

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



To: Chairman and Planning Board Members

Through: Thaddeus Cohen, Planning Director

From: Melissa Paul-Leto, Planner Analyst

Meeting Date: April 21, 2016

Agenda Item: **Exception for Outdoor Merchandise Display – 540 Greene Street (RE # 00001160-000000; AK # 1001180)** - A request for exception for outdoor merchandise display on property located within the Historic Residential Commercial Core (HRCC-1) Zoning District pursuant to Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

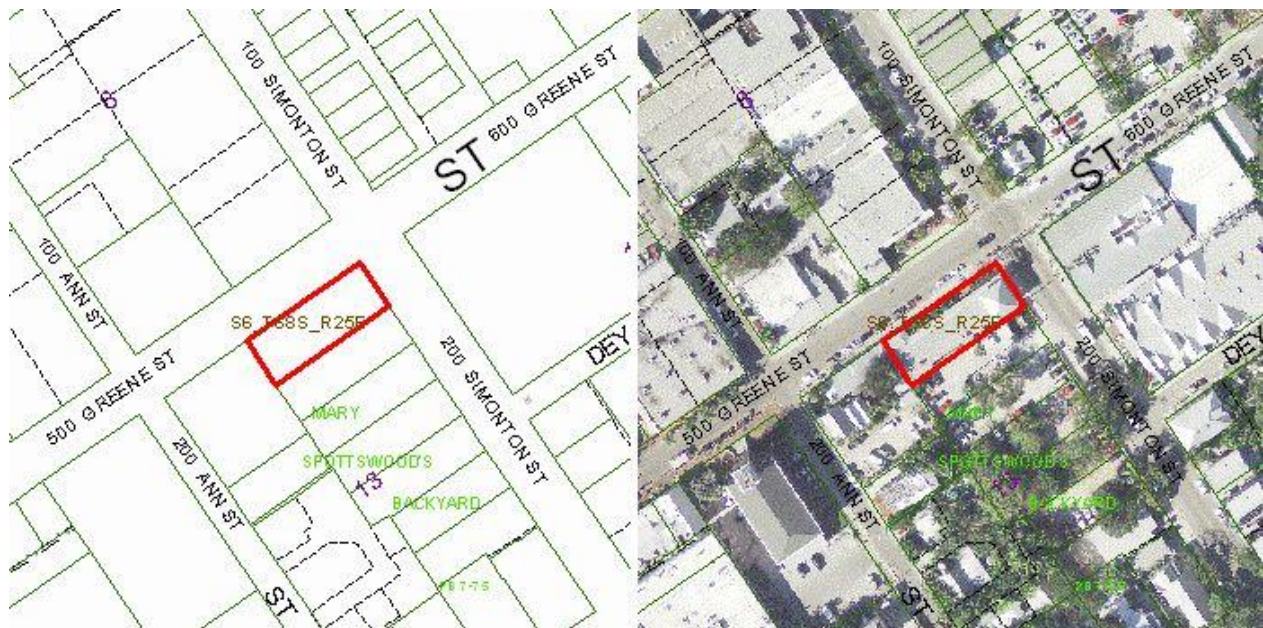
Request: The applicant is requesting an Exception for Outdoor Merchandise Display to allow the display of framed art work and crafts on easels located in the landscaped areas and perimeter of the walkway.

Applicant: Stephen Cusimano

Property Owner: American Federated Title Corp Trustee, Land Trust #540KW

Location: 540 Greene Street (RE # 00001160-000000; AK # 1001180)

Zoning: Historic Residential Commercial Core (HRCC-1)



Background:

The subject property is located on the corner of Front and Greene Streets. The interior space houses a Cigar and Cafe establishment which is a permitted use in the HRCC-1 zoning district. The proposed outdoor commercial retail use is also a permitted use in the HRCC-1 Zoning District. The applicant is seeking to display framed artwork and crafts on easels located in the designated landscaped areas and the perimeter brick walkway next to the front entrance of the building, for the maximum allowed timeframe (sixty months).

Process:

Planning Board Meeting:

April 21, 2016

Local Appeal Period:

10 days

DEO Review Period:

up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

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. Granting or denying on a case-by-case basis a proposed Exception 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 not located in an interior courtyard its proposed location is within the landscaped areas and the perimeter of the building walkway. The applicant is requesting to display and sell art and crafts from several easels in this location.

- 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. The Exception is proposed in the HRCC-1 zoning district. Pursuant to Section 122-686 of the City Code, the Duval Street Gulfside District incorporates the city's tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with live entertainment; and transient residential accommodations.

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

The proposed display of merchandise would be confined to the three landscaped areas and the perimeter brick walkway area. The location of the proposed

Exception would be visible from the public right-of-way; however, it is not located in the public right-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.***

The structure is not historical. According to the property appraisers, it was built in 1973. It is not contributing.

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

The location of the landscaped areas and perimeter walkway where the arts and crafts is proposed to be displayed is minimally setback from the street. The Exception will be visible from public areas and 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 as long as ingress and egress are maintained.

(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.*

Exceptions for Outdoor Merchandise Display do not run with the land, but instead, have very specific terms of expiration established upon approval by the Planning Board. The applicant has requested an Exception for Outdoor Merchandise Display for the maximum amount of time allowed under the Code for Exceptions to Outdoor Merchandise Display, or for sixty (60) consecutive months. It is important to note that 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.

(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 this Exception.*

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.

- (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.*

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for Exception to the Outdoor Merchandise Display at 540 Greene Street (RE # 00001160-000000; AK # 1001180) be **approved** per the proposed plan with the following conditions:

General Condition:

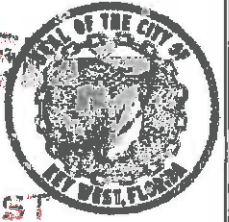
1. The Exception is specific to the current tenant, Stephen Cusimano, Green Street Cigar & Café LLC, and granted for 60 months.
2. The Exception is limited to the three landscaped areas and perimeter brick walkway area as shown on the proposed sketch, and will not be placed in the city right-of-way.
3. The Exception is limited to retail Arts and Crafts sales.
4. Seating and furniture are not outdoor displays and shall not be counted as such. Display items can be rotated but cannot be increased.
5. The Exception will provide clear access for ADA and fire accessibility.

