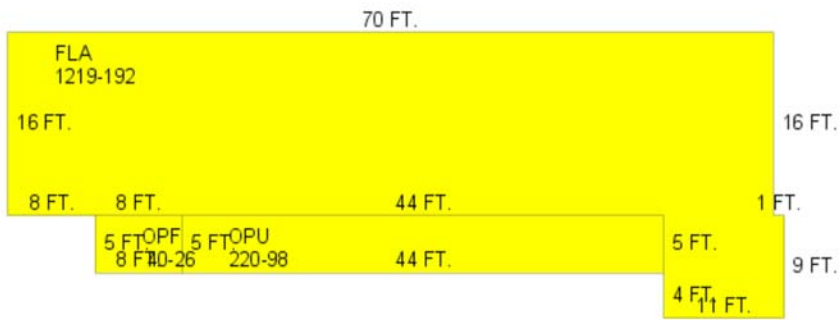
**Roof Cover**  
**Heat 2**  
**Heat Src 2**

**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** 0

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



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					1,219
2	OPF		1	1998					40
3	OPU		1	1992					220

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	16851	1 STY STORE-D	100	N	N

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
5839	MIN WOOD SIDING	43
5840	NO VALUE	57

## Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	TK2:TIKI	16 SF	4	4	1990	1991	1	40
2	AC2:WALL AIR COND	2 UT	0	0	1989	1990	1	20

## Appraiser Notes

6/11/04 IN PREVIOUS YEARS THIS PARCEL WAS ASSESSED UNDER AK 8817584. SPLIT OUT INTO ITS OWN INDIVIDUAL PARCEL FOR THE 2004 TAX ROLL. LG NOTE: SUNNY DAYS OFFICE, JUICE BAR, INN HOUSE FLORIST, TROPICAL CLOTHING & CHAPEL BY THE SEA OFFICE

## Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	09-00003832	12/16/2009		50,000	Commercial	SHED NON-RESIDENTIAL

## 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
2011	68,255	394	240,024	308,673	308,673	0	308,673
2010	68,255	399	242,343	310,997	310,997	0	310,997
2009	68,255	402	346,676	415,333	415,333	0	415,333
2008	70,914	406	273,615	557,357	557,357	0	557,357
2007	48,261	409	273,615	557,357	557,357	0	557,357
2006	49,468	414	214,455	522,894	522,894	0	522,894
2005	51,278	417	207,060	258,755	258,755	0	258,755
2004	51,228	421	147,900	199,549	199,549	0	199,549

## 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.

**Public Notices**  
**(radius map & mailing list)**

# Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., November 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:

**Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit A, A-1, B (RE# 00072082-003903) – A request to allow the display of merchandise sold in-store, for Yours And Mayan, LLC., located on Lazy Way Lane, Unit A, A-1, B in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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

## **YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY**

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

**Exception for Outdoor Merchandise Display - A request to allow the display of merchandise sold in-store, for the following stores located on Lazy Way Lane, in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West:**

<b>Applicant:</b> Donald Kilgore	<b>Project Location:</b> 205 Elizabeth, Unit A, A-1, B / Yours and Mayan, LLC
<b>Applicant:</b> James McElderry/Susan Labate	<b>Project Location:</b> 205 Elizabeth, Unit C / Southernmost Seaglass, LLC
<b>Applicant:</b> Jan Nelson	<b>Project Location:</b> 205 Elizabeth, Unit D / Key West Pretzel Company
<b>Applicant:</b> Alicia Renner	<b>Project Location:</b> 205 Elizabeth, Unit F / AER Photography & Art Gallery
<b>Applicant:</b> Keir Loranger	<b>Project Location:</b> 205 Elizabeth, Unit G / Dragonfly Key West
<b>Applicant:</b> Stephen Greenfield	<b>Project Location:</b> 205 Elizabeth, Unit H / Cpt Quickdry, Inc & Stingray Steve

**Property Owner:** City of Key West    **Date of Hearing:**    Wednesday, November 16, 2011

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

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

**Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Carlene Cowart at [ccowart@keywestcity.com](mailto: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.

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**Exception for Outdoor Merchandise Display - A request to allow the display of merchandise sold in-store, for the following stores located on Lazy Way Lane, in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West:**

