

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Kevin Bond, AICP, LEED Green Associate, Senior Planner

Meeting Date: October 21, 2014

RE: **Revocable License – 200 William Street (RE # 00000840-000000, AK # 1000850)** – A request for a revocable license to install and maintain landscaping, brick pavers and a bicycle / scooter parking area within Lazy Way Lane located within the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 2-939 of the Code of Ordinances of the City of Key West, Florida

ACTION STATEMENT:

Request: To grant a revocable license to install and maintain landscaping, brick pavers and a bicycle / scooter parking area within Lazy Way Lane adjacent to property located at 200 William Street

Applicant: Elizabeth Newland

Property Owner: Harborside, LLC

Location: 200 William Street (RE # 00000840-000000, AK # 1000850)

Zoning: Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1)



BACKGROUND:

This is a request for a revocable license pursuant to Section 2-939 of the Code of Ordinances (the “Code”) of the City of Key West (the “City”). The request is to install and maintain landscaping, brick pavers and a bicycle / scooter parking area within Lazy Way Lane, as shown on the attached plan. The proposed improvements are being done to complement other aesthetic enhancements being done within the Key West Bight area, as well as the new hotel that is under construction on the abutting property at 200 William Street. The property is located within the Key West Historic District.

City Actions:

Key West Bight Management District Board:	May 14, 2014 (passed)
Tree Commission:	June 10, 2014 (approved)
HARC:	July 15, 2014 (approved)
Development Review Committee:	August 28, 2014 (reviewed)
City Commission:	October 21, 2014

PLANNING STAFF ANALYSIS:

The proposed landscaping, pavers and bicycle / scooter racks are intended to provide both aesthetic enhancements and non-vehicular parking within the Lazy Way Lane area abutting 200 William Street. None of the improvements would impede public passage on any City sidewalks or roads. The improvements would be maintained by the property owner of 200 William Street.

If the request for the revocable license is granted, then the owner would be required to pay an annual fee of \$200.00 to the City for the use of City property pursuant to Code Section 2-939(d). The annual fee would be prorated based on the effective date of the revocable license.

Options / Advantages / Disadvantages:

Option 1. Approve the revocable license with the following conditions:

1. The City may unilaterally terminate the revocable license with or without cause upon 30 days written notice.
2. The owner shall pay the annual fee specified in Section 2-939(d) of the City Code of Ordinances.
3. The owner shall irrevocably appoint the City Manager as its agent to permit the removal of the fences on City property if the annual fee required by City Code is not paid. The costs incurred by the City associated with any such removal shall be borne by the owner.
4. The revocable license shall terminate upon the failure of the property owner to maintain liability insurance, such public liability and property damage insurance protecting the City from all claims and damage to property or bodily injury. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00), or such other amount as may be legislatively determined to be the maximum extent of sovereign immunity waiver, naming the City as an additional insured for that portion of real property which is the subject of this revocable license. The policy shall not terminate or be cancelled without 45 days’ written notice sent via certified mail to the City’s Chief Building Official.

5. In the event this revocable license is terminated, the fence shall be immediately removed upon the request of the City and in the event the fence is not removed, or due to an emergency the City finds it necessary to act immediately, the City may remove same and shall not be responsible for damage incurred due to such removal. The cost incurred by the City associated with any such removal shall be borne by the owner.
6. The revocable license shall be personal to the current property owner and may not be transferred or assigned.

Consistency with the City's Strategic Plan, Vision and Mission: Granting the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: The City would collect \$200.00 annually as part of the approval of the revocable license. There would be no cost to the City for granting the revocable license.

Option 2. Deny the revocable license based on findings that the City's needs outweigh the request.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested revocable license would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the revocable license. However, there would continue to be liability concerns by allowing the encroachment into City property to continue without the revocable license.

RECOMMENDATION: Option 1.

Based on Staff's analysis, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested revocable license with conditions as outlined above.