Draft Resolution

Application

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

RECEIVED
FEB 01 2016



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 Stephen Cusumano
Address of Proposed Display 540 Greene Street
RE# of Property _____
Business Name Greene Street Pigar & Cafe.
Business Address 540 Greene Street KW
Applicant's Mailing Address 540 Greene Street KW
Telephone 305-797-5029 Email CUSUMANO@WESTKEYWEST.NET
Name of Property Owner 540 Greene St. LLC
Mailing Address 540 Greene Street Key West
Telephone 954-989-2200 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.
artwork - Framed & Matted
artwork

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

art Displays - Framing artwork
arts & crafts - entertainment music

How far is the display from the street? 18-20
How far is the display from the sidewalk? 5 FT
Length of time exception will be needed (no more than 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 _____

Date 1/25/2015

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



Sec. 106-51. - Prohibited.

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

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

Sec. 106-52. - Exceptions.

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

(1) Factors favoring the exception are as follows:

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

(2) Factors disfavoring the exception are as follows:

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

(3) Exceptions to section 106-51 granted by the Planning Board shall be for a term of no more than 60 consecutive months and may be granted subject to terms and conditions

Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
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specified by the board in order to protect the architectural heritage and visual character of the district. Applications for exceptions shall be accompanied by a nonrefundable fee of \$100.00 to cover the costs to the city of processing the application and investigating the applicant.

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

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

Verification

1

City of Key West
Planning Department



Verification Form
(Where Authorized Representative is an individual)

I, STEPHEN CUSUMANO, 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:

540 GREENE STREET
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 12/15/2015 by
date

STEPHEN CUSUMANO
Name of Authorized Representative

He/She (s personally known to me) or has presented _____ as identification.

[Signature]
Notary's Signature and Seal

Ariana Corsi
Name of Acknowledger typed, printed or stamped



FF 147569
Commission Number, if any

Authorization

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

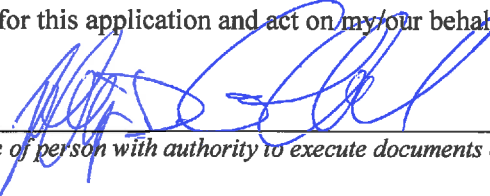
Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Jeffrey D. Cornfeld as
Please Print Name of person with authority to execute documents on behalf of entity

Manager of 540 Greene Street, LC
Name of office (President, Managing Member) Name of owner from deed

authorize Stephen Cusimano
Please Print Name of Representative

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


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

Subscribed and sworn to (or affirmed) before me on this April 4, 2016 by
date

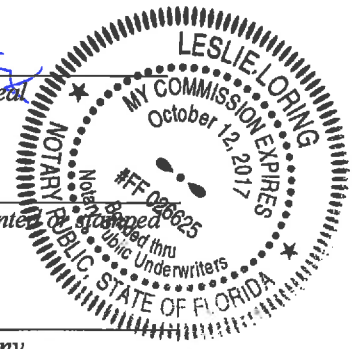
Jeffrey D. Cornfeld
Name of Authorized Representative

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


Notary's Signature and Seal

Name of Acknowledger typed, printed

Commission Number, if any



This Authorization Form shall be used solely for the purpose of submitting an "Application for Exception for Outdoor Merchandise Display" for the display and sale of artwork in front of 540 Greene Street, Units 3 & 4.

SHOPPING CENTER LEASE

BETWEEN

**540 GREENE STREET, LLC
("LANDLORD")**

AND

**GREENE STREET CIGAR & CAFE, LLC
("TENANT")**

**LEASE COMMENCEMENT DATE
October 1, 2015**

SHOPPING CENTER LEASE

This lease ("Lease"), dated as of September _____ 2015 ("Effective Date"), by and between 540 GREENE STREET, LLC ("Landlord") and GREENE STREET CIGAR & CAFE, LLC ("Tenant");

WITNESSETH:

WHEREAS, Landlord and Tenant wish to enter into this Lease on the terms and conditions herein set forth;

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and agreements contained in this Lease, Landlord and Tenant hereby agree as follows:

Tenant hereby leases the Premises (as hereinafter defined) from Landlord and Landlord hereby leases the Premises to Tenant upon, and subject to, the terms and conditions set forth in this Lease.

1. Basic Lease Provisions and Definitions.

The following terms, among others, are used as defined terms.

- (A) **Shopping Center Name:** 540 GREENE STREET
The property owned or controlled by Landlord as shown on Exhibit "A" that is located in Monroe County. See Article 2(D).

- (B) **Premises:** Address of 540 Greene Street, Units #3 & #4, Key West, FL 33040 and identified on Exhibit "A" – Site Plan.

- (C) **Floor Area:** The Premises consists of approximately 2,244 square feet of rentable area. However, due to the 2 story configuration of the Premises, the Floor Area used to calculate Tenant's Fraction of common area expenses shall be 1,803. This Floor Area figure is subject to change at Landlord's reasonable discretion in order to fairly allocate common area and NNN expenses among all tenants of the Shopping Center.

- (D) **Lease Commencement Date:** The Lease Commencement Date shall be October 1, 2015. (See Article 2).

- (E) **Rent Commencement Date:** Shall be the Lease Commencement Date (see Article 2).

- (F) **Lease Term:** Commencing on the Lease Commencement Date and ending at 12 noon on the Expiration Date (see Article 2).

- (G) **Expiration Date:** September 30, 2022 (see Article 2).

- (G-1) **Additional Terms:** One 7-Year Option to renew at Market

Rent as more fully described in Article 36.

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(H) Base Rent Schedule – Original Term (see Article 3):

<u>Lease Year</u>	<u>Annual Base Rent(*)</u>	<u>Monthly Base Rent(*)</u>
One	\$86,544.00	\$7,212.00
Two	\$89,140.32	\$7,428.36
Three	\$91,814.53	\$7,651.21
Four	\$94,568.97	\$7,880.75
Five	\$97,406.07	\$8,117.17
Six	\$100,328.25	\$8,360.69
Seven	\$103,338.10	\$8,611.51

(*) It is the intent of this Lease that the Base Rent shall rise each Lease Year by the greater of: (i) 3.0%; or (ii) The Consumer Price Index as published by the US Government ("CPI"). The above figures represent a 3.0% annual increase to the Base Rent. Should the CPI rise above 3.0% for any given Lease Year, then the Base Rent figure shown above shall rise by the CPI instead of the 3.0% as shown, and in such event, all subsequent years rent shall adjust accordingly.

