Date: 09/15/22
To: Ms. Katie Halloran, Planning Director
From: Owen Trepanier Our form
CC: Royal Williams, LLC
Re: Extension Request – Res. No. 21-197 & &ASSOCIATES INC LAND USE PLANNING DEVELOPMENT CONSULTANTS

Please consider this memo our petition to extend Res. No. 21-197 (attached), a Major Development Plan Approval at 1319 William Street pursuant to Sec. 108-203 (b)ⁱ.

The property owner, Paul Misch, is a small-scale custom home builder and so the application included a phasing plan that that would allow him to commence construction of 2 houses at a time. The proposed phasing plan was not considered by the Commission nor addressed in the Resolution. A request for the City Commission to consider the original phasing request has been filed and has been reviewed by the DRC.

This extension request is being filed in an abundance of caution due to the pending expiration of the development plan approval. The existing development approval is set to expire on 11/16/22.

Key West Code Sec. 108-203(b) permits an initial 12-month extension and subsequent extensions if fully noticed in accordance with division 2 of article VIII of chapter 90ⁱⁱ.

Units	ROGO		
Units	Туре	Exp. Date	Status
1	Beneficial	NA	Permitted and Under Construction
3	Beneficial	NA	Permitted and Under Construction
5	BPAS	10/31/23	Permitted and Under Construction
4	BPAS	10/31/23	
6	Beneficial	NA	
2	Beneficial	NA	

The following table is a summary of the associated ROGO for the project.

¹ Sec. 108-203. Expiration, transferability and extension.

(b) If the property receiving development plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the development plan approval shall be transferable. A development plan approval may be extended only one time for 12 months by a favorable vote by the body that granted the original approval, if the applicant submits a petition for such extension prior to the development plan's expiration and demonstrates reasonable cause for the extension. The burden of proof in justifying reasonable cause shall rest with the applicant. Subsequent extensions may be granted but shall be fully noticed in accordance with division 2 of article VIII of chapter 90. (emphasis added)

ⁱⁱ Division 2 of article VIII of chapter

90. Sec. 90-641. Scope.

Except as required by F.S. §§ 163.3181(3)(a), 163.3225(2), and 166.041(3)(a), (c), the city shall provide notice for public hearings on variances, board of adjustment actions, planning board actions, appeals, vacation of public easements or rights-of-way, conditional uses, development plans, subdivision plans, planned redevelopment and development plans, as provided in this division.

Sec. 90-642. Newspaper notice.

In accordance with the requirements of sections 90-645 and 90-646, the city shall be required to publish an advertisement of the public hearing in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter.

Sec. 90-643. Mail notice.

In accordance with the requirements of sections 90-645 and 90-646, the city shall mail a notice of the public hearing to each property owner located within 300 feet of the outer boundaries of the land which is the subject of the request, based upon the list of property owners maintained by the planning department and periodically updated with ad valorem tax records.

Sec. 90-644. Posted notice.

In accordance with the requirements of sections 90-645 and 90-646, the city shall post a notice of the public hearing on the subject property that is legible from the adjacent public street. The notice shall contain block lettering on a high contrast background color with the words "public notice" in letters three inches or more in height.

Sec. 90-645. Content of notice.

The notice required by this division shall contain the date, time and place of the public hearing and a common description of the location of the subject site and the nature of the project.

Sec. 90-646. Timing of notice.

- (a) The notice required by this division shall be given at least ten days prior to the date set for the public hearing at which the application is first considered. A copy of the notice shall be available for public inspection during regular business hours of the city clerk.
- (b) The first two postponements of an item shall not require a new notice, provided that the postponement is to a date and location certain. In the event of a third postponement, then a new notice shall be given as provided herein. If at least two of the three postponements were at the applicant's request or due to the applicant's actions, then the applicant shall bear the cost of the re-notice; otherwise the cost shall be borne by the city.

RESOLUTION NO. 21-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVALS FOR A MAJOR DEVELOPMENT PLAN, A LANDSCAPE WAIVER AND AN AFFORDABLE WORKFORCE HOUSING REQUIREMENT LINKAGE PROVISION FOR PROPERTY AT 1319 WILLIAM STREET AND 1316 ROYAL STREET UNITS #1-6 (RE# 00036920-000000) TO CONSTRUCT AND REDEVELOP EIGHT (8) RESIDENTAIL DWELLING UNITS LOCATED WITHIN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DSITRICT PURSUANT TO SECTIONS 108-91 A.2(A), SECTION 108-517, AND SECTION 122-1467(1)(B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of five or more permanent residential units; and

WHEREAS, the proposed use of the property is for the construction and redevelopment of eight residential dwelling units; and

WHEREAS, waivers to the City's landscaping requirements are pursuant to City Code Section 108-517; and

WHEREAS, requirements of the affordable work force housing ordinance and specifically, linkage of project provisions, are pursuant to 122-1467(1)(b); and

WHEREAS, Code Section 108-196(a) requires the Planning Board

Page 1 of 9

to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape waiver request and render the final action; and

WHEREAS, this matter came before and was approved by the Planning Board at a duly noticed public hearing on April 22, 2021, through Planning Board Resolution #2021-12; and

WHEREAS, the granting of a Major Development Plan and Landscape Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission finds that the granting of a Major Development Plan and Landscape Waiver application is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, the City Commission finds that the project at 1319 William Street & 1316 Royal Street complies with Section 122-1467(1)(b) so long as specific proposed conditions of approval related to the linked redevelopment project at 1703 Von Phister are also adopted together with this Major Development Plan; and

WHEREAS, the City Commission has moved to further modify the

Page 2 of 9

proposed specific conditions of approval to include a modification to the affordable housing linkage provision to specify all median income AMI rental units for the duplex at 1703 Von Phister, as also agreed at the hearing by the applicant; and

