

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



To: Chairman and Planning Board Members
From: Nicole Malo, Planner
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: November 16, 2011

Agenda Item: **Exception for Outdoor Merchandise Display - 205 Elizabeth Street (Lazy Way Lane), Unit D (RE Number 00072082-003903)** - An application for Exception for Outdoor Merchandise Display to allow the display of merchandise sold in-store, for the Key West Pretzel Company LLC., located on Lazy Way Lane, Unit D in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Request: The applicant is requesting an Exception for Outdoor Merchandise Display to allow the use of two wooden racks, a wooden shelf, picture menus, and two tables for display of condiments, menus, and merchandise at the Key West Pretzel Company.

Applicant: Jan Nelson

Property Owner: City of Key West

Location: 205 Elizabeth Street, Unit D
RE# 00072082-003903

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



Background

The shops on Lazy Way Lane were 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 the 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. Although the small interior floor areas and shared decking promotes pedestrian flow and outdoor market space as envisioned, the Historic Preservation Guidelines strictly prohibit outdoor display. In an effort to bring the area into compliance with the Land Development Regulations through a request for a Special Exception staff, as the property owner, has worked carefully to promote the continuity and organization of each display with respect to the visibility of the structural features themselves and the historic fabric of the area; although, each application is specific to the character of the current owner of the individual business. Please see the attached Outline regarding the parameters of acceptable display options that were given to the tenants of Lazy Way Lane.

The applicant, located within the center of the shops on Lazy Way Lane, is the Key West Pretzel Company, Unit D. The types of merchandise currently being sold at the site include food and beverages.

Request

The applicant is requesting an Exception for Outdoor Merchandise Display to allow the display of condiments, menus, and other items associated with the restaurant. The applicant is seeking to utilize wooden racks on the double doors of the structure for the organization of condiments, as well as photographic menus, and two tables. The applicants are requesting the time of the Exception to be for 60 months, which is the maximum allowed under Section 106-52 of the Land Development Regulations.

Analysis

The outdoor display of merchandise in the historic zoning districts of the City is prohibited unless an Exception is granted by the Planning Board, as provided in Section 106-52 of the City Code. Pursuant to Section 106-51 of the City Code, merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. If the Exception for an Outdoor Display is approved by the Planning Board, and if at any time during the display of merchandise 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. The Planning Board has the authority to choose to approve the proposed Exception for a lesser term than the maximum amount of time that has been requested. Granting or denying the 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 that typically share small wooden front deck area characteristic of exteriors utilized for the display of goods. Further, according to the Bight Master Plan the shops on Lazy Way Lane are envisioned to be an old world market place area where pedestrians can meander through the various small craft shops while enjoying the harbor area.

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. Each type of display associated with this application are wood and compatible with the historic fabric of the structures themselves. Further, food vendors are typical of an outdoor marketplace as envisioned in the Bight Master Plan. 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 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.

When reviewing this specific request, the Planning Department coordinated with the City's Historic Preservation Planner, and the proposed display would not obscure the architecture or the visual character of the neighborhood. Specific display designs were required to be met by all the Lazy Way Lane applicants to enhance the visibility of the structure and promote characteristics compatible of the historic waterfront district. The display is organized and appears to be the minimum request possible.

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 of the historic district. However, the exception is visible from the Greene Street waterfront plaza and some aspects will be visible from the right-of-way.

d. The Exception presents a hazard to public safety.

The Fire Marshall has determined that the proposed Exception does not present a hazard to public safety. According to the Fire Marshalls 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.

RECOMMENDATION

The Planning Department, based on criteria established by the City’s Comprehensive Plan and Land Development Regulations, recommends the request for Exception to the Outdoor Merchandise Display be approved per the proposed plan with the following conditions:

1. The Exception is limited, as shown on the site plan, to two hanging racks on the French doors, a wooden shelf, two tables, photographic menus, and will not be placed in the City right-of-way.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Jan Nelson, and granted for a term of 60 months.
4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
5. 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 this Exception.
6. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.
7. That no display is allowed within 36” of the door way access for ADA and Fire access.

**Draft
Resolution**

RESOLUTION NUMBER 2011-_____

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY FOR PROPERTY IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, ALLOWING THE OUTDOOR DISPLAY OF MERCHANDISE TO BE LOCATED AT 205 ELIZABETH STREET (RE# 00072082-003903) UNIT D, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 106-51 of the Land Development Regulations provides that the outdoor display of merchandise in the historic zoning districts of the City is prohibited unless an Exception is granted by the Planning Board as provided in Section 106-52; and

WHEREAS, the subject property is located in the HRCC-1 zoning district; and

WHEREAS, the applicant has requested an Exception for Outdoor Merchandise Display;
and

WHEREAS, the matter came before the Planning Board at a duly noticed public meeting on November 16, 2011; and

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Resolution Number _____

_____Chairman

_____Planning Director

WHEREAS, the Planning Board has considered the factors favoring and disfavoring the Exception, as provided in Section 106-52; and

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. That an Exception for Outdoor Merchandise Display, under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 205 Elizabeth Street (RE# 00072082-003903), Lazy Way Lane, Unit D, Key West, Florida, see attached plans, with the following conditions of approval:

1. The Exception is limited, as shown on the site plan, to two hanging racks on the French doors, a wooden shelf, two tables, photographic menus, and will not be placed in the City right-of-way.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Jan Nelson, and granted for a term of 60 months.
4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.

