

RESOLUTION NUMBER 2011-006

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY TO ALLOW THE DISPLAY OF MERCHANDISE SOLD IN-STORE IN THE HRCC-1 ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 111 DUVAL STREET (RE# 00000490-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core Zoning District (HRCC-1); and

WHEREAS, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, the Board of Adjustment approved applications for Exception to Outdoor Display to allow the outdoor display of merchandise through Resolution 00-275 on August 7, 2000 and Resolution 05-354 on November 3, 2005; and


Chairman

Interim Planning Director

WHEREAS, a request was submitted for Planning Board consideration to clarify that any item sold in the store can be displayed within the approved Exception area, and that the arrangement of the furniture in the display area be flexible; and

WHEREAS, the Planning Board met on January 25, 2011 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; 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 Display under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of merchandise in a courtyard located at 111 Duval Street (RE# 00000490-000000), with the following conditions, and per the attached survey and site sketch received November 1, 2010:

- (1.) The Exception for the Outdoor Merchandise Display is limited to the existing courtyard and will not be placed in the City right-of-way. The arrangement and type of items shown within the courtyard can be modified.
- (2.) The Exception for the Outdoor Merchandise Display will only be present during hours of operation.

- (3.) The Exception for the Outdoor Merchandise Display is specific to the tenant, John Lepouski and granted for 60 months.

Section 3. Exceptions to 106-51 may be revoked by the Planning Board after notice and hearing on grounds:

- 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.

Section 4. The City Manager or the Planning Board, upon any 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.

Section 5. This Exception for Outdoor Display 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.

Section 6. 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 7. This resolution is subject to appeal periods as provided by the City of Key


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West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit 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 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.

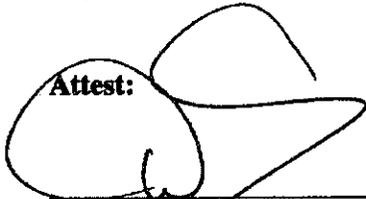
Read and passed on first reading at a special meeting held this 25th day of January, 2011.

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


Richard Klitenick, Chairman
Key West Planning Board

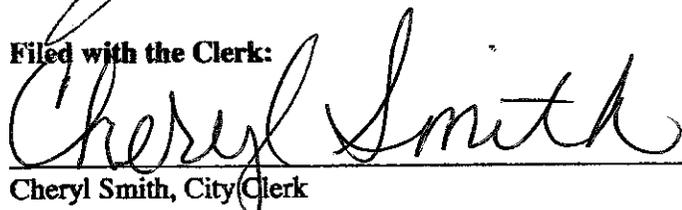
1/28/2011
Date

Attest:


Donald Leland Craig, AICP
Interim Planning Director

1/28/11
Date

Filed with the Clerk:

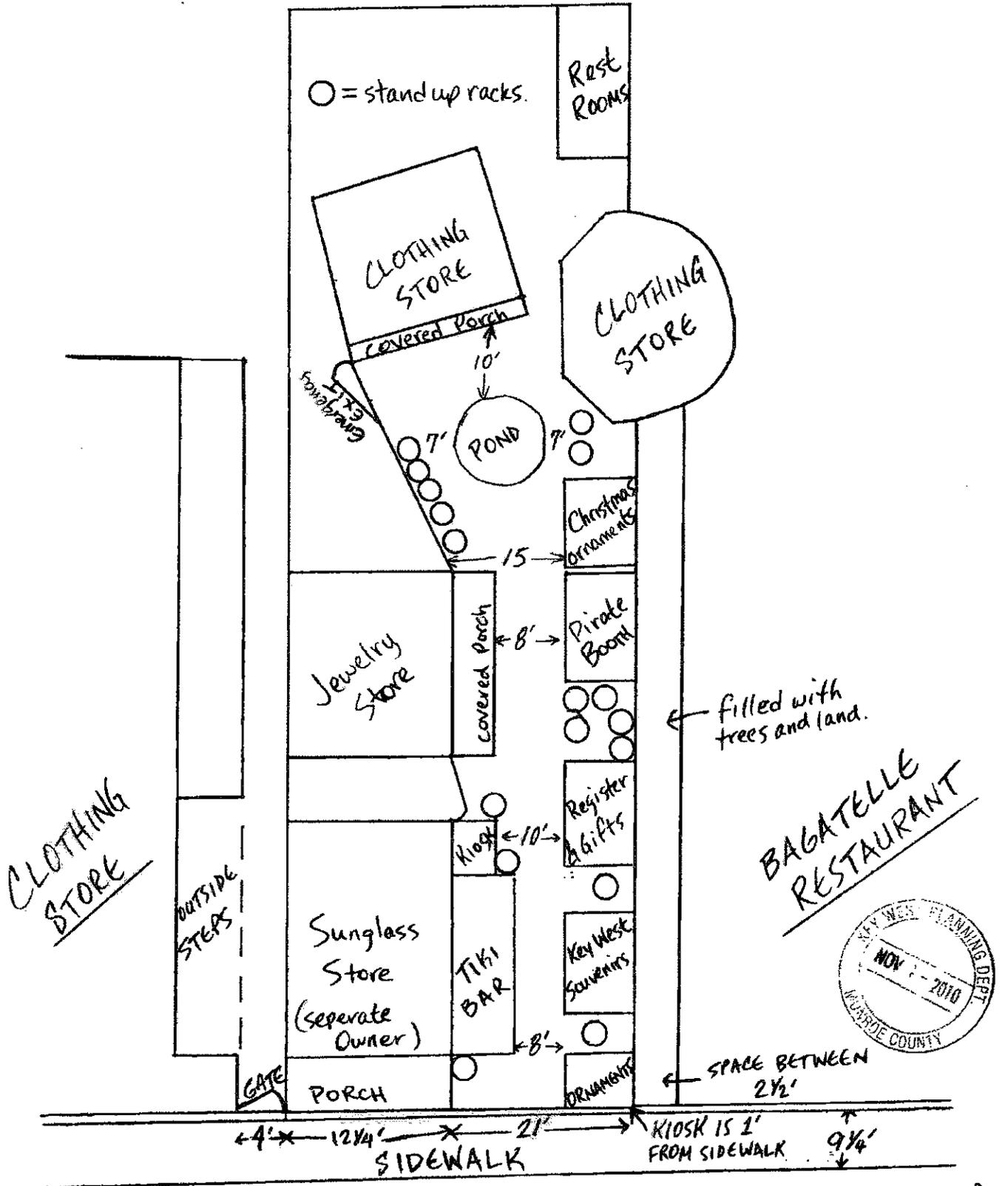

Cheryl Smith, City Clerk

1-31-11
Date


Chairman


Interim Planning Director

Duval Village
111 Duval Street



- DUVAL STREET - 