

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



To: Chair and Planning Board Members

From: Ginny Haller, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: August 17, 2017

Agenda Item: **Conditional Use – 413 Green Street-Courtyard (RE # 00000620-000000)** - A request for a conditional use for the location of a recreational rental vehicle use on property located in the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 18-355, 122-62 and 122-688 (17) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

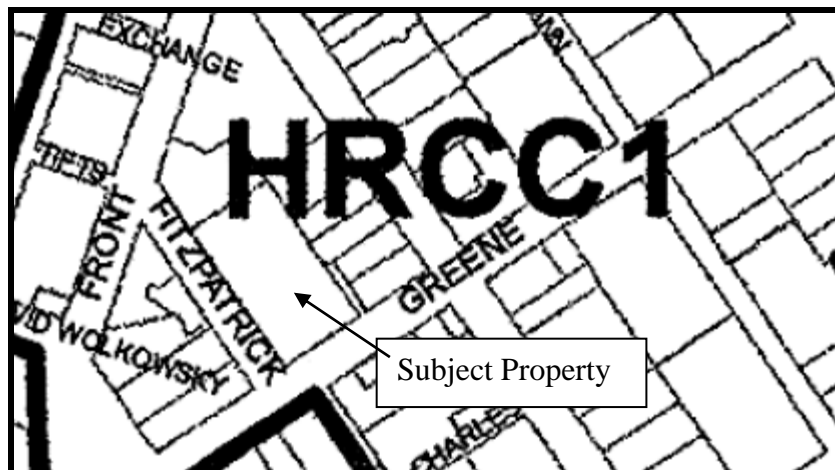
Request: To allow for the location of a recreational rental vehicle use.

Applicant: ZAPP Rideshare, Inc.

Property Owner: New Ideas, Inc.

Location: 413 Green Street-Courtyard (RE # 00000620-000000)

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



Background:

The subject property is located on the corner of Greene and Fitzpatrick Streets. The property is immediately surrounded on all sides by the Historic Residential Commercial Core – Duval Street Gulfside zoning district. The property currently operates as the Kino Sandals Mall with commercial/retail uses surrounding a courtyard. The proposal is for the electric scooter rental area to be located within the courtyard. The applicant proposes no changes to the property.

The applicant is proposing to have no more than twenty (20) electric scooters to be in the courtyard area at a time (see attached Dimensional Site Plan). The scooters require a user to download the app on their telephone, complete an online course, and after that request a vehicle. The applicant states that a first time user cannot rent without being verified and trained by a Zapp employee on the site within the hours of 9 AM to 9 PM. The training will occur within the courtyard that has a dimension of 49 X 72 feet.

Surrounding Zoning and Uses:

North: HRCC-1, Restaurant/Bar use

South: HPRD & HRO, Residential, museum, office, restaurant and retail uses

East: HRCC-1, Restaurant/Bar use

West: HPS, Mallory Square, restaurant and commercial retail uses

Process:

Development Review Committee:

May 25, 2017

Planning Board:

August 17, 2017

Local Appeal Period:

10 days

DEO Review:

Up to 45 days

Conditional Use Review

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62***(a) Findings***

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

(b) Characteristics of use

The proposed use is of a recreation rental vehicle use licensed for 20 electric scooter rentals is a conditional use in the HRCC-1 zoning district. The property is also located in the HRCC-1 zoning district which is defined as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations.

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR):

The proposed use will add no additional floor area to the property.

b. Traffic generation:

The property is located in the historic commercial pedestrian oriented. The applicant has provided a traffic statement from a licensed traffic engineer analyzing the conditions of the location (Traffic Memorandum attached). The analysis maintains that Green Street at this time is operating at an acceptable level of service; and that a "maximum assignment of 60% of the scooter traffic on a single roadway (i.e. to the south on Fitzpatrick Lane), the maximum impact to the street network will be less than 1%." The City's traffic consultant, Calvin, Giordano & Associates, has deemed the submitted traffic memorandum in compliance with Section 18-358.

c. Square feet of enclosed space for each specific use:

As depicted on the plans all of the business will be located outdoors in the courtyard.

d. Proposed employment:

The applicant proposes to have one employee at the location during business hours from 9 AM to 9 PM for seven days a week. The employee is to be trained in the operation of electric scooters and will train users of the scooters.

e. Proposed number and type of service vehicles:

Staff does not anticipate any adverse impacts from service vehicles. The applicant states the company has a specially designed trailer to carry up to six scooters at a time. The electric scooters will be taken to the site during 4 to 5 trips during the night. The applicant states the scooters can be off-loaded in approximately ten minutes.

f. Off-street parking needs:

The property is located in the historic commercial pedestrian oriented area, and no new floor area is being created.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities

Staff does not anticipate any improvement needs regarding utilities.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94

None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

c. Roadway or signalization improvements, or other similar improvements

None expected.

d. Accessory structures or facilities

None proposed.

e. Other unique facilities/structures proposed as part of site improvements

None proposed.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

a. Open space

No changes are proposed.

b. Setbacks from adjacent properties

No changes proposed.

c. Screening and buffers

No changes proposed.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites

No changes proposed.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts

No noxious impacts expected. The use of electric scooter generates no noise or emissions.

(c) Criteria for conditional use review and approval

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility

The proposed use would be located in the HRCC-1 zoning district. Per Section 122-686 the intent of the HRCC-1 zoning district defined as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. Small recreational power-driven equipment rentals are a conditional use in the HRCC-1 zoning district.

(2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques

No adverse impacts anticipated.

(4) Hazardous waste

None expected or proposed. The batteries for the electric cars are to be recharged on reserved space on Stock Island and the expired batteries will be disposed of at the same location.

(5) Compliance with applicable laws and ordinances

Comply with all applicable laws and regulations would be required.

(6) Additional criteria applicable to specific land uses

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. Land uses within a conservation area: N/A

b. Residential development: N/A

c. Commercial or mixed use development: No negative impacts expected.

d. Development within or adjacent to historic district: Any signage or other building permits necessary will be required to have HARC approval. The applicant proposes temporary signage be placed on the removable, waist height podium which is on wheels with an umbrella and two stools which will be put away each evening.

e. Public facilities or institutional development: N/A

f. Commercial structures, uses and related activities within tidal waters: N/A

g. Adult entertainment establishments: N/A.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

General conditions:

1. The conditional use and site improvements/renovations shall match the modified site plan dated June 28, 2017.
2. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).
3. Permanent signage will be required to have HARC approval before being installed.
4. On-site rental of no more than twenty (20) electric scooters, and they shall be recorded with the City's licensing official per Section 18-351(a).
5. Instruction and training shall be in compliance with Section 18-381.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

6. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.