_____Chairman

_____Planning Director

5. 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 this Exception.
6. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.
7. That no display is allowed within 36" of the door way access for ADA and Fire access.

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 resolution does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

_____Chairman

_____Planning Director

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 Commission.

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 will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

_____Chairman

_____Planning Director

Read and passed at a special meeting held this 16th day of November, 2011.

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

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

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Resolution Number _____

_____ Chairman

_____ Planning Director

Application

Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner. This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

Applicant's Name JAN NELSON

Address of Proposed Display 205 ELISBETH ST UNIT D

RE# of Property LAZY WAY LANE # D

Business Name KEY WEST Pretzel Company

Business Address 2601 S. ROOSEVELT BLVD 113C

Applicant's Mailing Address SAME AS ABOVE

Telephone 305 304-1492 Email -

Name of Property Owner CITY OF KEY WEST

Mailing Address _____

Telephone _____ Email DAVIDKWP@Hotmail



Located in or on:

- a porch, patio, or other attached portion of an adjacent permanent structure.
- an arcade, gazebo, or other temporary structure.
- a cart or movable booth. (Must have received or obtained HARC approval)
- a portable table, rack, or other non-permanent equipment.

Describe the specific merchandise to be displayed and business conducted.

MUSTARDS for USE
CONDIMENTS for CONSUMPTION
MENU (Pictures for our NON-ENGLISH speaking CUSTOMERS)

Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



Describe the structure and equipment used in the display in detail, including any seating.

2 WOODEN (HANDMADE) RACKS - HUNG ON
INSIDE OF FRENCH DOORS. WOODEN SHELF
for CONDIMENTS. PICTURE MENUS inside threshold
of FRENCH DOORS and on INSIDE FRENCH DOORS - 2 TALL BENCHES
(for PKBS from OTHER SHOPS - BOAT TOWELS ETC.)

How far is the display from the street? 8ft

How far is the display from the sidewalk? No sidewalk here

Length of time exception will be needed (no more than 60 months) 60 months

PLEASE PROVIDE THE FOLLOWING TO COMPLETE YOUR APPLICATION:

1. Provide fee of \$100.00. There are additional fees of \$50.00 for fire department review and \$100.00 for advertising and noticing. **For a total of \$250.00.** Please, make check payable to the City of Key West.
2. **Photographs** of the existing area and proposed display
3. A **site sketch** showing general lay out and location of the display relative to visibility from the public right-of-way
4. copy of lease
Copy of the **Warranty Deed**
5. Completed **Authorization** and **Verification** forms as necessary.
6. Recent Property Boundary **Survey**
7. **Property Appraisers** information (www.mcpafl.org)



The information furnished above is true and accurate to the best of my knowledge.

Signature

J. Nelson

Date

7/20/11

Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Jan Nelson, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

Lazy Way Lane Unit D
Street address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

J. Nelson
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 13, July - 2011 by
date

Jan Nelson
Name of Authorized Representative

He/She is personally known to me or has presented _____ as identification.

Maria G. Ratcliff
Notary's Signature and Seal

Maria G. Ratcliff
Name of Acknowledger typed, printed or stamped



EE 053741
Commission Number, if any

Authorization Form

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Jim Scholl as
Please Print Name of person with authority to execute documents on behalf of entity

City Manager of City of Key West
Name of office (President, Managing Member) *Name of owner from deed*

authorize Jan Nelson
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

jscholl
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this 13 July 2011 by
date

Jim Scholl
Name of Authorized Representative

He/She is personally known to me or has presented _____ as identification.

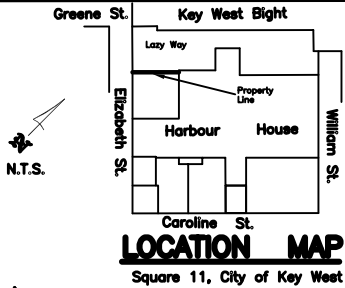
Maria G. Ratcliff
Notary's Signature and Seal

Maria G. Ratcliff
Name of Acknowledger typed, printed or stamped

EE 053741
Commission Number, if any



Survey



SURVEYOR'S NOTES:

North arrow based on assumed median Reference Bearing: R/W Caroline Street
 3.4 denotes existing elevation
 Elevations based on N.G.V.D. 1929 Datum
 Bench Mark No.: Basic Elevation: 14.324

Monumentation:

- ⊙ = set 1/2" Iron Pipe, P.L.S. No. 2749
- = Found 1/2" Iron Bar
- ▲ = Set P.K. Nail, P.L.S. No. 2749

Abbreviations:

- | | |
|-----------------------------|---------------------------------|
| Sty. = Story | o/h = Overhead |
| R/W = Right-of-Way | u/g = Underground |
| fd. = Found | F.F.L. = Finish Floor Elevation |
| p. = Plat | Irr. = Irregular |
| m. = Measured | conc. = concrete |
| d. = Deed | I.P. = Iron Pipe |
| N.T.S. = Not to Scale | I.B. = Iron Bar |
| ⊕ = Centerline | cov'd. = Covered |
| Elev. = Elevation | C.B. = Concrete Block |
| B.M. = Bench Mark | wd. = Wood |
| P.O.C. = Point of Commence | ⊠ = Concrete Utility Pole |
| P.O.B. = Point of Beginning | ⊙ = Wood utility Pole |
| P.B. = Plat Book | |
| pg. = page | w.m. = Water Meter |
| A/C = Air Conditioner | Bal. = Balcony |
| C.L.F. = Chain Link Fence | Pl. = Planter |
| | Hydt. = Fire Hydrant |
| | F.W. = Fire Well |

