

**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

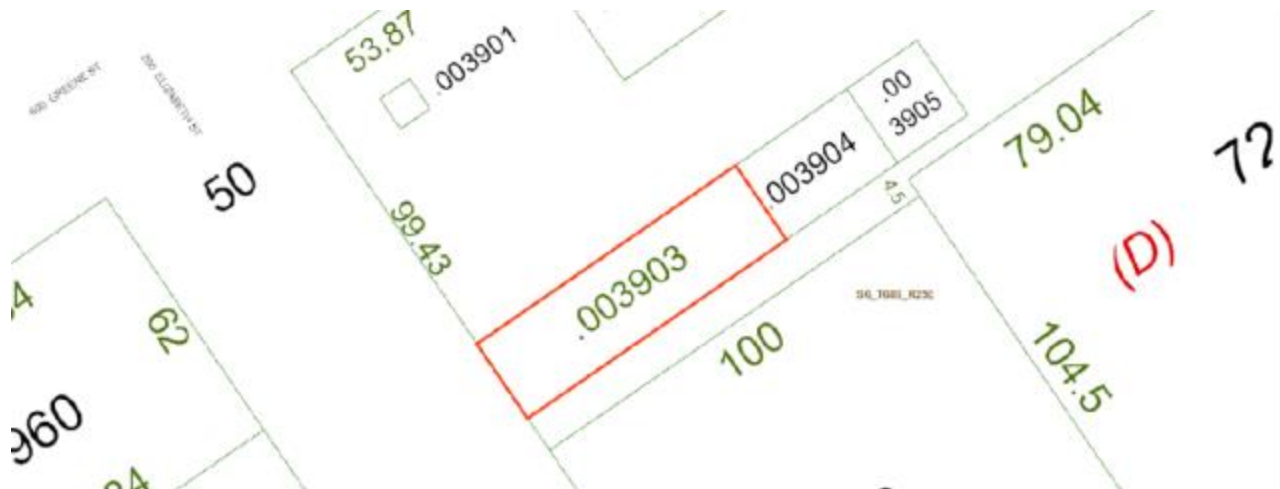
Application: **Exception for Outdoor Merchandise Display – 205 Elizabeth Street Street (RE # 00072082-00030903)** – A request for an exception for an outdoor merchandise display on property located on Lazy Way Lane, Unit G in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: The applicant is requesting an Exception for Outdoor Merchandise Display to allow the use of three (3) mannequins, a rod for hanging, a four tiered mobile shelving display of 5' high x 26" wide, and one hook for hanging to the left of the double doors for display of merchandise at Dragonfly Key West, LLC along Lazy Way Lane sold in the store through a 60 month time span.

Applicant: Keir Loranger

Property Owner City of Key West

Location 205 Elizabeth Street – Lazy Way Lane, Unit G
RE#00072082-003904



BACKGROUND

The DragonFly Imports is located at 205 Elizabeth Street, Unit G facing Lazy Way Lane. The 205 Elizabeth Street property was designed as part of the original 1996 Bight Master Plan and are owned by the City. 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.

The applicant is the leaseholder of Unit G of the Lazy Way Lane shops, also known as Dragonfly Key West, LLC. The unit is located towards the center of the Lazy Way Lane shops and has doors and a window somewhat obscured by a fenced in small garden and palm tree in front. The unit has an independent entry and small covered, cement porch. The types of merchandise currently sold at Dragonfly include imported clothing, jewelry and crafts from Asia.

The applicant applied and was granted an Outdoor Merchandise Display for a period of 60 months in 2011 per Resolution # 2011-057.

REQUEST

The applicant is requesting an Exception for Outdoor Merchandise Display for the Maximum timeframe of 60 months for the front deck area as follows:

- Three (3) mannequins upheld by rods that are stabilized within flower pots to be placed around the garden area;
- One rod, placed horizontally from the outside beam of the covered porch to the wall of the building for hanging merchandise;
- A four (4) tiered freestanding shelving display of 5' high x 26" wide;
- One hook hanging to the left of the double doors for display of merchandise.

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 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 and this particular unit has a covered porch area and garden.

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 proposed display makes good use of the limited space without cluttering the area or blocking the architectural features of the structure. 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 well organized and limited in scope so that 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.

During the initial approval of the Outdoor Merchandise Display for this property, specific display designs were required to be met by all the Lazy Way Lane applicants to enhance the visibility of the structure and proposed 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. However, the exception is visible from the Greene Street waterfront plaza and some aspects will be visible from the right-of-way.

c. The Exception presents a hazard to public safety.

During the initial approval, the Fire Marshall had determined that the proposed Exception does not present a hazard to public safety. According to the Fire Marshall's 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.

(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, Dragonfly Imports, and granted for 60 months.
2. The Exception is limited, and will not be placed in the City right-of-way, as shown on the site plan to:
 - Three (3) mannequins upheld by rods that are stabilized within flower pots to be placed around the garden area.
 - One (1) rod, placed horizontally from the outside beam of the covered porch to the wall of the building for hanging merchandise;
 - A four (4) tiered freestanding shelving display of 5” high x 26” wide;
 - One (1) hook hanging to the left of the double doors for display of merchandise.
3. The exception will only be present during hours of operation.
4. 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.

5. The Exception will provide clear access for ADA and fire accessibility, with a minimum pathway of thirty-six (36) inches.