(H-1) Base Rent Schedule – Additional Term (see Article 3 and Article 36):

<u>Lease Year</u>	<u>Annual Base Rent</u>	<u>Monthly Base Rent</u>
8-14	Market Rent*	Market Rent*

*(See Article 36 for Market Rent determination)

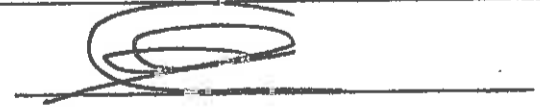
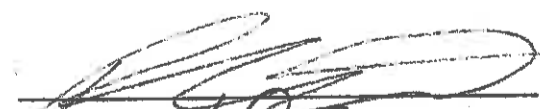

- =====
(I) Tax Rent: Initial estimate of \$4.11 per square foot per year (\$617.86/month) in the first Lease Year (see Article 5(B)).
- (J) Tenant's Contribution to Landlord's Operating Costs:** Initial estimate of \$8.55 per square foot per year (\$1,285.13/month), in the first Lease Year (see Article 8(D)).
- (K) Insurance Rent:** Included in Tenant's Contribution to Landlord's Operating Costs (see Article 8(G)).
- (L) Intentionally Deleted** Deleted.
- (M) Permitted Use:** The Premises shall be used as an upscale Wine, Coffee and Cigar Bar and shall remain compatible with the other tenants' uses in the building, and for no other purpose (see Article 9(A)). As ancillary services, Tenant may sell: (i) snack related food items which do not compete with other businesses in the Shopping Center, provided that all specific food items being

sold must be approved in writing by Landlord; (II) clothing that is branded with Tenant's trade name; (III) smoking accessories typically found in a high-end cigar shop; all subject to the provisions of Article 9

- (N) Marketing Fund: None.
- (O) Security Deposit: \$9,798.61 (see Article 6).
- (O-1) Advance Rent: None
- (P) Landlord's Notice Address: 540 Greene Street, LLC
c/o The Cornfeld Group
3850 Hollywood Blvd
Suite 400
Hollywood, Florida 33021
- (P-1) Landlord's Payment Address: 540 Greene Street, LLC
c/o The Cornfeld Group
3850 Hollywood Boulevard, Suite 400
Hollywood, FL 33021
- (Q) Tenant's Notice Address: 540 Greene Street, Unit #3
Key West, FL 33040
- (R) Broker(s): There are no cooperating brokers.
- (S) Major Tenant(s): N/A

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ADDITIONAL INFORMATION

Tenant's Telephone No.:	(305) 797-5029 cell phone
Tenant's Email:	Stephen <cusimanoconst@comcast.net>
Tenant's Trade Name:	Greene Street Cigar & Cafe
Tenant's Contact Person:	Stephen Cusimano
Guarantor(s): The individuals signing at right personally guarantee the terms, conditions and obligations of the Tenant under this lease.	Stephen R. Cusimano 
	Patrick S. Cusimano 
	Sandra Cusimano 

=====

The following riders and exhibit(s) are hereby incorporated into this Lease and made a part of this Lease for all purposes:

Riders:

Rider "A" – General Lease Provisions (set forth in Articles 2 through 32).

Rider "B" – Specific Lease Provisions (beginning with Article 33).

Exhibit "A" – Site Plan

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IN WITNESS WHEREOF, the parties hereto have executed this Lease under their respective hands and seals as of the day and year first above written.

:WITNESSES TO LANDLORD

LANDLORD:

540 GREENE STREET, LLC,

a Florida limited liability company

By: Universal Realty Management


Its: Manager

By: _____

Name: Jeffrey D. Cornfeld, Authorized Agent

Date: _____

WITNESSES TO TENANT:



TENANT:

GREENE STREET CIGAR & CAFE, LLC

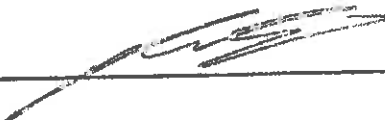
A Florida limited liability company

By: _____

Name: Stephen R. Cusimano

Title: Manager

Date: _____



Ryan Langer

By: _____

Name: Patrick S. Cusimano

Title: Authorized Member

Date: _____

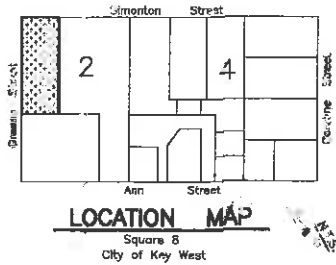
By: _____

Name: Sandra Cusimano

Title: Authorized Member

Date: _____

Survey



SURVEYOR'S NOTES:

North arrow based on Plat
 Reference Bearing: R/W Simonton Street
 S.A. denotes existing elevation
 Elevations based on N.G.V.D. 1929 datum
 Bench Mark No.: Basis: Elevation: 14.327'
 All angles are 90°00'00" unless otherwise
 described.
 Field Work performed on: 7/27/15

MONUMENTATION:

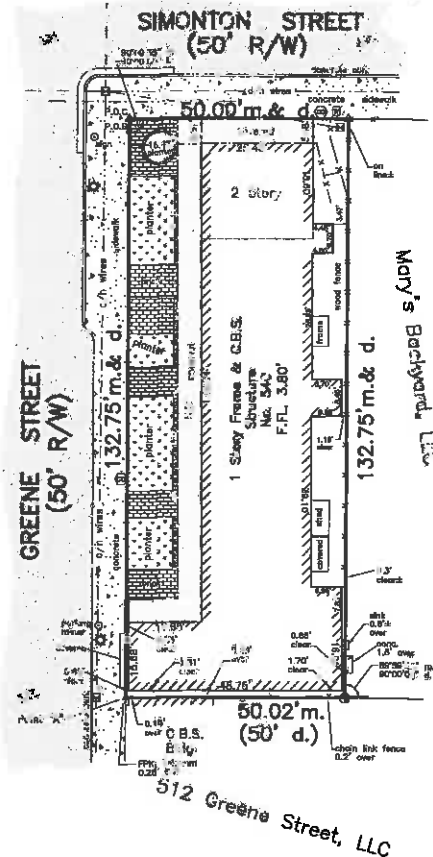
- ▲ = Found P.K. Nail
- = Set 3/4" P.K. Nail, P.L.S. No. 2749
- = Set 1/2" I.B., P.L.S. No. 2749
- = Found 1/2" iron pipe/bar

LEGEND

A/C	Air Conditioner	LB	Leased Business
BAL	Battery	LI	Leased Industrial
BM	Bench Mark	M	Mansard
CB	Catch Basin	N.T.S.	Not To Scale
CL	Center Line	OR	Original Records
CO	Clean Out	OH	Over Head
CONC	Concrete	P	Pipe
CONC	Concrete Block Stucco	P.B.	Post Box
CUB	Concrete Utility Pole	P.B.E.	Point of Beginning
COV	Covered	P.C.	Point of Commencement
COV	Covered	R.C.	Right of Way
DE	Dead	R.C.B.	Rail Road Bar
ELEV	Elevation	SP	Sanitary Pipe
F.F.E.	Finished Floor Elevation	SPK	Set Nail And Disc
FD	Found Iron Bar	STY	Sty
FN	Found Nail & Disc	UP	Upper File
IN	Invert	WM	Water Meter
IR	Irregular	WV	Water Valve