Field Work performed on: 3/11/11

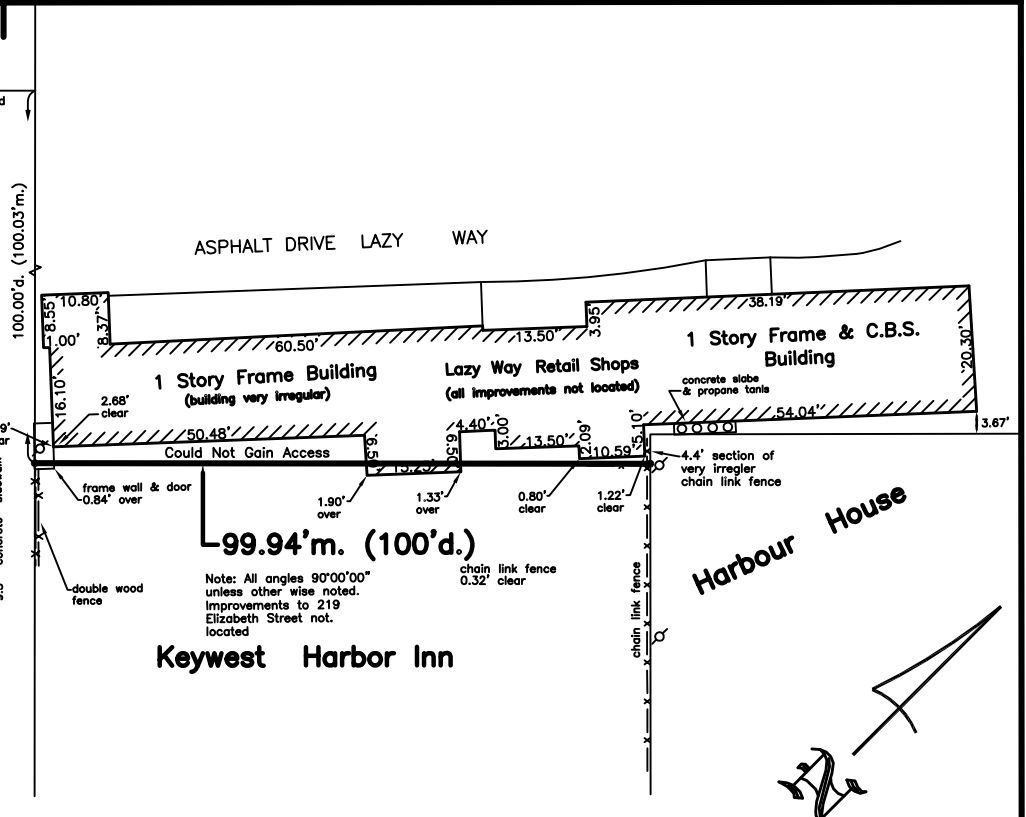
CERTIFICATION:

I HEREBY CERTIFY that the attached **Specific Purpose Survey, Property Line** is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statue Section 472.027, and the American land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
 Professional Land Surveyor & Mapper No. 2749
 Professional Engineer No. 36810
 State of Florida

GREENE STREET

Southeasterly R/W of Greene Street Extended



Key West Harbor Inn

1 Story Frame Building
(building very irregular)

Lazy Way Retail Shops
(all improvements not located)

1 Story Frame & C.B.S. Building

Harbour House

Note: All angles 90°00'00" unless other wise noted. Improvements to 219 Elizabeth Street not located

City of Key West			
Lazy Way, Key West, Florida 33040			
Specific Purpose Survey		Dwn No.:	
property line		11-150	
Scale: 1"=20'	Ref. 202-66 file	Flood panel No. 1516 K	Dwn. By: F.H.H.
Date: 3/10/11		Flood Zone: AE	Flood Elev. 7'
REVISIONS AND/OR ADDITIONS			

ISLAND SURVEYING INC.
ENGINEERS PLANNERS SURVEYORS

3152 Northside Drive
 Suite 201
 Key West, Fl. 33040
 (305) 293-0466
 Fax. (305) 293-0237
 fhildeb1@bellsouth.net
 L.B. No. 7700

Description of Uses and Map of Area

Shoppes on Lazy Way

UNITS A & B - YOURS AND MAYAN – Guatemalan crafts, jewelry, purses, key chains and woodcarvings made by the Mayan Indians.

UNIT C - LAZY BREEZE SEAGLASS – Jewelry, hand painted wooden pieces, island-themed gifts, bookmarks and sand-cast candles.

UNIT D – KEY WEST PRETZEL COMPANY – Preparation of food products and operation of a retail store offering a variety of pretzels and homemade sauces, fresh squeezed lemonade and fruit drinks, coffee and breakfast pretzels for take away.