WHEREAS, the applicant provided revised plans for the linked redevelopment project at 1703 VonPhister, dated June 24, 2021, by William Byron Shepler, after the Planning Board approval on April 22,2021; and

WHEREAS, staff has reviewed the revised plans for 1703 VonPhister and affirms they remain compliant with the required provisions of Section 122-1467(1)(b); and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

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

Section 2. The Major Development Plan, landscape waiver, and an affordable workforce housing requirement linkage provision for property at 1319 William Street and 1316 Royal Street Units #1-6 (RE# 00036920-000000) to construct and redevelop eight (8) dwellings units located within the Historic Medium Density (HMDR) zoning district pursuant to Section 108-91A.2. (A), Section 108-517, and Section 122-1467(1)(B) of the Land Development Regulations of

Page 3 of 9

the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated September 10, 2020 by William Byron Shepler, R.A., for 1319 and 1316 Royal Street Units #1-6, and revised plans dated June 24, 2021 by William Byron Shepler, is hereby approved with the following conditions:

General conditions:

- The proposed construction at 1319 William Street and 1316 Royal Street shall be consistent with the site plan signed, sealed, and dated September 10, 2020 by William Byron Shepler, R.A.
- 2. Per Fire: Shall maintain the 20-foot driveway for emergency response. The owner is currently working on a fire sprinkler solution (yard hydrants) to be depicted on the signed and sealed plans that will need to be accepted by the Fire Marshal's office before issuance of a permit.
- 3. Per Urban Forester: Existing Page C-10 indicates the location of several swales to be constructed within the critical root zones of existing trees/ palms that are to remain. This page must be reconciled with the final landscape plan and the swales relocated so as not to impact

the root areas of those existing trees and palms to remain onsite.

- 4. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
- 5. Per Sections 108-412 and 108-482, the development plan shall require landscape maintenance in the short term for survivability and in perpetuity. The property owner shall be responsible for the maintenance of the landscaping but the HOA will have the right to step in if it is not maintained.
- 6. The proposed construction at 1703 VonPhister Street to satisfy the affordable housing linkage provision in Section 122-1467(1)(b), of the new two-story structure that will consist of two affordable deed restricted units shall be consistent with the site plan signed, sealed, and dated June 24, 2021, by William Byron Shepler, R.A. These two units shall be restricted for affordable housing (median income) as defined in City of Key West Code Section 122-1467, and the developer/property owners shall not <u>increase the sales or</u> rental above 100% area median income.

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Conditions prior to the City Commission hearing:

- 7. The applicant shall obtain final landscape plan approval from the Tree Commission.
- 8. The Landscape and Irrigation Plans shall be signed, sealed, and dated prior to City Commission.
- 9. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to issuance of a building permit:

- 10. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.
- 11. Prior to issuance of building permits the property owner shall record a deed restriction for the two-market rate units located within the two-story duplex at 1703 Von Phister property, approved by the City Attorney, and submitted into the Records of the Monroe County Clerk of the Court.

Conditions prior to issuance of a Certificate of Occupancy:

- 12. Prior to issuance of a Certificate of Occupancy for the Major Development Plan at 1319 William Street and 1316 Royal Street, the applicant shall complete all permitting, construction, inspections and receive a Certificate of Occupancy for the linked project at 1703 Von Phister Street. The two units at 1703 Von Phister shall be restricted for affordable housing (median income) as defined in City of Key West Code Section 122-1467, and the developer/property owners shall not <u>increase the sales or rental above 100% area median</u> income.
- On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

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 Major Development Plan and Landscape Waiver and Affordable Workforce Housing Linkage Provision application Page 7 of 9 approval by the City Commission does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 Board.

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 shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO 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.

Page 8 of 9

Read and passed on first reading at a regularly scheduled meeting held this 14th day of September 2021.

Authenticated by the presiding officer and Clerk of the Commission on September 21 , 2021.

Filed with the Clerk this 21st day of	September ,2021.
Mayor Teri Johnston	Yes
Commissioner Gregory Davila	Yes
Commissioner Mary Lou Hoove	r Yes
Vice Mayor Sam Kaufman	Yes
Commissioner Clayton Lopez	Yes
Commissioner Billy Wardlow_	Yes
Commissioner Jimmy Weekley	Yes
	in Athank

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

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EXECUTIVE SUMMARY



То:	Patti McLauchlin, City Manager
Through:	Katie P. Halloran, Planning Director
From:	Melissa Paul-Leto, Planner I
Meeting Date:	September 14 th , 2021
Request:	Major Development Plan & Landscape Waiver – 1319 William Street & 1316 Royal Street Units #1-6 (RE# 00036920-000000) - A request for a major development plan, landscape waiver, and affordable work force housing linkage approvals to construct and redevelop eight (8) residential units located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Section 108-91 A.2. (a), Section 108-517, and Section 122-1467 (1)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Background:

The subject property is located at 1319 William Street & 1316 Royal Street Units #1-6. The property is a double frontage lot. It was known as The Hospice and the Visiting Nurse Association of the Florida Keys since 1984 and closed in February of 2018. It is currently licensed for two non-transient rental units with assigned addresses as 1319 William Street and 1317 William Street.

The parcel is located within the Historic Medium Density Residential (HMDR) zoning district. The surrounding uses include residential, multi-family, a synagogue, and The Boys and Girls Club of America. Zoning districts within 300 feet of the property are Historic Medium Density Residential (HMDR) zoning district, and the Historic Residential/Office (HRO) zoning district.