SYMBOLS

■	Concrete Utility Pole	○	Street Light
■	Fire Hydrant	○	Sanitary Utility Pole
■	Sanitary Sewer Clean Out	○	Water Meter



LEGAL DESCRIPTION:

On the island of Key West, Monroe County, Florida and is a part of Lots 2 and 3, Square 13, according to William A. Hildebrand's Map of said Island delineated in February 1828 and is more particularly described as follows:
 Begin at the intersection of the Southeastern Line of Greene Street and the Southwesterly Line of Simonton Street; thence Southwesterly along the Southwesterly line of Greene Street a distance of 132.75 feet (132 feet, 9 inches) to a point hereinafter referred to as Point A; thence Southwesterly and at right angles a distance of 50 feet to a point; thence Southwesterly and at right angles a distance of 132.75 feet (132 feet, 9 inches) to a point in the Southwesterly line of Simonton Street; thence Northwestward along the Southwesterly Line of Simonton Street a distance of 50 feet back to the Point of Beginning.

To: Richard M. Kramick, PA, Old Republic National Title Insurance Company, First State Bank of the Florida Keys, its successors and/or assigns, as their interest may appear and The Cornfield Group, I hereby certify, as of August 8th, 2015, that the survey prepared by me entitled "The Cornfield Group" was actually made upon the ground and that it and the information, courses and distances shown thereon are correct; that the title lines and lines of actual possession are the same; that the size, location and type of buildings and improvements are as shown and all are within the boundary lines of the property; that there are no violations of zoning ordinances, noted; that there are no easements, encroachments or uses affecting this property appearing from careful physical inspection of the same, other than those shown and depicted hereon, and that all utility services required for the operation of the Property enter the Property through adjoining public streets. This survey is made in accordance with the "Minimum Standard Detail Requirements for Land Title Surveys" jointly established and adopted by ALTA and ACSM including items 1-5, 6a, 7a-e, 8, 9, 10a, 11b, 12-19, 20a, 20b and 21 of Table A thereof, and it meets the minimum requirements for land surveys made for this purpose in Florida, as developed and adopted by F.S.P.L.S. and F.L.T.A. The field work was completed on July 27th, 2015.

Table A, ALTA

1. See survey, all property corners have been set or found
2. Address is 512 Greene Street
3. Flood map 12057, Panel 1516 K, eff. date of 2/18/65
 Flood zone AE, Elevation 6'
4. Gross Area: 6,637.5 sq. ft.
5. Grades shown on survey, Building Finish Floor at 3.60 (N.V.D.G. 1928)
6. Zoning, HRCG-1 (Historic Commercial Core, Local 05)
 Setbacks: Front . . . 5'
 Back 5'
 Side (street) 7.5'
 Side 5'
 Rear 10'
 Height 35'
 Max. floor area . . . 1
- 7a. Exterior dimensions, at ground level, see survey
- 7b. Square footage of bldg. Ground level . . . 3533 sq. ft./pl 4,240 sq. ft.
- 7c. Bldg. height 20 feet above finish floor
8. See survey for all improvements
9. No on site parking
- 10a. No party walls
- 11b. see survey for all utilities
12. None
13. see survey
14. see survey, Greene Street (Public Right-of-Way, 50 feet wide & Simonton Street (Public Right-of-Way, 50 feet wide), both streets abutting property.
15. Only improvements shown ground located.
16. No earth retaining walls, or building construction
17. No known proposed right-of-way changes
18. No evidence of solid waste dump or sanitary land fill
19. No wetlands
- 20a. Adjoining encroachment, easement, shown on survey
- 20b. See survey
21. Insurance cash claim: \$1,000,000.00, aggregate \$2,000,000.00

CERTIFICATION:
 I, FREDERICK H. HILDEBRANDT, do hereby certify that the attached Boundary Survey 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 5J-17, F.S.; Sketch, 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. 38810
 State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

9/16/15 Street planter
 8/27/15. Remove encroachment language

The Cornfield Group 800 Greene Street, Key West, Florida 33040			
BOUNDARY / ALTA SURVEY		Dwg. No. 15-374	
Scale 1" = 20'	Rev. 2/15-1	Flood Zone 12	File By ENA
Date: 7/23/00	Rev.	Flood Zone 12	File Rev. 6'
REVISIONS AND/OR ADDITIONS			
7/12/15	Updated, cert.		
11/11/15	Updated, owner, cert.		
7/23/15	Updated, brick covered area front, fence, owner, cert.		
8/11/15	Type, cane.		
File: \Drawings\KeyWest\block3\546.dwg			

