

**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

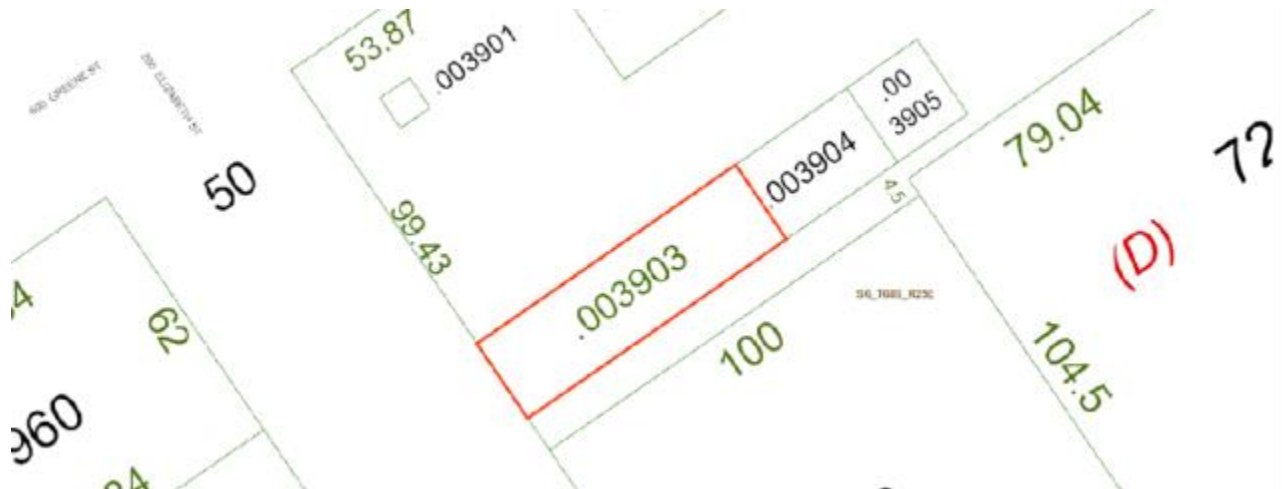
Application: **Exception for Outdoor Merchandise Display – 205 Elizabeth Street, Unit A, A-1, B - (RE # 00072082-003903)** – A request for an exception to an outdoor merchandise display on property located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request for a 60 month approved Exception for Outdoor Merchandise Display to allow the use of shelving, two small tables, the doors and the window shutters for display of merchandise sold in the store, Yours and Mayan along Lazy Way Lane sold in the store through a 60 month time span.

Applicant: Donald Kilgore

Property Owner City of Key West

Location 205 Elizabeth Street, Unit A, A-1, B - (RE # 00072082-003903)



BACKGROUND

The Yours and Mayan is located at 205 Elizabeth Street, Unit A, A-1, and B on the corner of Elizabeth Street and facing Lazy Way Lane. The 205 Elizabeth Street property was designed as part of the original 1996 Bight Master Plan 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 the first three units (A, A-1 and B) of the Lazy Way Lane shops, also known as Yours and Mayan. Unit A is located on the corner of Lazy Way Lane and Elizabeth Street and has an entrance on Elizabeth Street and a large window that faces Lazy Way Lane. Units B and C each have two sets of double doors that open on to a small deck facing Lazy Way Lane. The types of merchandise currently sold at Yours and Mayan include handmade merchandise from Central America, such as, but not limited to jewelry, bags and wood carvings.

The applicant applied and was granted an Outdoor Merchandise Display for a period of 60 months in 2011 per Resolution # 2011-053.

REQUEST

The applicant is requesting that the Planning Board grant an approval to the outdoor display for the maximum timeframe of 60 months for all three units as follows. All display fixtures are wood.

Unit A

- Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
- Display on the shutters and hanging mask display on the window facing Lazy Way Lane.

Unit A-1 and B

- Display of merchandise hanging from the wooden panels on the double doors (either open or closed).
- One small wooden chair and two 32" x 32" wooden tables to be located as shown on the site plans for fire access.
- Three wooden shelves adjacent to the double doors

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 that typically share a small wooden front deck area characteristic of exteriors utilized for the display of goods.

- 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. 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.**

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 promote 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 of the historic district. However, the exception is visible from

the Green 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 Marshalls DRC comments at that time, 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, Yours and Mayan, and granted for 60 months, as shown on the site plan for:
Unit A
 - Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
 - Display on the shutters and hanging mask display on the window facing Lazy Way Lane.

Units A-1 and B

- Display of merchandise hanging from the wooden panels on the double doors (either open or closed).
 - One small wooden chair and two 32" x 32" wooden tables to be located as shown on the site plans for fire access.
2. The Exception will only be present during hours of operation.
 3. The Exception is specific to the applicant, Donald Kilgore, 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. The Exception will provide clear access for ADA and fire accessibility, with a minimum pathway of thirty-six (36) inches.