UNIT F – AER PHOTOGRAPHY, INC. – Retail art gallery and studio including photography, paintings, pottery, silk screening, gyotaku, watercolors and metal sculpture, painted furniture and other mixed media.

UNIT G - DRAGONFLY KEY WEST – Gifts, clothing, hair accessories and jewelry.

UNIT H - CAPTAIN QUICK DRY – Quick drying and solar protective clothing for men, women and children related to boating and fishing and accessories.

UNIT I – SEBAGO WATERSPORTS – Ticket sales, “check-in” and Sebago merchandise.

UNIT J – SEBAGO WATERSPORTS – Indoor storage of equipment used to facilitate boat operations located in KWB Marina including, but not limited to, ice machines and inventory (no outdoor storage permitted).

S I K E I 7 7 M I S U I 7

#702 Yorks + Maym

Unit Calculations:

Unit	Square Footage
A	253
A-1	84
B	135
C	125
D	213 + 4.5 s.f., plywood shed
E	61
F	426
G	326
H	452
I	364

#704 Lazy Breeze Seaside

#7832 Key West Beach

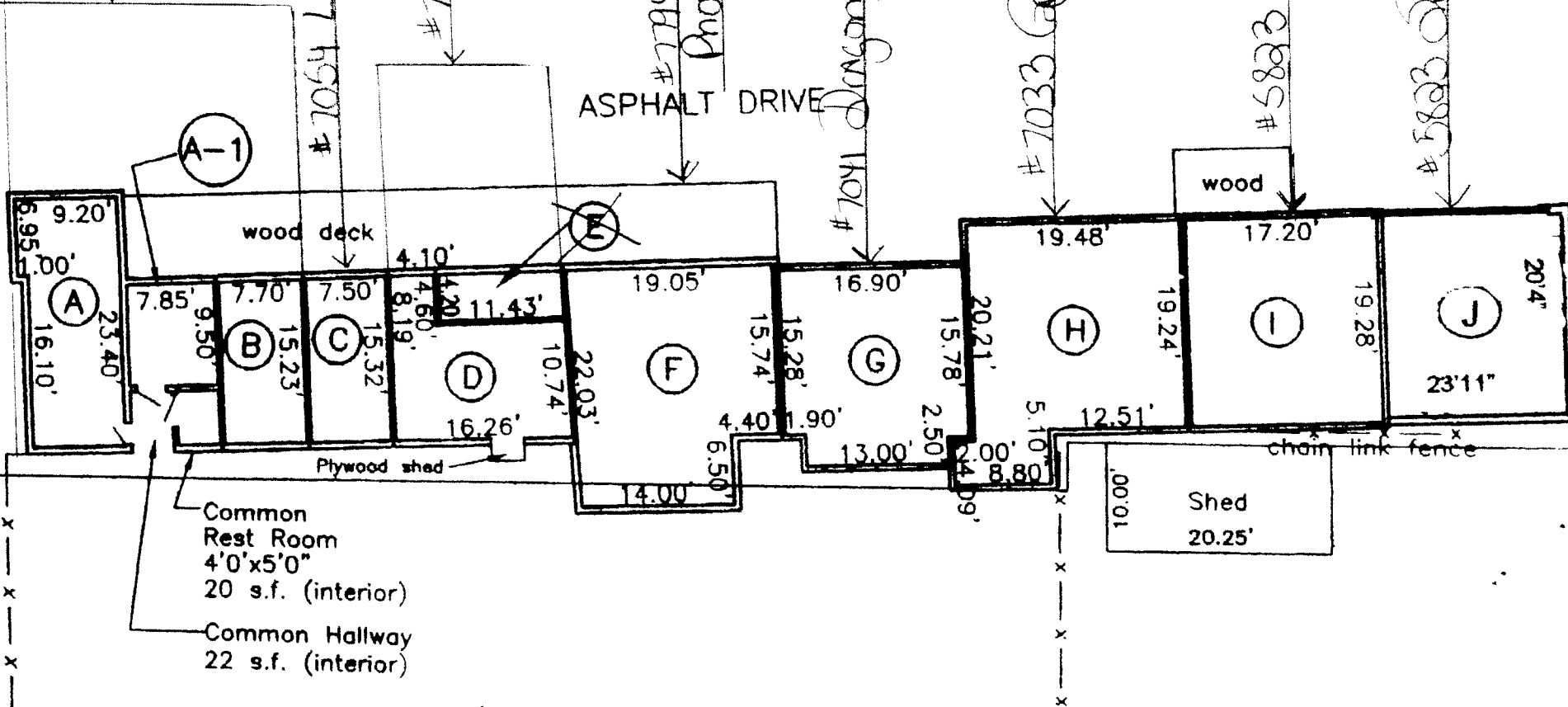
#7794 NEK
Plywood shed

#7041 Dragonfly KW

#7033 Gpt Quik
Ply

#8832 Seaside Seaside

#8833 Seaside Seaside



Common Rest Room
4'0"x5'0"
20 s.f. (interior)

Common Hallway
22 s.f. (interior)

Shed
20.25'

ASPHALT DRIVE

wood

chain link fence

Site Plans



17'6"

68"

44"

PINA COLADA

SAUSAGE

HOT DOGS

LEMONADE

PRETZEL

6'8"

9'6"

6'8"

8'4"

8'4"

The 2 Palm TREES
are 3'x3' each

KEY WEST PLANNING DEPT.
JUL 19 2011
MONROE COUNTY



KEY WEST PLANNING DEPT.
JUL 19 2011
MONROE COUNTY

Outline for Outdoor Display Options

The Planning Department has worked out a list of display options that meet general HARC guidelines that may be helpful in outlining acceptable Outdoor Display applications for the businesses located on Lazy Way Lane. We recommend that each individual lease holder use the list below as a guideline for creating their display that is also within the confines of the Code for Exceptions to Outdoor display, also listed below.

