

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



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Melissa Paul-Leto, Planner Analyst

Meeting Date: October 18, 2018

Application: **Exception for Outdoor Merchandise Display – 407 A&B Front Street (RE # 00000180-000000)** – A request for exception for outdoor merchandise display on property located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: To allow an Exception for Outdoor Merchandise Display of retail clothing items on non-permanent, portable racks for merchandise sold in the store through a 60 month time span.

Applicant: Crush LLC dba Bamboo Cay of Key West

Property Owner Love in Key West LLC

Location 407 A & B Front Street (RE# 00000180-000000)



BACKGROUND

The Salt Life by Bamboo Cay is located at 407 A & B Front Street on the corner of Tifts Street and next to the Old Harbor House. According to the Property Appraiser's website, the building was constructed in 1974 with reconstruction in 1997 and renovations in 2014. The building is a non-contributing structure in the Historic District. The store features retail clothing.

REQUEST

The applicant is requesting that the Planning Board grant approval for the outdoor display of retail clothing to be placed on non-permanent, portable racks and two mannequins within the entranceway of the store. The applicant seeks the maximum time exception of 60 months.

ANALYSIS-EVALUATION- COMPLIANCE WITH CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS

According to Section 106-52 of the Code, the outdoor display of merchandise in the historic zoning districts of the City is prohibited unless an Exception is granted by the Planning Board. Pursuant to Section 106-51 of the 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 a 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 not located in an interior courtyard but is located within an existing front entranceway of an existing structure on the 400 block of Front Street. The applicant is requesting to display retail clothing on two racks and a mannequin on each side of the entranceway of the business.

- 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 Salt Life Store is located within the HRCC-1 zoning district, which is characterized by specialty shops and sidewalk-oriented retail sales, restaurants and bars. The commercial retail activity is a permitted use.

- 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 exception's visual incongruity with the historic character of the neighborhood is not reduced by a substantial setback for the public right-of-way as this business is located in HRCC-1 which has no front setback dimensional requirements.

(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.**

As proposed, the Exception will not obscure the surrounding architecture contributing to the historic fabric or visual character of the neighborhood.

- 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 proposed location of the Exception is conforming to the front yard setback requirement. The minimum front yard setback in the HRCC-1 zoning district is zero feet. The visible display will be within the entranceway so that the applicant will conduct business on private property.

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

The applicant states and submitted photos that show a clear path to the proposed location for clearance around the outdoor displays. As of the date of this report, the Department is not aware of any life safety violations.

(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.

Visibility from the public right-of-way is limited to the items shown on the submitted site photos; therefore, the visual impact to the character of the district is lessened than it would be if the entire site was being used.

(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.

If the Exception for Outdoor Display is approved by the Planning Board, and if at any time 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.

RECOMMENDATION

The Planning Department, based on criteria in the City Code, recommends the request for Exception to Outdoor Merchandise Display be approved per the proposed plan to allow merchandise as currently displayed with the following conditions:

1. The Exception is specific to the current tenant, Bamboo Cay of Key West, and granted for 60 months.
2. The Exception is limited to the existing front entrance of the property and will not be placed in the City right-of-way. All display materials shall be no closer than four (4) feet to the sidewalk.
3. The Exception will all be free-standing and not attached to any house, fence or tree.
4. The Exception will only be present during hours of operation.
5. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historical Architectural Review Commission (HARC) guidelines.
6. The Exception will provide clear access for ADA and fire accessibility, with a minimum pathway of thirty-six (36) inches.