

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: July 15th, 2021

Application: **Conditional Use Amendment** – 617 Front Street (RE# 00000010-000500) – A request for a revision to a conditional use approval to alter the conditions of a conditional use approval per Sec. 18-355 of the City Code, to allow the change of rental vehicles types and the overall reduction of rental vehicles permitted at the property in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Sections 18-355, 122-62 and 122-688 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Applicant: Fury Rentals, LLC

Property Owner: Mastenbroek Henk, Letschert Trudo

Location: 617 Front Street - (RE # 00000010-000500)



Background:

The property located at 617 Front Street, is near the corner of Front Street and Simonton Street. The property has historically been used as a commercial condominium property with a commercial structure in the front, first developed in the 1980s. The commercial structure in the front of the lot has been used as a recreational rental facility since at least 2013. The leased rental area has changed operators several times but has maintained the recreational rental use. The recreational rental use at the property has been deemed to have a valid conditional use approval per City of Key West Code Section 18-355 with a legally established 77 moped scooters. The applicant has proposed to revise the legally established rental units by applying for an amendment to a conditional use. The proposed amendment would reduce the legally established 77 moped scooters to 40 golf carts in total. Thirty two of the proposed carts would be electric carts and eight (8) would be fuel powered carts.

Staff Analysis - Evaluation:

The subject parcel is located in the Historic Residential Commercial Core (HRCC-1) zoning district, which allows small motorized recreational rental vehicles as a conditional use. The applicant is proposing to replace 77 gas powered moped scooters for a total reduction of 37 recreational rental vehicles at the site. The applicant has stated they will replace 77 moped scooters for 40 carts- 32 electric and 8 fuel powered. The proposed golf carts have an average size of 32 sqft, moped scooters have an average size of 18 sqft. The total area of 40 carts is about 1,280 sqft of rental equipment, the total area of 77 moped scooters is about 1,386 sqft of rental equipment. The proposed 40 rental carts could fit in the same or similar location as the established 77 moped scooters.

Characteristics of use described:

(1) Scale and intensity

- a. Floor Area Ratio: N/A
- b. Traffic Generation:
 - i. The subject property is located in the Historic Pedestrian Oriented Zone (Section 108-573 (c)). The Planning Department does not anticipate the modification to increase the traffic generation over the existing use. If the total number of vehicles are reduced, the traffic generation for the lot would also reduce.
 - ii. In the past five years there have been 25 traffic incidents on the one block between Front St. and Simonton St. The reduction of vehicles from this area may reduce the total number of traffic incidents.
- c. Square feet of enclosed building for each specific use:
 - i. No enclosed buildings being proposed.
- d. Proposed Employment:
 - i. Two full time employees and one part time employee
- e. Proposed number and type of service vehicles:
 - i. No service vehicles proposed.
- f. Off-street parking needs:
 - i. The subject property is located in the Historic Pedestrian Oriented Zone (Section 108-573 (c)). The Code states that if the applicant does not create floor area or alter their use to a more intensive use, then no excess parking is required. The applicant has proposed to reduce the intensity of the recreational rental use.

(2) On- or off-site improvement needs generated by the proposed conditional use

- a. Utilities
 - i. No improvements specified.
- b. Public facilities:
 - i. No improvements specified.
- c. Roadway or signalization improvements:
 - i. No improvements specified.
- d. Accessory structures or facilities
 - i. No improvements or structures proposed
- e. Other unique facilities/structures proposed as part of site improvements
 - i. All trash and recycling receptacles will be moved from view and stored at the rear of the structure.

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

- a. Open Space
 - i. None proposed.
- b. Setbacks from adjacent properties
 - i. None proposed.
- c. Screens and buffers
 - i. None proposed.
- d. Landscaped berms
 - i. None proposed.
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
 - i. The applicant has proposed that all servicing of the vehicles including washing and drainage of possible contaminants and fueling to be done off-site. There have been no mitigative techniques proposed for noise. The proposed overall reduction of gas powered recreational rental vehicles should result in less noise associated with the rental business.

Criteria for conditional use review and approval

(1) Land Use Compatibility:

- a. The applicant proposes to modify a deemed conditional use at the subject property for recreational vehicle rentals. The City Code describes HRCC-1 zoning district as a tourist heavy district and allows recreational vehicle rental as a conditional use. The modification would continue the approved recreational vehicle rental use.

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

- a. The size and shape of the site will remain the same as it is in its current state. The total square footage of rental equipment will slightly decrease with the transition from 77 moped scooters to 40 carts.

(3) Proper use of mitigative techniques

- a. The applicant will keep all fuel in a locked container and will keep a fire extinguisher on the property. The applicant has stated that all regular fueling of the eight (8) fuel powered carts will take place at a fuel station, and there would be no fueling on site. The applicant is not proposing mitigation for anticipated waste, dust, fumes, or fuel and oil contaminated water run-off. The applicant has stated that all washing of fuel/oil areas of the carts shall take place off-site. These mitigative techniques are required by the Land Development Regulations for public health and safety.

(4) Hazardous waste

- a. The applicant has stated that no hazardous waste will be produced on the property, though fuel may be stored on property in an approved container.
- (5) **Compliance with applicable laws and ordinances**
 - a. The applicant complies with minimum parking standards due to their location in the Historic Pedestrian Oriented Zone and proposed decrease in intensity.
- (6) **Additional criteria applicable to specific land uses**
 - a. The proposed amendment is for 617 Front St. in the Key West Historic District. The property is currently noncomplying with city code for landscaping, open space, and impervious surface.

Recommendation:

The requested amendment to a conditional use for 617 Front St. is proposed to reduce the overall number of rental vehicles by 37 and would improve the overall sustainability and fuel efficiency of the rental business. The applicant has proposed to replace 77 fuel powered scooters for 32 electric golf carts and 8 fuel powered golf carts. Based on a review of the application according to the stringent evaluation criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for a conditional use be **APPROVED** with the following conditions:

1. This approval allows for the rental of 32 electric carts and 8 fuel powered carts from 617 Front Street. These vehicles are not to be rotated with other vehicles, except as provided in Condition #2. License and VIN must be submitted to Licensing and Code Compliance Departments for all vehicles.
2. The eight (8) fuel powered carts may be replaced by eight (8) electric carts on a one-for-one basis at any point with approval by the city planner.
3. This approval reestablishes that the applicant had a deemed conditional use to rent 77 moped scooters and will reduce the total amount of rentable moped scooters to zero (0).
4. Servicing, fueling, and repair of the vehicles will take place in a location licensed for such services off site.
5. Hours of operation are limited to 8 am to 6 pm.