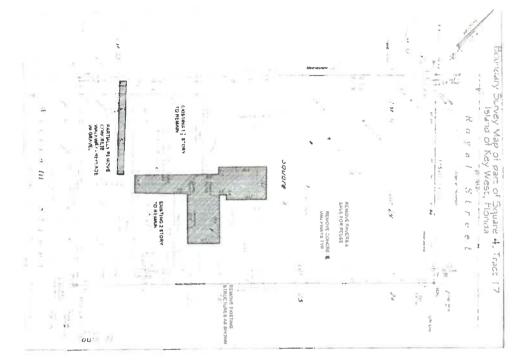
Major Development Plan Review Process:

Planning Board Meeting:
HARC Approval:
Urban Forester's Approval:
City Commission:
Local Appeal Period:
DEO Review:

April 22nd, 2021 May 25th, 2021 June 17th, 2021 September 14th, 2021 30 days Up to 45 days

Planning Staff Analysis:

The applicant is proposing to demolish the remaining portion of the palliative center (structures proposed to be demolished are shaded in grey) and construct six (6) new single-family homes behind the two existing non-transient rental units facing William Street. The proposed development would have a total of eight (8) non-transient units.



Existing Site / Demo Plan



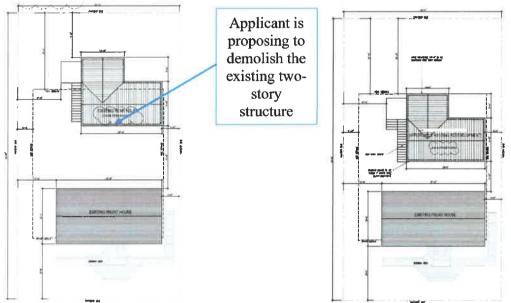
Proposed Site Plan

2 | P a g e

The Section 122-1467 – Requirements of Affordable Workforce Housing states, "Residential or mixed-use projects of less than ten residential or mixed-use units shall be required to develop or redevelop at least 30 percent of units of at least 400 square feet each as affordable (median income) but may contribute a fee in lieu of each unit to the affordable work force housing trust fund, if approved by the City Commission."

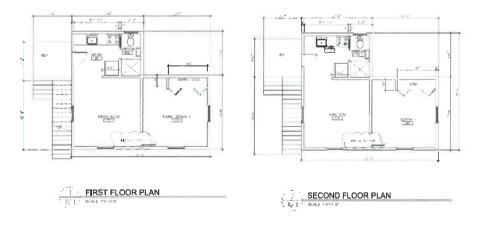
The applicant has chosen to provide the affordable housing requirements through the linkage provision under Section 122-1467 (1) (b). The applicant is proposing to utilize 1703 Von Phister as the subject property for the required linkage provision to provide two deed restricted affordable dwelling units. The proposed two-story existing structure on the parcel would be demolished and a new two-story structure would be constructed.

Below are the plans that were approved at the April 22nd, 2021 Planning Board for two (2) affordable one-bedroom units.



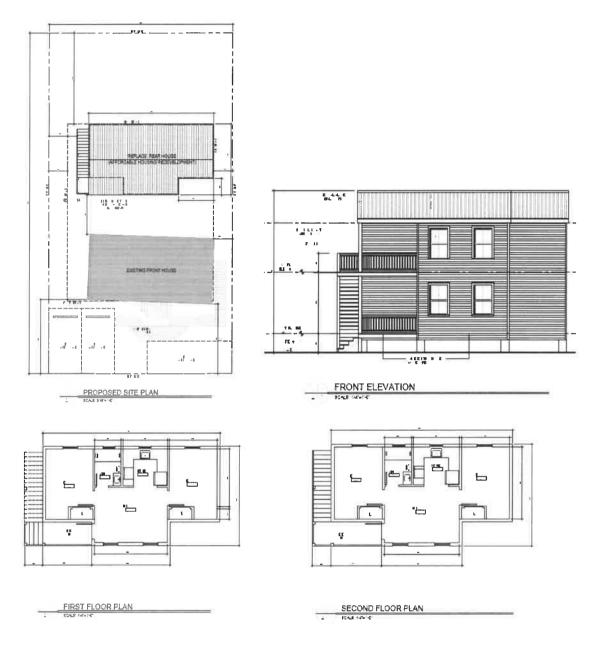
1703 Von Phister – Existing Site Plan

1703 Von Phister – Proposed Site Plan



3 Page

The applicant has revised the proposed site design for the 1703 Von Phister project since the April 22nd, 2021 Planning Board approval. The proposed design still includes two (2) affordable units, but each unit will now have two bedrooms, instead of one. Please see the revised plans below.



:

4 | P a g e

A full and complete review of the major development plan is available in the attached Staff Report.

Options/Advantages/Disadvantages:

- **Option 1:** Approve the proposed major development plan as recommended by the Planning Board through Resolution No. 2021-12
- **Option 2:** Deny the proposed major development plan.

Recommendation

Staff supports Planning Board Resolution No. 2021-12 and recommends approval of Option 1.

