



## **BACKGROUND**

Captain Quickdry, Inc. is located at 205 Elizabeth Street, Unit H 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. According to the Plan, the shops on Lazy Way Lane are envisioned to be an old-world market place area where pedestrians can meander through various small craft shops while enjoying the harbor area. 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 H of the Lazy Way Lane shops, also known as Captain Quickdry, Inc. The unit is located towards the end of the structures away from Elizabeth Street with a single door and double doors that open onto cement pads in the front deck areas. The types of merchandise currently sold at Captain Quickdry, Inc., include quick drying solar protective clothing and related boating and fishing accessories.

In 2011, the applicant applied for and was granted, by the previous Planning Board, an Exception for Outdoor Merchandise Display for a period of 60 consecutive months per Planning Board Resolution 2011-058.

## **REQUEST**

The applicant is requesting an exception for Outdoor Merchandise Display for the maximum timeframe of 60 consecutive months for the front area as follows:

- Three (3) metal racks mounted on the inside of the right double door and two (2) metal racks mounted on the inside of the left double door. When doors are opened, the merchandise is displayed facing Lazy Way Lane;
- A free-standing cardboard floor stand to display merchandise;
- Two (2) dress forms hanging from the outside beam of the covered porch to the wall of the building for merchandise;
- A free-standing three (3) tiered wooden shelving rack display of 5' high x 26" wide;
- Two (2) wooden barrels used to display merchandise on top of the barrels.

## **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 granted an Exception 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 unit has covered

porch areas.

- 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 right-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 right-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**

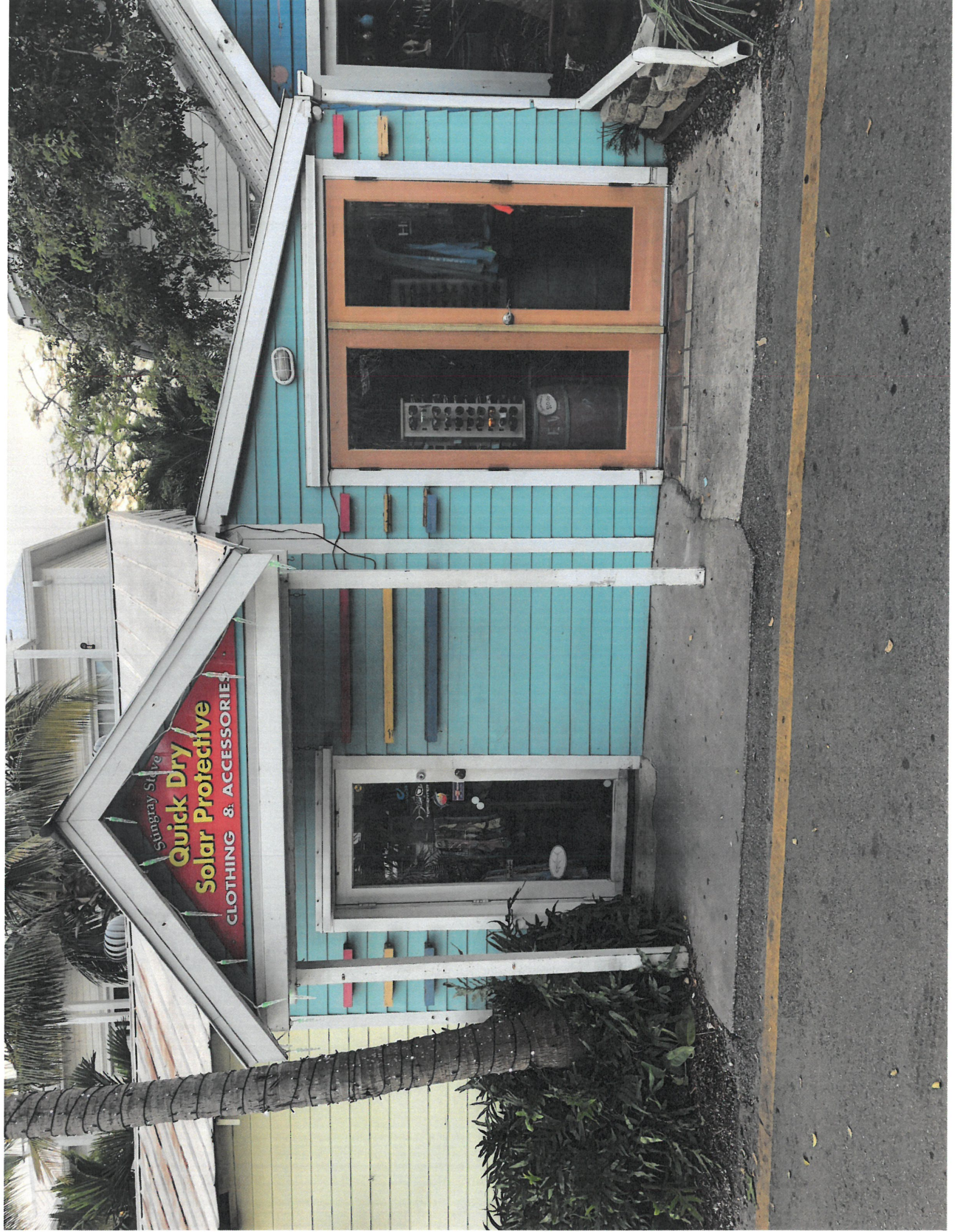
The Planning Department, based on criteria in the City Code, recommends the request for exception to Outdoor Merchandise Display be granted per the proposed plan to allow merchandise as currently displayed with the following conditions:

1. The exception is specific to the current tenant, Captain Quickdry, Inc. and granted for 60 consecutive 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) metal racks mounted on the inside of the right double door and two (2) metal racks mounted on the inside of the left double door. When doors are opened, the metal racks display the merchandise facing Lazy Way Lane;
  - A free-standing cardboard floor stand to display merchandise;
  - Two (2) dress forms/mannequins affixed horizontally from the outside beam of the covered porch to the wall of the building for hanging merchandise;
  - A freestanding three (3) tiered shelving rack display of 5' high x 26" wide;
  - Two (2) wooden barrels used to display merchandise on top
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.





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