Each leaseholder's application should include but is not limited to (see attached application):

- 1.) Drawings or photographs demonstrating their rendition of proposed display;
- 2.) Photographs of their particular site,
- 3.) A site plan that is properly dimensioned and shows relevant outdoor site features such as windows, doors trees, fencing, stairs, and location and dimensions of proposed displays and shows the site in relation to other shops.
- 4.) Color swatch

Outdoor Display options:

- One standing display, table or display feature for artwork measuring three square feet to be located in area that allows for ADA access and a Fire access path of 36" in front of the front entrance;
- For both sides of open, double doors, hanging shelving is allowed, not to exceed the height of the door and no wider than the width of the door, and no deeper than one (1) foot from the door when completely open against the building;
- Wooden shelves on the façade of the building, on either side of front doors, not to project more than three and a half inches in depth from the side of the building, not to exceed three shelves. Shelving cannot cover window or door trim;
- No carts allowed;
- No hanging of objects anywhere, except as specifically allowed above;
- No plastic or vinyl displays;
- Display area is limited to the front porch areas;
- Access must remain unimpeded 36" in width, from the right-of-way to the interior of the structure/ front door for fire access;
- Signage shall be in accordance with Code Section 114 and approved by HARC

Exception for Outdoor Display

Sec. 106-51. - Prohibited.

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the planning board, as provided in section 106-52. Merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. Outdoor display shall mean the placement of merchandise on the exterior of a business structure, including a wall, roof, overhang, entranceway or window, or within a required setback area. For a cart, booth or arcade,

outdoor display shall mean the placement of merchandise, either freestanding or by draping it, on the exterior or beyond the vertical plane of the cart, booth or arcade. In no event shall outdoor display be permitted in the public right-of-way. The prohibitions of this section shall not apply to automotive, bicycle and moped rentals and sales and to plant sales and shall not apply to art festivals or other special events duly permitted by the city commission.

Sec. 106-52. - Exceptions.

Exceptions to section 106-51 may be granted by the planning board as follows:

(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.
- 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.
- 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.

(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.
- 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.
- c. The exception presents a hazard to public safety.

(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. Applications for exceptions shall be accompanied by a nonrefundable fee of \$100.00 to cover the costs to the city of processing the application and investigating the applicant.

(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.

(5) The city manager or the planning board, upon written petition by any city resident, may cause issuance of a notice of hearing on revocation of an exception, which notice shall be issued by the city clerk.

Sec. 106-53. - Mobile vendors excepted. Sections 106-51 through 106-53 shall have no application to businesses duly licensed and operating pursuant to article VI of chapter 18 pertaining to mobile vendors or to persons granted exemptions pursuant to section 18-319(b).

Sec. 106-54. - Enforcement. Sections 106-51 through 106-53 shall be enforced by the code enforcement provisions of article VI of chapter 2.

Sec. 106-55. - Advertising causing obstruction of streets or sidewalks.

It shall be unlawful for any person to conduct any advertising or publicity business or activities pertaining thereto in a manner so as to produce an assemblage of spectators and listeners and thereby obstruct or cause the obstruction of any city street or sidewalk. This restriction shall not apply to parades or advertising under the authority of a duly issued permit.

Sec. 106-56. - Use of streets and sidewalks for advertising or display purposes.

It shall be unlawful for any person to use any portion of a street or sidewalk in the city for advertising or display purposes except as may otherwise be provided for by this subpart B.

DRC
Minutes & Comments

Minutes of the Development Review Committee
Meeting of June 23, 2011

Don Craig, Planning Director, convened a meeting of the Development Review Committee of the City of Key West at 10:00AM, July 28, 2011 was held at Old City Hall, in the antechamber at 510 Greene Street, Key West.

Roll Call

Don Craig, Planning Director
John Woodson, Building Official
Steve Torrence, KWPD

Elizabeth Ignaffo, General Services
Alan Averette, Fire Department
Enid Torregrosa, HARC Planner

Planning Staff:

Patrick Wright
Brendon Cunningham

Nicole Malo
Scott Fraser

Comments received from:

Keys Energy
Diane Nicklaus, ADA Coordinator

Approval of Agenda

Mr. Craig approved the agenda.

Approval of Minutes

1. May 26, 2011

Mr. Torrence made a motion to approve the May 26, 2011 minutes; the motion was seconded by Mrs. Torregrosa. Motion carried.

2. June 23, 2011

Mr. Torrence made a motion to approve the June 23, 2001 minutes; the motion was seconded by Mrs. Torregrosa. Motion carried.

Discussion Items

- 3. Exception for Outdoor Merchandise Display - 205 Elizabeth Street (Lazy Way Lane), Unit C (RE Number 00072082-003903) - An application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in-store, for the Southernmost Seaglass LLC., located on Lazy Way Lane, Unit C in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

Nicole Malo presented the project.