<b>Applicant:</b> Donald Kilgore	<b>Project Location:</b> 205 Elizabeth, Unit A, A-1, B / Yours and Mayan, LLC
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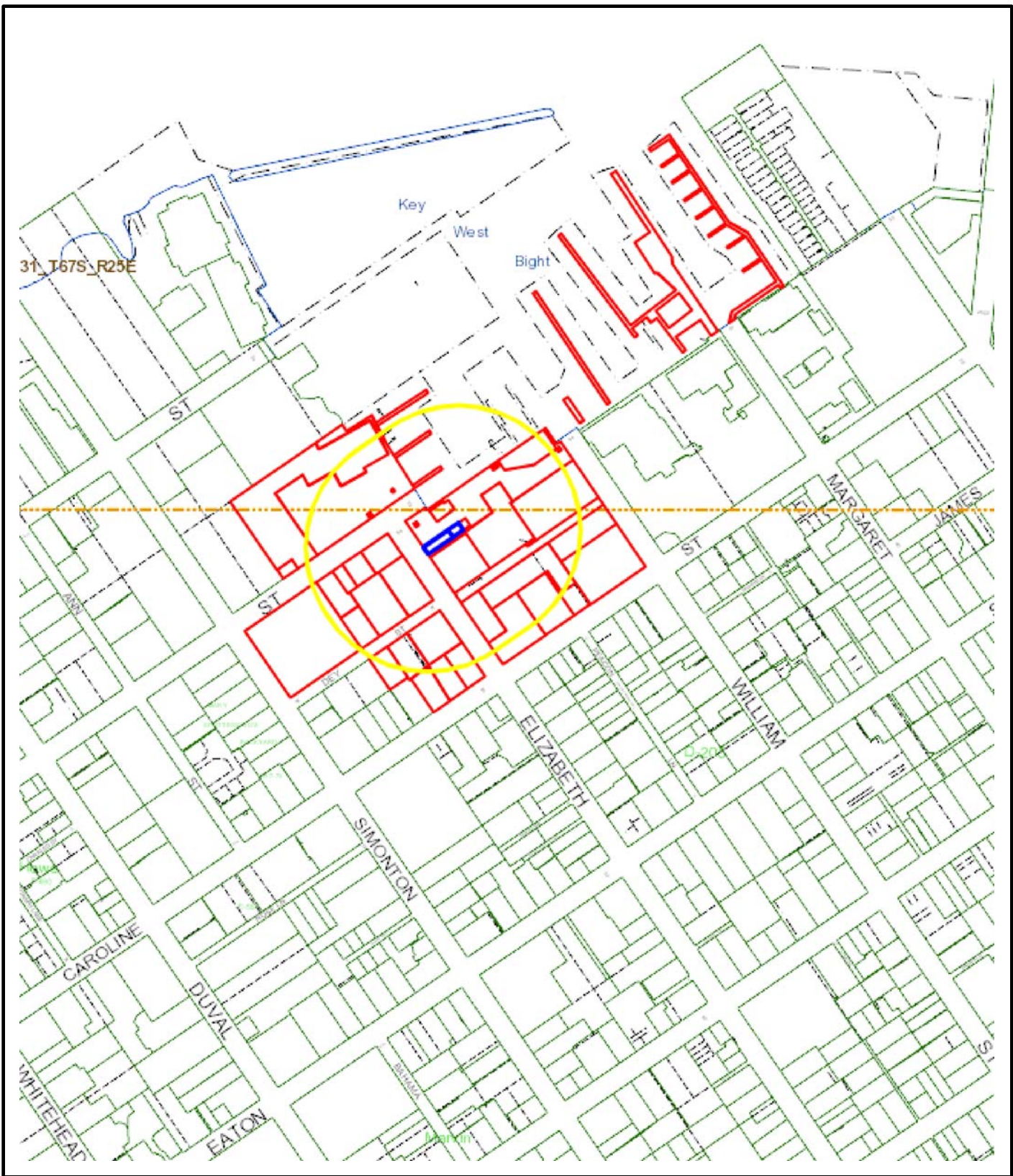
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# Monroe County, Florida

## Lazy Way

Printed: Nov 08, 2011

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.



	NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1	M AND I REGIONAL PROPERTIES LLC	501 E KENNEDY BLVD 9TH FL		TAMPA	FL	33602-5254	
2	HOUSING AUTHORITY OF CITY OF KEY WEST	1400 KENNEDY DR		KEY WEST	FL	33040	
3	NOE SASHA	94 PRINCE ST APT 1		NEW YORK	NY	10012-3993	
4	GALLETTA PROPERTY GROUP LLC	3266 PACETTI RD		SAINT AUGUSTIN	FL	32092-0486	
5	RANDAZZO DOLORES	16423 92ND ST		HOWARD BEACH	NY	11414	
6	GOLD HEIDI B	630 DEY ST		KEY WEST	FL	33040	
7	KEY WEST HAND PRINT FABRICS LTD	201 FRONT ST STE 310		KEY WEST	FL	33040-8346	
8	SKOKO GEORGE JOHN	618 GREENE ST		KEY WEST	FL	33040-6625	
9	616 GREEN STREET LLC	616 GREENE ST		KEY WEST	FL	33040	
10	HURST ANNE HAHN REV TR AG 3/17/2010	2248 LUSTERS GATE RD		BLACKSBURG	VA	24060-9214	
11	CALLEJA JOHN F AND ALICE	1404 PETRONIA ST		KEY WEST	FL	33040	
12	BARRY WILLIAM MCLEAN	618 DEY ST		KEY WEST	FL	33040	
13	HENDRY TIFFANY	32 EAST 39TH ST		NEW YORK	NY	10016	
14	DEFERRARI RONALD H REV TR 8/9/1997	PO BOX 6688		OZONA	FL	34660-6688	
15	200 ELIZABETH STREET LLC	32 EAST 39TH ST		NEW YORK	NY	10016	
16	WELF LEONARDO A	219 ELIZABETH STREET		KEY WEST	FL	33040	
17	DAJULD3 LLC	1340 POTOMAC SCHOOL RD		MCLEAN	VA	22101	
18	MCSWEEN MICHAEL F AND NANCY	1422 HARMONY ST		NEW ORLEANS	LA	70115	



West  
PRETZEL

Public Meeting Notice

WE ARE A  
FAIR  
TRADE  
SHOP

SMILE FOR THE  
CAMERA