PLANNING BOARD RESOLUTION NO. 2021-12

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVERS AND AFFORDABLE WORFORCE HOUSING REQUIREMENT LINKAGE APPROVALS PURSUANT TO SECTIONS 108-91.A.2.(a), 108-517, 108-196(a) AND 122-1467 (1)(b) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION AND REDEVELOPMENT OF EIGHT (8) RESIDENTIAL DWELLING UNITS ON PROPERTY LOCATED AT 1319 WILLIAM STREET AND 1316 ROYAL STREET UNITS # 1-6 (RE # 00036920-000000) IN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91. A.2.(a) of the Code of Ordinances (the "Code") of the City of Key

West, Florida (the "City") provides that within the Historic District, a Major Development Plan is

required for the addition or reconstruction of five or more units; and

WHEREAS, waivers to the City's landscaping requirements request are pursuant to City

Code Section 108-517; and

WHEREAS, requirements of affordable work force housing linkage provision request are

pursuant to City Code Section 122-1467(1)(b); and

WHEREAS, Code Sections 108-196(a) require the Planning Board to review and approve,

approve with conditions, or deny the proposed Major Development Plan in an advisory capacity to

the City Commission; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape

waiver request and render the final action; and

Page 1 of 6 Resolution No. 2021-12

Chairman Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on April 22, 2021; and

WHEREAS, the granting of a Major Development Plan and Landscape Waiver application is consistent with Sections 109-91. A.2.(a), and 108-517 of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Major Development Plan and Landscape Waiver application is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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. The Major Development Plan, Landscape Waiver and affordable workforce housing requirements linkage approvals are to construct and redevelop eight (8) residential dwelling units located at 1319 William Street & 1316 Royal Street #1-6 (RE # 00036920-000000) in the HMDR zoning district pursuant to Sections 108-91.A.2.(a), 108-517, 108-196(a), and Section 122-1467(1)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated September 10, 2020, is hereby approved with the following conditions:

Page 2 of 6 Resolution No. 2021-12

Chairman Channing Director

General conditions:

The proposed construction at 1319 William Street and 1316 Royal Street
Units 1-6 shall be consistent with the site plan signed, sealed, and dated September 10,
2020 by William Byron Shepler, R.A.

2. Per Fire: Shall maintain the 20-foot driveway for emergency response. The owner is currently working on a fire sprinkler solution (yard hydrants) to be depicted on the signed and sealed plans that will need to be accepted by the Fire Marshal's office before issuance of a permit.

3. Per Urban Forrester: Existing Page C-10 indicates the location of several swales to be constructed within the critical root zones of existing trees/palms that are to remain. This page must be reconciled with the final landscape plan and the swales relocated so as not to impact the root areas of those existing trees and palms to remain onsite.

4. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

5. Per Sections 108-412 and 108-482, the development plan shall require landscape maintenance in the short term for survivability and in perpetuity. The property owner shall be responsible for the maintenance of the landscaping but the HOA will have the right to step in if it is not maintained.

Page 3 of 6 Resolution No. 2021-12

Chairman HPlanning Director

6. The proposed construction at 1703 VonPhister Street is to satisfy the affordable housing linkage provision in Section 122-1467(1)(b), and the proposed new two-story structure will consist of two affordable deed restricted units and shall be consistent with the site plan signed, sealed, and dated April, 1, 2021 by William Byron Shepler, R.A.

Conditions prior to City Commission hearing:

7. The applicant shall obtain final landscape plan approval from the Tree Commission.

8. The Landscape and Irrigation Plans shall be signed, sealed and dated prior to City Commission.

9. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to issuance of a building permit:

10. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

11. Prior to issuance of building permits the property owner shall record a deed restriction for the two-market rate units located within the two-story duplex at 1703 VonPhister Street property, approved by the City Attorney, and submitted into the Records of the Monroe County Clerk of the Court.

Page 4 of 6 Resolution No. 2021-12

Chairman Pt Planning Director

Conditions prior to issuance of a Certificate of Occupancy:

12. Prior to issuance of a Certificate of Occupancy for the Major Development Plan at 1319 William Street and 1316 Royal Street Units #1-6, the applicant shall complete all permitting, construction, inspections and receive a Certificate of Occupancy for the linked project at 1703 VonPhister Street.

13. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

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 Major Development Plan, Landscape Waiver, and Affordable Workforce Housing requirement linkage application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 Board.

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 10-day City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is

> Page 5 of 6 Resolution No. 2021-12

Chairman Planning Director

not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this ____ day of , 2021.

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

Sam Holland, Planning Board Chairman

Attest:

Katie P. Halloran, Planning Director

Filed with the Clerk:

Cheryl Smith, City Clerk

Page 6 of 6 Resolution No. 2021-12

Chairman Planning Director

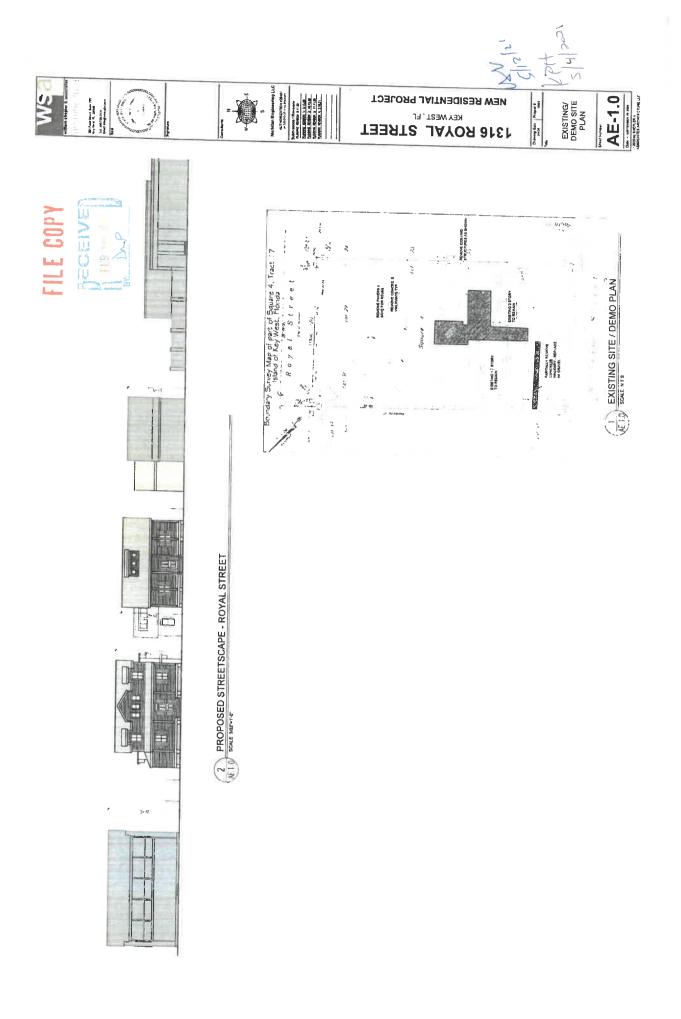
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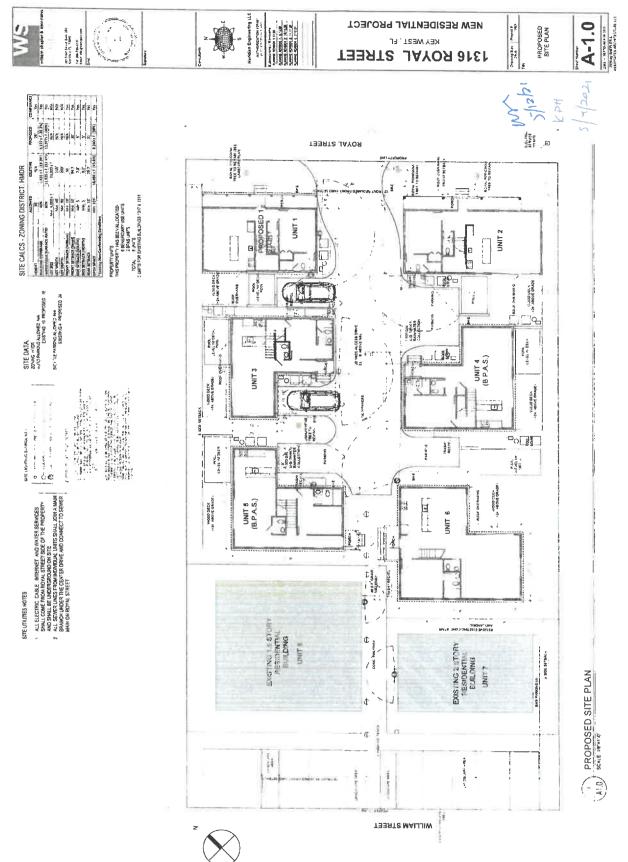
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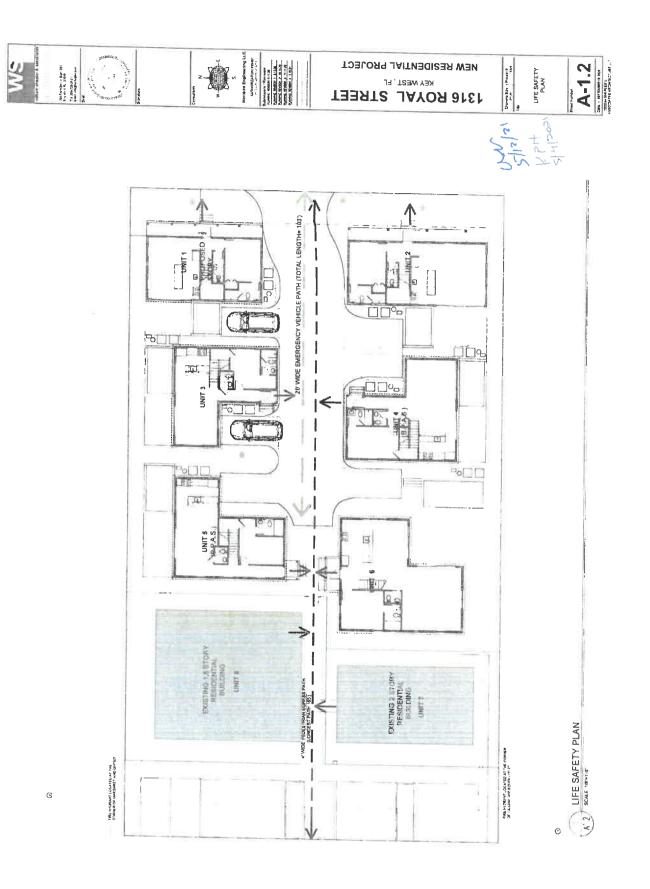