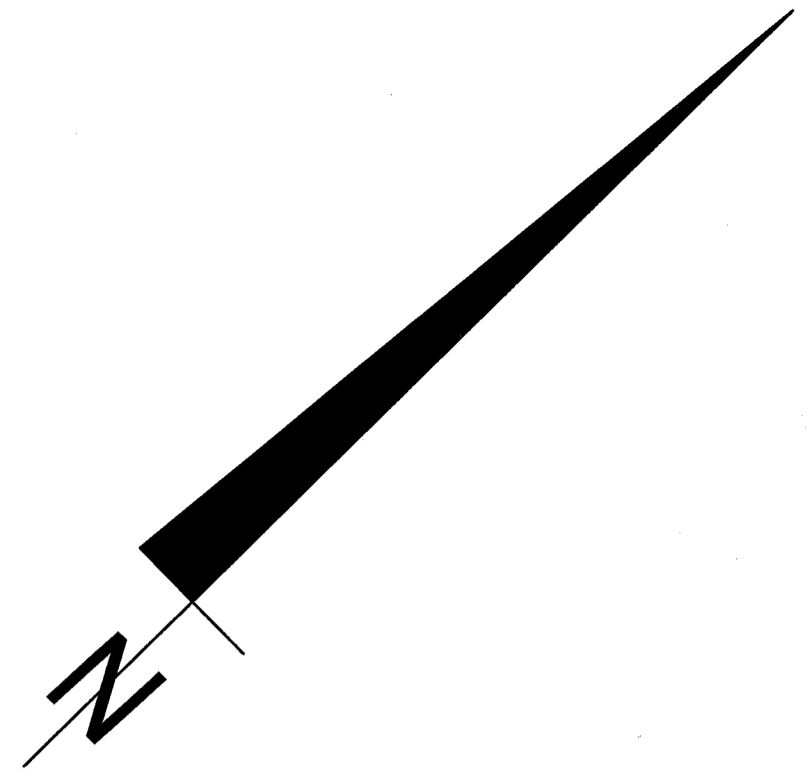
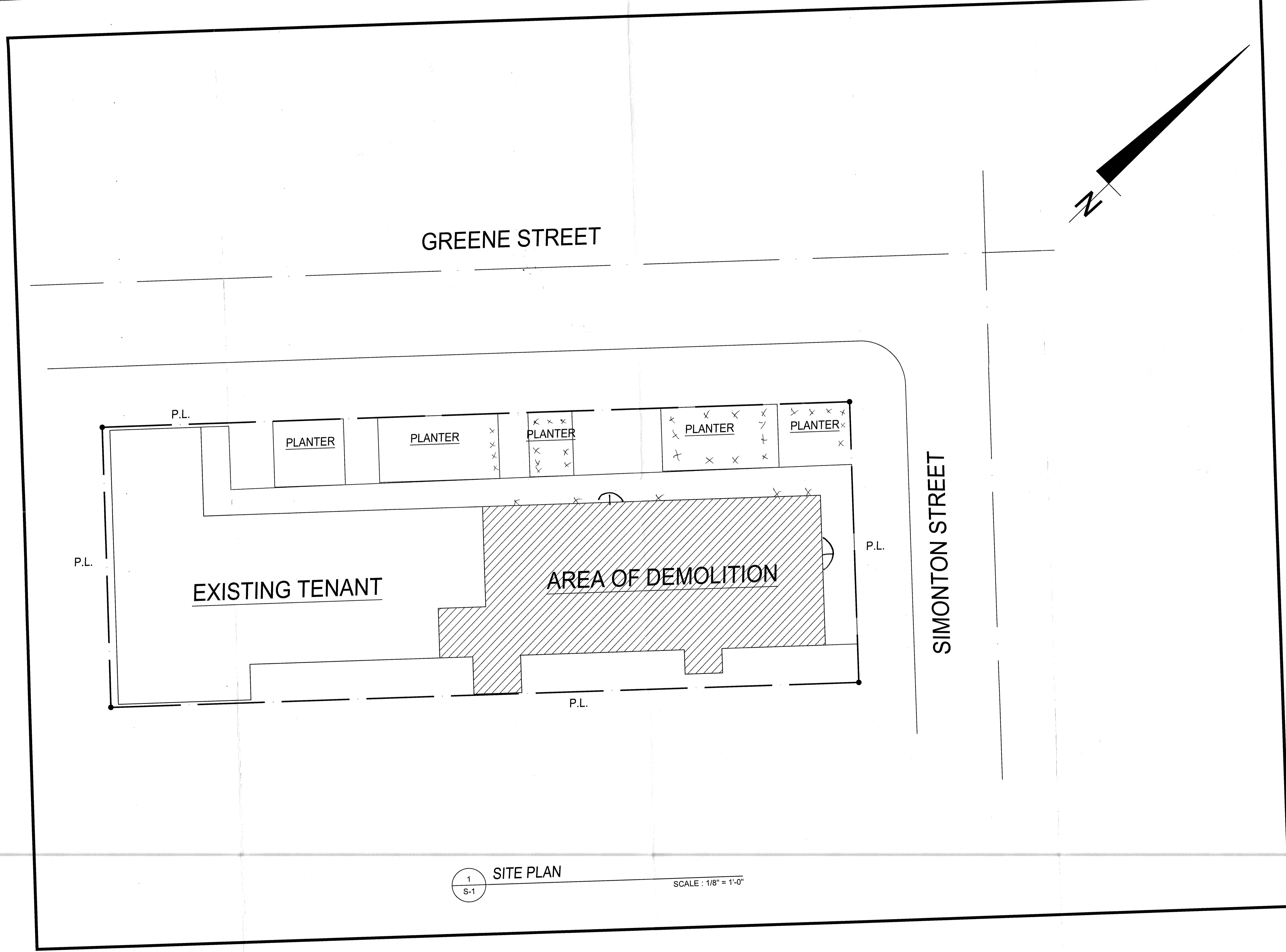
ENGINEERS PLANNERS SURVEYORS

3152 Northside Drive
 Suite 201
 Key West, FL 33040

(305) 233-0460
 Fax: (305) 233-0237
 fhl@islandsurveying.net
 I.B. No. 7700

Site Plans

ENTRANCE DESIGNATION - R



GREENE STREET

SIMONTON STREET

P.L.

PLANTER

PLANTER

PLANTER

PLANTER

PLANTER

P.L.

EXISTING TENANT

AREA OF DEMOLITION

P.L.

P.L.

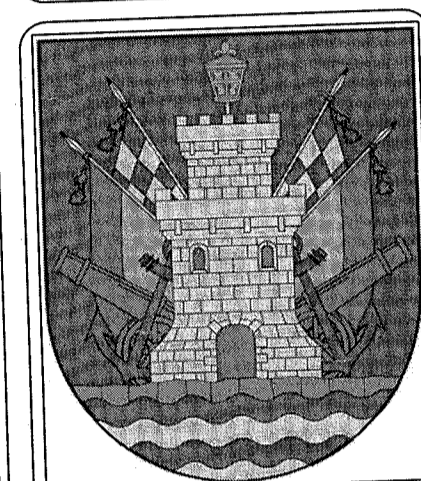
1
S-1

SITE PLAN

SCALE : 1/8" = 1'-0"

ENGINEER OF RECORD
SEAL
LIC. PE
NO. LIC. PE 60951

Agile Engineering, Inc
John S. Vira, PE
Lic. PE 60951
3779 Safflower Terr.
Oviedo, FL 32766
321.327.9900
CIVIL
MECHANICAL
ELECTRICAL
PLUMBING
C.A. 26392



ALBERT BANGS FERRO
ARCHITECT-DESIGNER III
MEMBER, FLORIDA ARCHITECTS ASSOCIATION
MEMBER, FLORIDA STATE BOARD OF ARCHITECTS
MEMBER, FLORIDA STATE BOARD OF PROFESSIONAL ENGINEERS

INTERIOR REMODELING FOR:
Greene Street Cigar & Cafe, LLC.
540 GREENE STREET, KEY WEST, FL.