DRC members had no comments.

Ms. Nicklaus and Keys Energy had no comments.

4. **Exception for Outdoor Merchandise Display - 205 Elizabeth Street (Lazy Way Lane), Unit D (RE Number 00072082-003903) - An application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in-store, for the Key West pretzel Company LLC., located on Lazy Way Lane, Unit D in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

Nicole Malo presented the project.

Mr. Averette, Mr. Torrence, Ms. Ignaffo, and Mr. Woodson had no comments.

Ms. Nicklaus and Keys Energy had no comments.

Mr. Craig asked if the sandwich sign was part of the application.

Mrs. Torregrosa stated that sandwich signs are not allowed in the historic district and the sign needs to be removed.

Mr. Craig wanted to clarify for the record that the applicant, Jan Nelson (Key West by the Sea 113-C), had indicated that the sign would be removed.

Ms. Malo asked the applicant to resubmit new photos without the sign in them.

Mrs. Torregrosa suggested the applicant meet with her to discuss signage guidelines.

5. **Exception for Outdoor Merchandise Display - 205 Elizabeth Street (Lazy Way Lane), Unit D (RE Number 00072082-003903) - An application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in-store, for the Key West pretzel Company LLC., located on Lazy Way Lane, Unit D in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

Nicole Malo presented the project.

DRC members had no comments.

Ms. Nicklaus and Keys Energy had no comments.

6. **Transient License Transfer - 223 Ann Street (RE Number 00001210-000000) Transfer of One Transient Business Tax Receipt (Licenses), from property located at 1800 Atlantic Boulevard Unit 109-A located in the MDR-C zoning district to property located at 233 Ann Street located in the HRCC-1 zoning district per Section 122-1339(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

Nicole Malo presented the project.

Mr. Averette, Mr. Torrence, Ms. Ignaffo, Mrs. Torregrosa and Mr. Woodson had no comments.

Ms. Nicklaus and Keys Energy had no comments.

Mr. Craig wanted to clarify that the unit is currently unassigned.

Ms. Malo confirmed that the unit is in the unassigned pool.



(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33040-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

July 28, 2011

Mr. Don Craig
City of Key West
PO Box 1409
Key West, Florida 33040



RECEIVED

July 28, 2011

KW Planning Dpt

RE: DEVELOPMENT REVIEW COMMITTEE
KEYS ENERGY SERVICES COMMENTS MEETING OF JULY 28, 2011.

Dear Mr. Don Craig:

Keys Energy Services (KEYS) received the Development Review Committee Agenda for July 28, 2011. KEYS has reviewed the items that will be discussed at the City's Development Review Committee meeting.

Below are KEYS' comments:

1. LOCATION: 205 Elizabeth St, Unit C – Exception for Outdoor Merchandise Display
COMMENT: KEYS has no objections to the Exception for Outdoor Merchandise Display.
2. LOCATION: 205 Elizabeth St, Unit D – Exception for Outdoor Merchandise Display
COMMENT: KEYS has no objections to the Exception for Outdoor Merchandise Display.
3. LOCATION: 205 Elizabeth St, Unit G – Exception for Outdoor Merchandise Display
COMMENT: KEYS has no objections to the Exception for Outdoor Merchandise Display.
4. LOCATION: 1800 Atlantic Blvd to 223 Ann Street – Transient License Transfer
COMMENT: KEYS has no objections to the Transient License Transfer.
5. LOCATION: 3216 Flagler Ave – Conditional Use
COMMENT: KEYS has no objections to the Conditional Use. Customer to submit a Project Review Form for loads.
6. LOCATION: Higgs Beach – Major Development Plan
COMMENT: Keys Energy has reviewed the above site plans. KEYS will need to remove and/or relocate high voltage primary to accommodate the shift in the road. KEYS has power running to West Martello Towers and the existing restaurant that will need to be maintained. KEYS will also need to have truck access to all poles. If this design is approved, KEYS will require 8 to 12 months for budgeting and designing of this project.
7. LOCATION: 3800 N. Roosevelt Blvd – Conditional Use
COMMENT: KEYS has no objections to the Conditional Use.
8. LOCATION: 2801 Venetian Dr – Variances
COMMENT: KEYS has no objections to the Variances.

Property Appraiser Information

Karl D. Borglum
Property Appraiser
Monroe County, Florida

office (305) 292-3420
 fax (305) 292-3501
 Website tested on Internet
 Explorer

GIS Mapping requires Adobe Flash 10.3 or higher.