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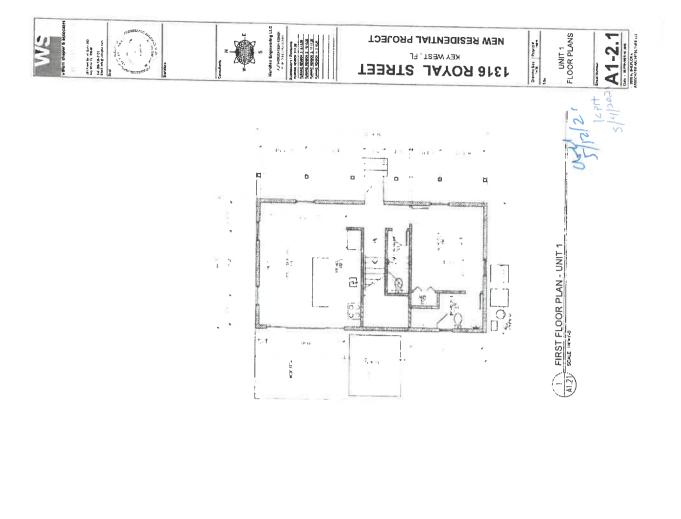
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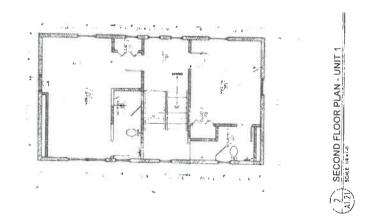
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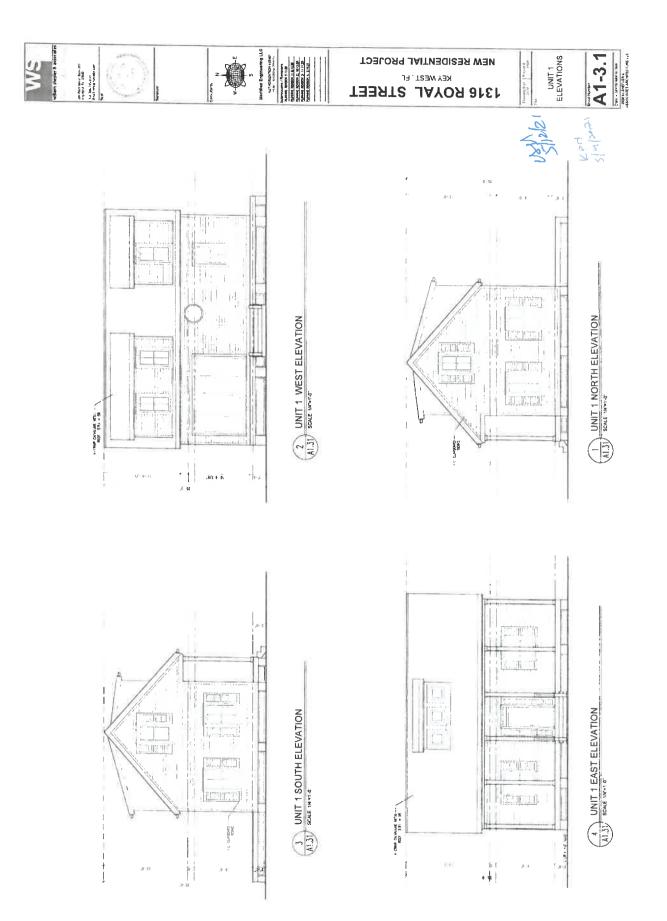