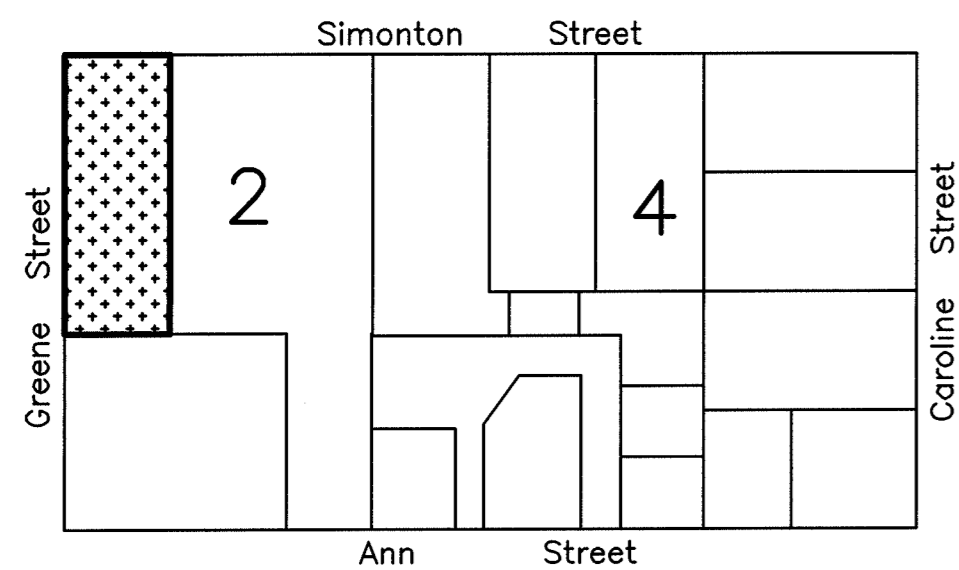
REVISIONS	
Mark	Date & Description

Sheet Title
SITE PLAN

Job Number: 07-1524
Date: 07-20-15
Drawn: ABF
Checked: J.S.

Sheet No.
S-1
of
6

This is site sketch (only)



LOCATION MAP
Square 8
City of Key West

SURVEYOR'S NOTES:

North arrow based on Plat
Reference Bearing: R/W Simonton Street
3.4 denotes existing elevation
Elevations based on N.G.V.D. 1929 Datum
Bench Mark No.: Basic Elevation: 14.327'
All angles are 90°00'00" unless otherwise described.
Field Work performed on: 7/27/15

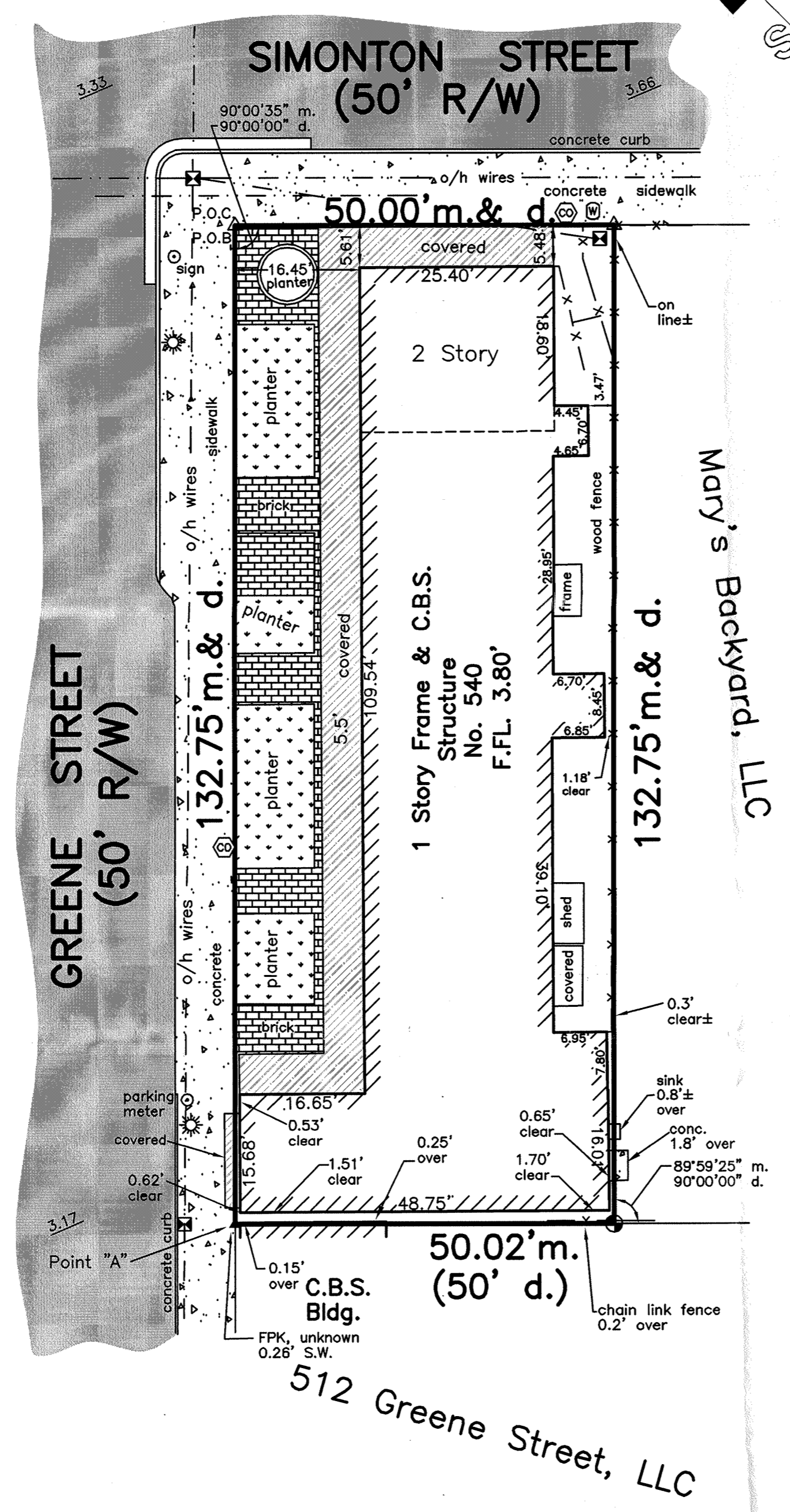
MONUMENTATION:

- ▲ = Found P.K. Nail
- △ = Set P.K. Nail, P.L.S. No. 2749
- ⊕ = Fd. 1/2" I.B., P.L.S. No. 2749
- = Found 1/2" iron pipe/bar