Property Record View

Alternate Key: 9073758 Parcel ID: 00072082-003903

Ownership Details

Mailing Address:

CITY OF KEY WEST
 PO BOX 1409
 KEY WEST, FL 33041-1409

Property Details

PC Code: 11 - STORES ONE STORY

Millage Group: 12KW

Affordable Housing: No

**Section-Township-
Range:** 06-68-25

Property Location: LAZY WAY LN KEY WEST

Legal Description: KW PT SQR 11 (HARBORWALK SHOPPES AT LAZY WAY INC LEASE) G42-467/68 OR427-17/18 OR572-126E OR656-645/46 OR1424-992/99(LG)

Show Parcel Map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	1,479.00 SF

Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 1

Total Living Area: 1219

Year Built: 1953

Building 1 Details

Building Type
Effective Age 20

Condition A
Perimeter 192

Quality Grade 350
Depreciation % 23

Year Built 1953
Functional Obs 0

Special Arch 0
Economic Obs 0

Grnd Floor Area 1,219

Inclusions:

Roof Type
Heat 1
Heat Src 1

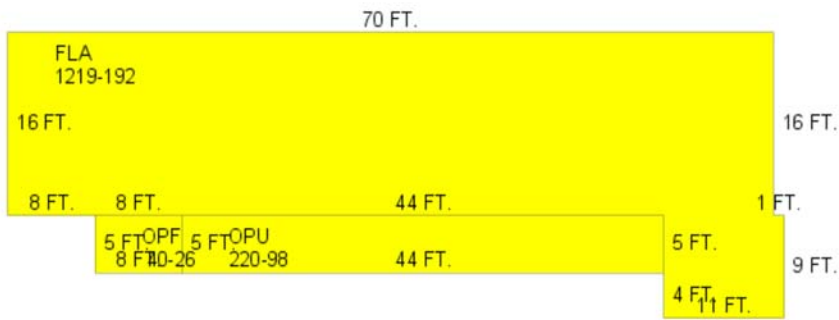
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					1,219
2	OPF		1	1998					40
3	OPU		1	1992					220

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	16851	1 STY STORE-D	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
5839	MIN WOOD SIDING	43
5840	NO VALUE	57

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	TK2:TIKI	16 SF	4	4	1990	1991	1	40
2	AC2:WALL AIR COND	2 UT	0	0	1989	1990	1	20

Appraiser Notes

6/11/04 IN PREVIOUS YEARS THIS PARCEL WAS ASSESSED UNDER AK 8817584. SPLIT OUT INTO ITS OWN INDIVIDUAL PARCEL FOR THE 2004 TAX ROLL. LG NOTE: SUNNY DAYS OFFICE, JUICE BAR, INN HOUSE FLORIST, TROPICAL CLOTHING & CHAPEL BY THE SEA OFFICE

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	09-00003832	12/16/2009		50,000	Commercial	SHED NON-RESIDENTIAL

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2011	68,255	394	240,024	308,673	308,673	0	308,673
2010	68,255	399	242,343	310,997	310,997	0	310,997
2009	68,255	402	346,676	415,333	415,333	0	415,333
2008	70,914	406	273,615	557,357	557,357	0	557,357
2007	48,261	409	273,615	557,357	557,357	0	557,357
2006	49,468	414	214,455	522,894	522,894	0	522,894
2005	51,278	417	207,060	258,755	258,755	0	258,755
2004	51,228	421	147,900	199,549	199,549	0	199,549

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., November 16, 2011 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit D (RE# 00072082-003903) - A request to allow the display of merchandise sold in-store, for the Key West Pretzel Company LLC., located on Lazy Way Lane, Unit D in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Exception for Outdoor Merchandise Display - A request to allow the display of merchandise sold in-store, for the following stores located on Lazy Way Lane, in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West:

Applicant: Donald Kilgore	Project Location: 205 Elizabeth, Unit A, A-1, B / Yours and Mayan, LLC
Applicant: James McElderry/Susan Labate	Project Location: 205 Elizabeth, Unit C / Southernmost Seaglass, LLC
Applicant: Jan Nelson	Project Location: 205 Elizabeth, Unit D / Key West Pretzel Company
Applicant: Alicia Renner	Project Location: 205 Elizabeth, Unit F / AER Photography & Art Gallery
Applicant: Keir Loranger	Project Location: 205 Elizabeth, Unit G / Dragonfly Key West
Applicant: Stephen Greenfield	Project Location: 205 Elizabeth, Unit H / Cpt Quickdry, Inc & Stingray Steve

Property Owner: City of Key West **Date of Hearing:** Wednesday, November 16, 2011

Time of Hearing: 6:00 PM **Location of Hearing:** Old City Hall, 510 Greene, City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Dpt located at 3140 Flagler Ave, Key West, FL, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Carlene Cowart at ccowart@keywestcity.com .