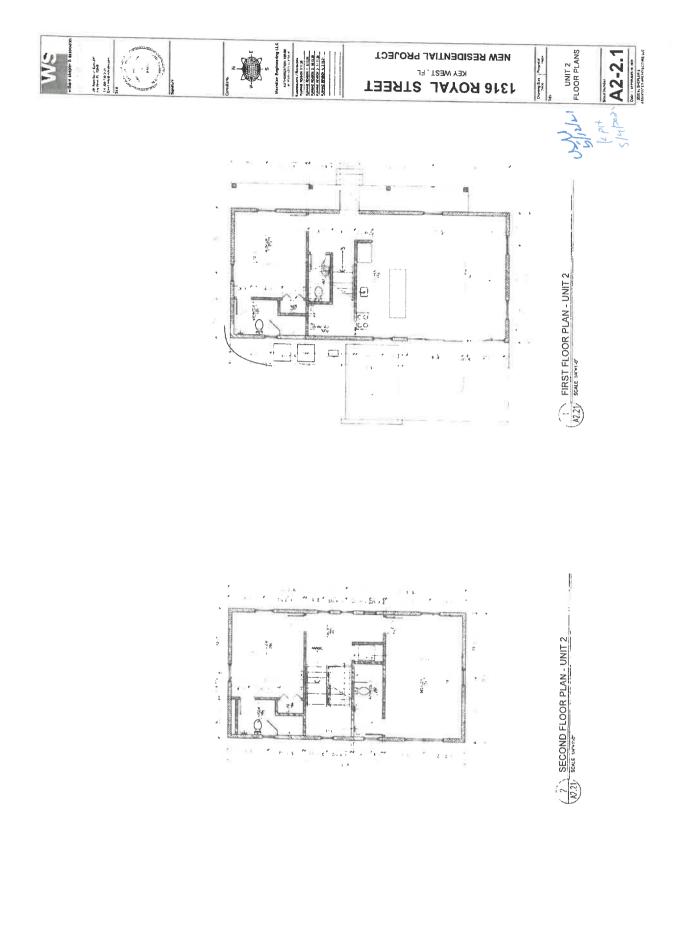


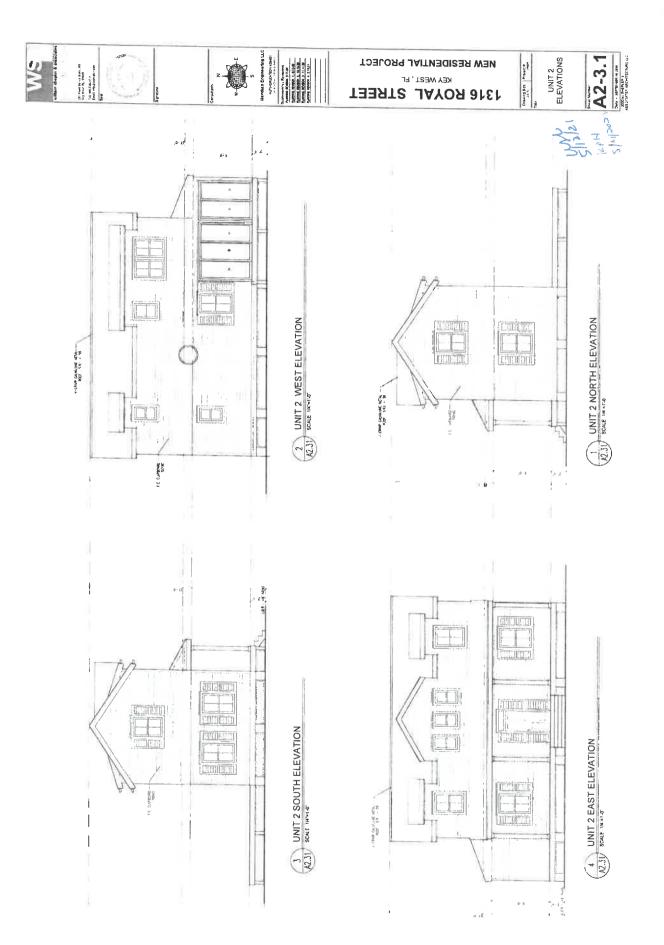


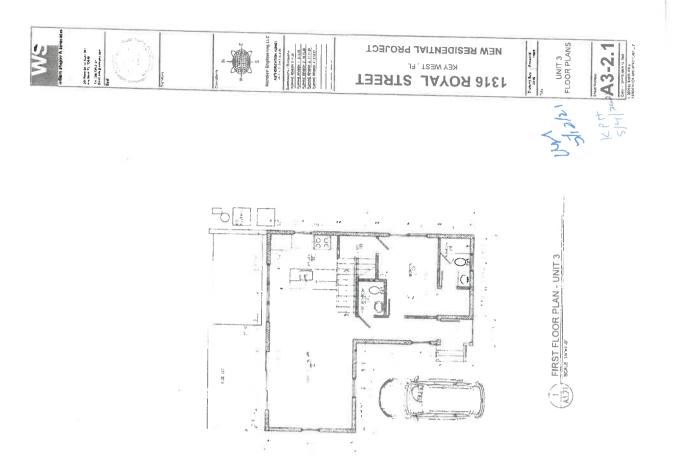


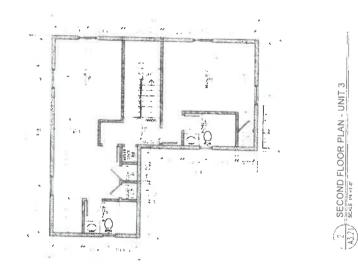




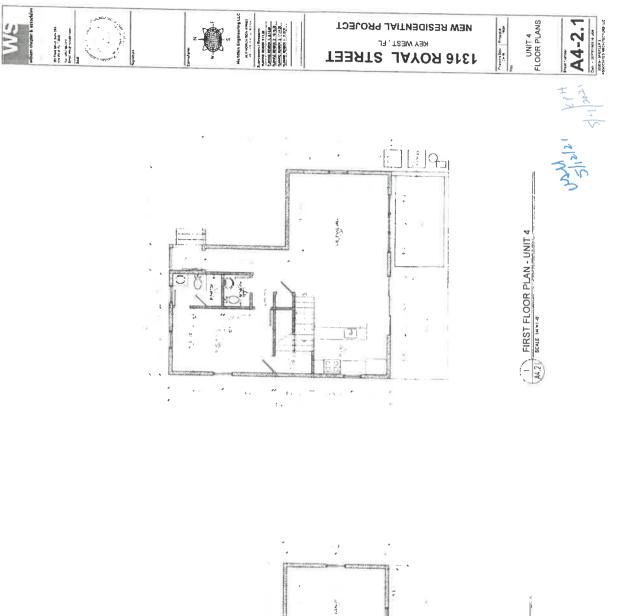


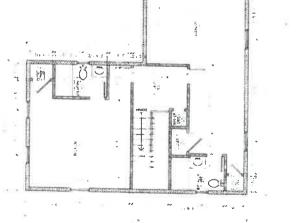




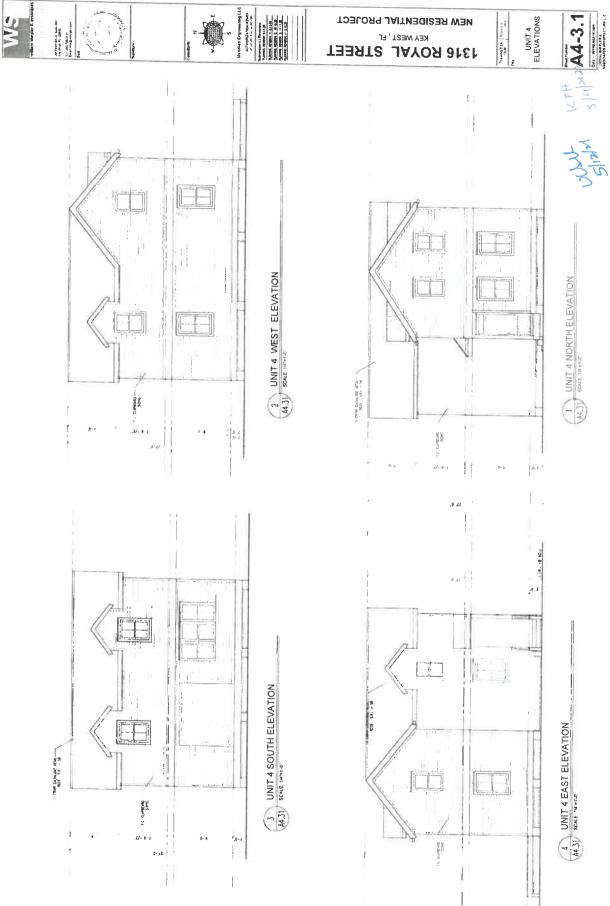