LEGEND

A/C	Air Conditioner	LB	Licensed Business Number
BAL	Balcony	M	Measured
BM	Bench Mark	N.T.S.	Not To Scale
CB	Catch Basin	O.R.	Official Records
CL	Center Line	OH	Over Head
CO	Clean Out	P	Plat
CONC	Concrete	PB	Plat Book
C.B.S.	Concrete Block Stucco	P.O.B.	Point Of Beginning
CUP	Concrete Utility Pole	P.O.C.	Point Of Commence
COV'D	Covered	R/W	Right Of Way
D	Deed	SIB	Set Iron Bar
ELEV	Elevation	SIP	Set Iron Pipe
F.F.L.	Finished Floor Elevation	SPK	Set Nail And Dis
FD	Found	STY	Story
FIB	Found Iron Bar	UP	Utility Pole
FPK	Found Nail & Disc	WM	Water Meter
INV	Invert	WV	Water Valve
IRR	Irregular		

⊕	Concrete Utility Pole	☼	Street Light
⊕	Fire Hydrant	☼	Wood Utility Pole
⊕	Sanitary Sewer Clean Out	⊕	Water Meter



LEGAL DESCRIPTION:

On the Island of Key West, Monroe County, Florida and is a part of Lots 2 and 3, Square 13, according to William A. Whitehead's Map of said Island delineated in February 1829 and is more particularly described as follows:
Begin at the intersection of the Southeasterly Line of Greene Street and the Southwesterly Line of Simonton Street; thence Southwesterly along the Southeasterly line of Greene Street a distance of 132.75 feet (132 feet, 9 inches) to a point hereinafter referred to as Point A; thence Southeasterly and at right angles a distance of 50 feet to a point; thence Northeasterly and at right angles a distance of 132.75 feet (132 feet, 9 inches) to a point in the Southwesterly line of Simonton Street; thence Northwesterly along the Southwesterly Line of Simonton Street a distance of 50 feet back to the Point of Beginning.

To; Richard M. Klitenick, PA, Old Republic National Title Insurance Company, First State Bank of the Florida Keys, its successors and/or assigns, as their interest may appear and The Cornfeld Group, I hereby certify, as of August 9th, 2015, that the survey prepared by me entitled "The Cornfeld Group" was actually made upon the ground and that it and the information, courses and distances shown thereof are correct; that the title lines and lines of actual possession are the same; that the size, location and type of buildings and improvements are as shown and all are within the boundary lines of the property; that there are no violations of zoning ordinances, noted; that there are no easements, encroachments or uses affecting this property appearing from careful physical inspection of the same, other than those shown and depicted hereon; and that all utility services required for the operation of the Property enter the Property through adjoining public streets. This survey is made in accordance with the "Minimum Standard Detail Requirements for Land Title Surveys" jointly established and adopted by ALTA and ACSM including items 1-5, 6b, 7a-c, 8, 9, 10a, 11b, 12-19, 20a, 20b and 21 of Table A thereof, and it meets the minimum requirements for land surveys made for title purposes in Florida, as developed and adopted by F.S.P.L.S. and F.L.T.A.. The field work was completed on July 27th, 2015.

Table A, ALTA

1. See survey, all property corners have been set or found
2. Address is 540 Greene Street
3. Flood map 12087, Panel 1516 K, eff. date of 2/18/05
Flood zone 'AE, Elevation 6'
4. Gross Area: 6,637.5 s.f.
5. Grades shown on survey, Building Finish Floor at 3.80 (N.V.D.G. 1929)
- 6b. Zoning, HRCC-1 (Historic Commercial Core, Duval GS)
Setbacks: Front . . . 5'
Back 5'
Side (street) 7.5'
Side 5'
Rear 10'
Height 35'
Max. floor area . . 1
- 7a. Exterior dimensions, at ground level, see survey
- 7b. Square footage of bldg. Ground level . . . 3683 s.f. (total 4,240 s.f.)
- 7c. Bldg. height 28 feet above finish floor
8. See survey for all improvements
9. No on site parking
- 10a. No party walls
- 11b. see survey for all utilities
12. None
13. see survey
14. see survey, Greene Street (Public Right-of-Way, 50 feet wide & Simonton Street (Public Right-of-Way, 50 feet wide), both streets abutting property.
15. Only improvements above ground located.
16. No earth moving work, or building construction
17. No known proposed right-of-way changes
18. No evidence of solid waste dump or sanitary land fill
19. No wetlands
- 20a. Adjoining encroachment, easement, shown on survey
- 20b. See survey
21. Insurance each claim \$1,000,000.00, aggregate \$2,000,000.00

9/10/15: Correct planter
8/25/15: Remove encroachment language

The Cornfeld Group			
540 Greene Street, Key West, Florida 33040			
BOUNDARY / ALTA SURVEY			Dwg. No. 15-374
Scale 1" = 20'	Ref. 219-1	Flood Panel No. 1516 K	Dwn. By F.H.H.
Date: 7/13/00	File	Flood Zone AE	Flood Elev. 6'
REVISIONS AND/OR ADDITIONS			
9/12/00: Updated, cert.			
11/11/02: Updated, owner, cert.			
7/28/15: Updated, brick&covered area front, fence rear, owner, certs.			
8/11/15: Typo, conc.			
fred\drawings\keywest\block13\540green			

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

CERTIFICATION:
I HEREBY CERTIFY that the attached **Boundary Survey** 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 5J-17 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

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

Site Photos



3

540

SHAW'S BOUTIQUE

NOW OPEN

NOW OPEN

CLOSED





Property Appraiser Information



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

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

Property Record Card -

Maps are now launching the new map application version.

Website tested on IE8,
IE9, & Firefox.
Requires Adobe Flash
10.3 or higher

Alternate Key: 1001180 Parcel ID: 00001160-000000

Ownership Details

Mailing Address:
LAND TRUST #540KW
C/O AMERICAN FEDERATED TITLE CORP TRUSTEE
3850 HOLLYWOOD BLVD STE 400
HOLLYWOOD, FL 33021-6746

Property Details

PC Code: 16 - COMMUNITY SHOPPING CENTERS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 540 GREENE ST KEY WEST
Legal Description: KW PT LOTS 2 AND 3 SQR 13 G66-204 G66-207 OR613-46 OR833-1202/03 OR1493-1025/26R/S OR1655-1236/36A OR1743-50/52 OR1844-1390/92 OR2149-529/30 OR2758-660/61

[Click Map Image to open interactive viewer](#)



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	50	133	6,638.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1