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

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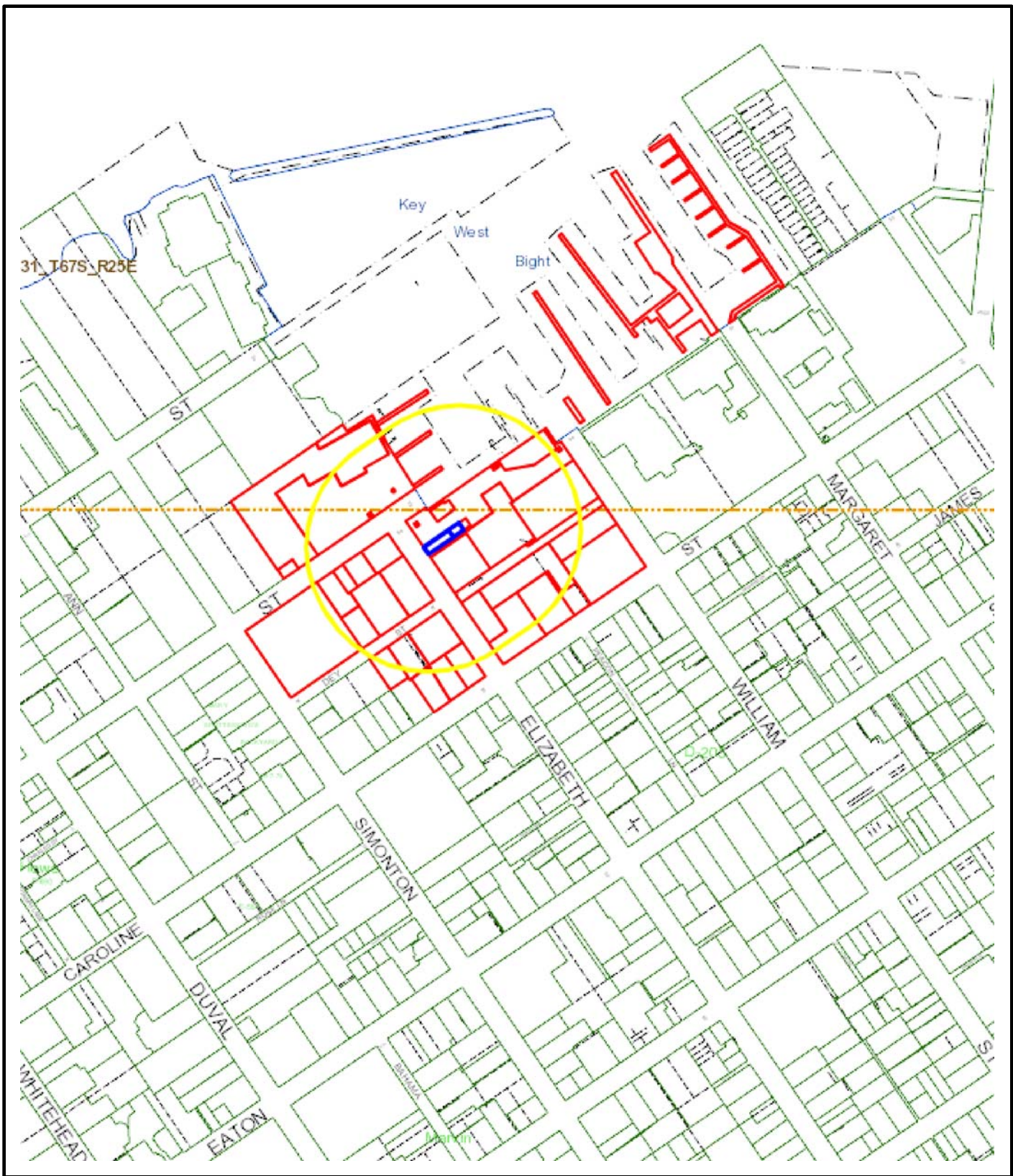
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Monroe County, Florida

Lazy Way

Printed: Nov 08, 2011

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



	NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1	M AND I REGIONAL PROPERTIES LLC	501 E KENNEDY BLVD 9TH FL		TAMPA	FL	33602-5254	
2	HOUSING AUTHORITY OF CITY OF KEY WEST	1400 KENNEDY DR		KEY WEST	FL	33040	
3	NOE SASHA	94 PRINCE ST APT 1		NEW YORK	NY	10012-3993	
4	GALLETTA PROPERTY GROUP LLC	3266 PACETTI RD		SAINT AUGUSTIN	FL	32092-0486	
5	RANDAZZO DOLORES	16423 92ND ST		HOWARD BEACH	NY	11414	
6	GOLD HEIDI B	630 DEY ST		KEY WEST	FL	33040	
7	KEY WEST HAND PRINT FABRICS LTD	201 FRONT ST STE 310		KEY WEST	FL	33040-8346	
8	SKOKO GEORGE JOHN	618 GREENE ST		KEY WEST	FL	33040-6625	
9	616 GREEN STREET LLC	616 GREENE ST		KEY WEST	FL	33040	
10	HURST ANNE HAHN REV TR AG 3/17/2010	2248 LUSTERS GATE RD		BLACKSBURG	VA	24060-9214	
11	CALLEJA JOHN F AND ALICE	1404 PETRONIA ST		KEY WEST	FL	33040	
12	BARRY WILLIAM MCLEAN	618 DEY ST		KEY WEST	FL	33040	
13	HENDRY TIFFANY	32 EAST 39TH ST		NEW YORK	NY	10016	
14	DEFERRARI RONALD H REV TR 8/9/1997	PO BOX 6688		OZONA	FL	34660-6688	
15	200 ELIZABETH STREET LLC	32 EAST 39TH ST		NEW YORK	NY	10016	
16	WELF LEONARDO A	219 ELIZABETH STREET		KEY WEST	FL	33040	
17	DAJULD3 LLC	1340 POTOMAC SCHOOL RD		MCLEAN	VA	22101	
18	MCSWEEN MICHAEL F AND NANCY	1422 HARMONY ST		NEW ORLEANS	LA	70115	



CHILE MUSTARD BEER MUSTARD MUSTARD HOT SAUCE
HORSE RADISH MUSTARD MUSTARD BARBECUE SAUCE ROSEMARY GARLIC OLIVE OIL
KEY LIME MUSTARD CURRY MUSTARD SWEET ONION MUSTARD

Public Meeting Notice

PRETZELS

SAUSAGE

HOT DOGS

The Pretzel