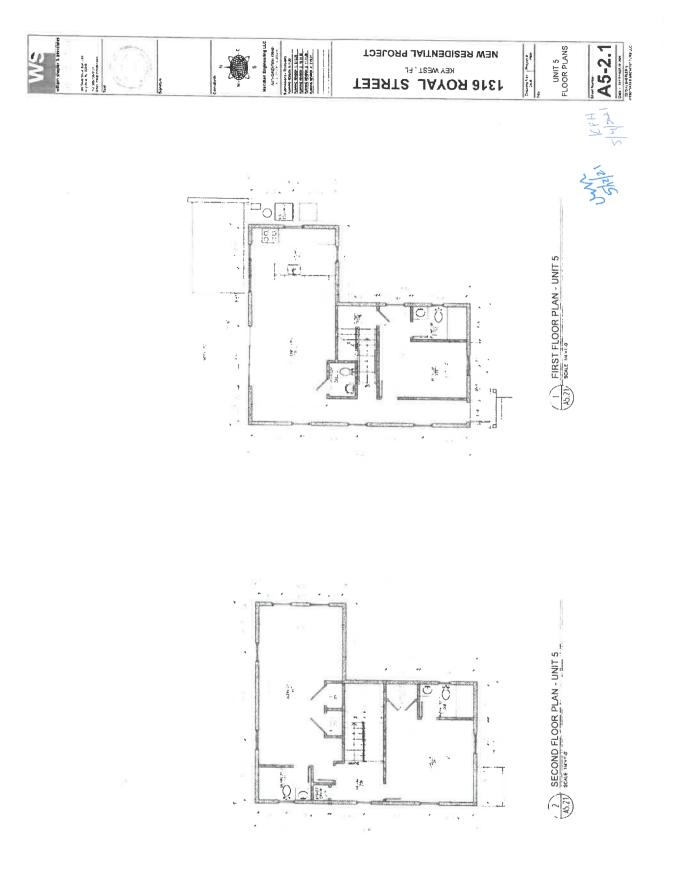


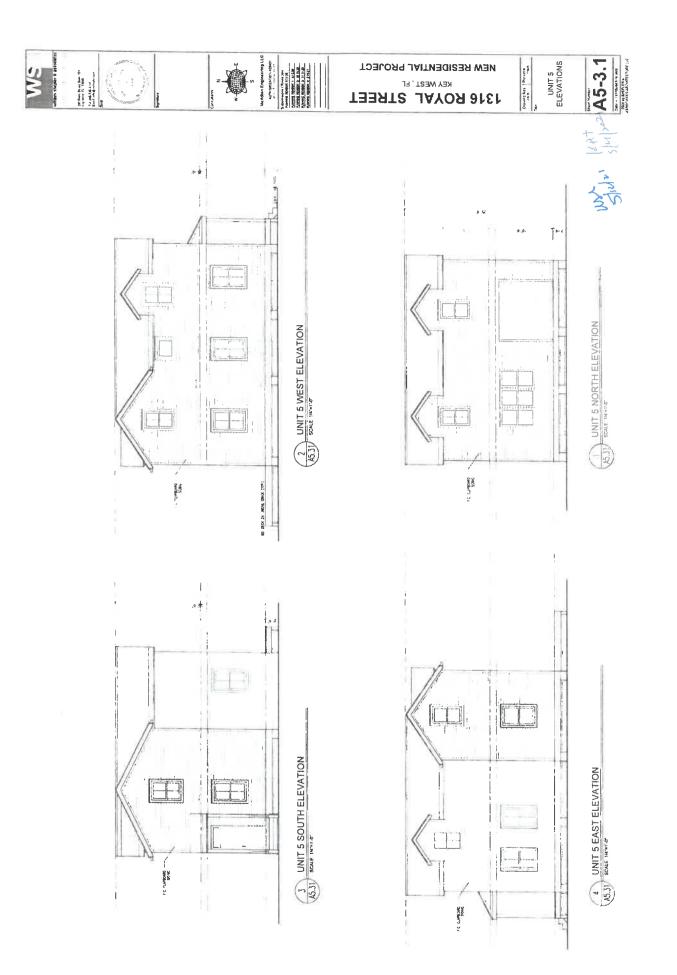


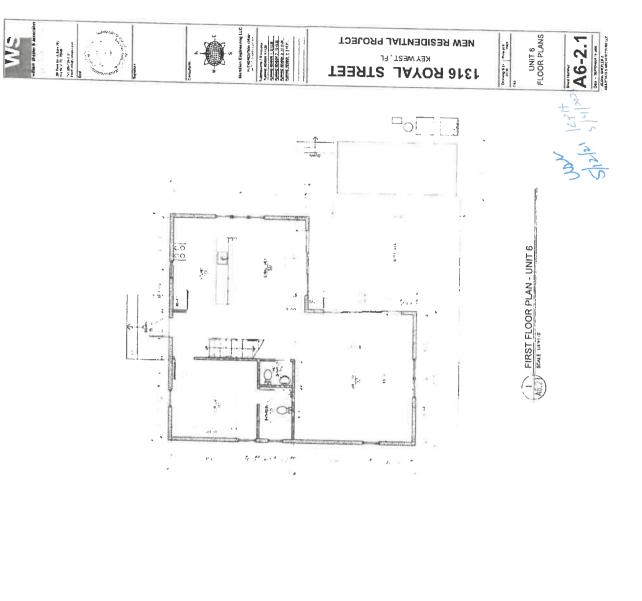


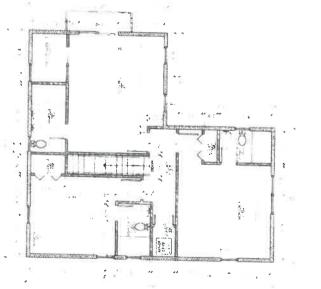
2 SECOND FLOOR PLAN - UNIT 4











Statement of the statem

2 SECOND FLOOR PLAN - UNIT 6