Total Living Area: 4189
 Year Built: 1973

Building 1 Details

Building Type
 Effective Age 13
 Year Built 1973
 Functional Obs 0

Condition G
 Perimeter 586
 Special Arch 0
 Economic Obs 0

Quality Grade 400
 Depreciation % 15
 Grnd Floor Area 4,189

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 3
 3 Fix Bath 1
 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 3
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	FLA		1	1986					1,302
0	FLA		1	1986					784
0	FLA		1	2004					550
0	OPX		1	2004					608
0	PTO		1	2004					231
1	FLA		1	1986					1,553

2	SBF	1	2004	35
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Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		1 STY STORE-A	100	Y	Y
		RESTRNT/CAFETR-B-	100	Y	Y
		OFF BLDG 1 STY-A	100	Y	Y
	426	1 STY STORE-A	100	Y	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
	CUSTOM	13
146	C.B.S.	87

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT2:BRICK PATIO	473 SF	43	11	2004	2005	4	50
2	PT2:BRICK PATIO	46 SF	23	2	2004	2005	2	50

Appraiser Notes

HURRICANE DAMAGE
2003-09-12-GUTTED WMC PETITION KW 008-1997 01/10/2004 - FLA1= KEY WEST ALOE; FLA2=VACANT; FLA3=BELLA VISTA GROUP; FLA4=OFFICE & BREAK ROOM FOR KW ALOE

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
08-1324	04/30/2008		2,350	Commercial	DEMO EXISTING CEILING
08-1323	04/30/2008		4,000	Commercial	DEMO INTERIOR WALL AT MEETING ROOM
12-4460	12/14/2012		0	Commercial	CHANGE FROM TAKE OUT ONLY TO 4 SEAT RESTAURANT.
13-0264	02/22/2013		1,050	Commercial	INSTALL AWNING TO FRONT OF UNIT 1 ATTACHED TO CONCRETE WALL OVER ENTRANCE
08-4094	11/04/2008		5,000	Commercial	REMOVE WINDOW AND REPALCE WITH SET OF DOUBLE FRENCH DOORS.
08-4317	11/21/2008		10,000	Commercial	INSTALL 20KW GENERATOR.
13 B942188	07/01/1994	12/01/1994	1,000	Commercial	REPLACE VINYL FLOORING
1 B942423	07/01/1994	12/01/1994	1,000	Commercial	REPAIRS
2 A950022	01/01/1995	11/01/1995	5,000	Commercial	10 SQ. ROOFING
3 A952658	08/01/1995	11/01/1995	200	Commercial	SIGN
4 9603070	07/01/1996	11/01/1996	200	Commercial	SIGN
5 9700905	03/01/1997	07/01/1997	1,000	Commercial	OPEN DOOR IN CENTER BLDG
6 0002211	08/07/2000	11/08/2000	5,000	Commercial	WOOD REPAIRS

7	0000797	03/28/2000	11/08/2000	3,000	Commercial	PAINTING EXTERIOR
8	0000066	01/07/2000	11/08/2000	1,400	Commercial	REPLACE 5 TON AC
9	03-2770	08/20/2003	09/12/2003	15,000	Commercial	DEMO
10	03-2988	11/18/2003	07/06/2004	348,350	Commercial	RENOVATIONS, ADDITION & PAVERS
11	04-2102	07/29/2004	11/15/2004	17,780	Commercial	PLUMBING, PAVERS & PICKET FENCE
12	04-1063	04/06/2004	07/06/2004	1,050	Commercial	SIGN
14	06-0195	01/15/2006		16,000	Commercial	HURRICANE DAMAGE CHANGE OUT WATER DAMAGED FLOOR

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
2015	635,010	4,675	888,111	1,527,796	1,527,796	0	1,527,796
2014	649,951	4,356	860,358	1,514,665	1,514,665	0	1,514,665
2013	603,254	4,462	824,278	1,431,994	1,431,994	0	1,431,994
2012	610,188	4,568	824,278	1,439,034	1,439,034	0	1,439,034
2011	624,056	4,675	915,865	1,544,596	1,517,123	0	1,544,596
2010	637,923	4,781	736,499	1,379,203	1,379,203	0	1,379,203
2009	637,923	4,886	719,487	1,362,296	1,362,296	0	1,362,296
2008	651,791	4,993	1,588,616	2,533,751	2,533,751	0	2,533,751
2007	464,195	5,099	1,759,070	2,533,751	2,533,751	0	2,533,751
2006	474,072	5,205	663,800	1,981,042	1,981,042	0	1,981,042
2005	483,948	5,312	630,610	1,119,870	1,119,870	0	1,119,870
2004	267,405	7,143	398,280	1,105,000	1,105,000	0	1,105,000
2003	267,405	7,417	411,556	913,350	913,350	0	913,350
2002	267,405	7,692	411,556	869,857	869,857	0	869,857
2001	267,405	7,967	411,556	869,857	869,857	0	869,857
2000	216,156	2,576	278,796	497,528	497,528	0	497,528
1999	216,156	2,662	278,796	497,614	497,614	0	497,614
1998	144,440	2,748	278,796	425,984	425,984	0	425,984
1997	144,440	2,833	265,520	412,793	412,793	0	412,793
1996	131,310	2,919	265,520	376,300	376,300	0	376,300
1995	131,310	3,005	265,520	376,300	376,300	0	376,300
1994	131,310	3,091	265,520	376,300	376,300	0	376,300
1993	131,310	3,177	265,520	400,007	400,007	0	400,007
1992	131,310	3,263	265,520	400,093	400,093	0	400,093
1991	131,310	3,349	265,520	400,179	400,179	0	400,179
1990	139,443	3,434	233,990	376,867	376,867	0	376,867
1989	139,443	3,520	232,330	375,293	375,293	0	375,293
1988	128,661	2,740	160,972	292,373	292,373	0	292,373
1987	125,943	2,805	101,644	230,392	230,392	0	230,392

1986	112,805	1,014	99,570	213,389	213,389	0	213,389
1985	108,890	1,014	71,690	181,594	181,594	0	181,594
1984	106,499	1,014	71,690	179,203	179,203	0	179,203
1983	106,849	1,014	43,225	151,088	151,088	0	151,088
1982	92,501	1,014	38,304	131,819	131,819	0	131,819

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
8/28/2015	2758 / 660	2,725,000	WD	37
8/30/2005	2149 / 529	2,830,000	WD	Q
11/26/2002	1844 / 1390	1,300,000	WD	Q
11/19/2001	1743 / 0050	1,105,900	QC	J
9/22/2000	1655 / 1236	1,100,000	WD	Q
2/1/1975	613 / 46	77,000	00	Q

This page has been visited 135,732 times.

Monroe County Property Appraiser
 Scott P. Russell, CFA
 P.O. Box 1176 Key West, FL 33041-1176