

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: November 18, 2021

Application: **Variance – 1321 Simonton Street – (RE# 00035940-000000)** - A request for approval of a variance to conform with parking deficiencies and a variance to off-street required parking to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourism (HCT) zoning district pursuant to Sections 90-395, 108-572, and 108-575(5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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Request: The proposed project would allow electronic scooters as a conditional use and would include a variance to off-street parking.

Applicant: Trepanier & Associates

Property Owner: Meisel Holdings FL – 1321 Simonton Street LLC

Location: 1321 Simonton Street – (RE# 00035940-000000)



**Background:**

*Electric scooter application items for properties at 1325 Simonton, 1220 Simonton, 1321 Simonton and 1401 Simonton Street were postponed at the September 16, 2021, Planning Board meeting at the request of the applicant. The applicant subsequently submitted a document entitled, "Comp Plan-LDR Consistency Analysis" for staff review. A review of the applicability of the document is provided in the Staff Analysis/Evaluation Section of this report (and also in all four variance reports associated with these LAMA Mobility requests).*

The subject parcel is located at 1321 Simonton Street near the corner of Simonton Street and South Street. The main structure is a historically significant contributing structure to the Key West Historic District. The parcel is zoned HCT and is surrounded by HCT zoned properties to the north, south, and west, and Historic Residential Office (HRO) zoned properties to the east, northeast.

The property is operated as the Southwinds Motel, which operates as a 17-unit motel with an additional one non-transient residential unit. The property has 17 off-street parking spaces and a bike rack for seven bicycles. The applicant has applied to install an electronic scooter docking station to add a twelve (12) electric kick scooter rental service to the site. The station would straddle a concrete pathway and a grassy area. No regulated vegetation will be impacted by the work.

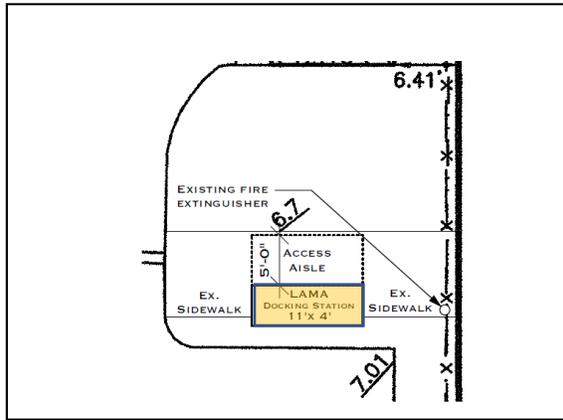
There are currently 17 off-street parking spaces on the property, code requires one off-street space per rental unit, with an additional space required for management. The proposed addition of the 12 scooter rentals would require an additional 4 off-street parking spaces. In total, per code the parking needs of the property would be 18 off-street spaces for the motel use and an additional 4 off-street spaces for the proposed scooters, a total of 22 off-street parking spaces.

**Proposed Development:**

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HCT			
Size of Site	10,000 sqft	24,800 sqft		
Height	35'	n/a	n/a	n/a
Front Setback	5'	n/a	n/a	n/a
Side Setback	5'	n/a	n/a	n/a
Rear Setback	15'	n/a	n/a	n/a
Building Coverage	50% -- 12,400 sqft	28.4% -- 7,032 sqft	28.5% -- 7,072 sqft	n/a
Impervious Surface	70% -- 17,360 sqft	67.1% -- 16,647 sqft	67.2% -- 16,687 sqft	n/a
Open Space	20% -- 4,960 sqft	32.7% -- 8,113 sqft	32.7% -- 8,107 sqft	n/a
Parking	1 per motel unit 1 per motel manager 1 per 3 scooter rentals 22 off-street spaces in total	17 spaces	17 spaces	5 off-street parking spaces
Bicycle Parking	7 spaces	7 spaces	n/a	n/a

Proposed site plans for 1321 Simonton St., Submitted by applicant (altered for clarity)

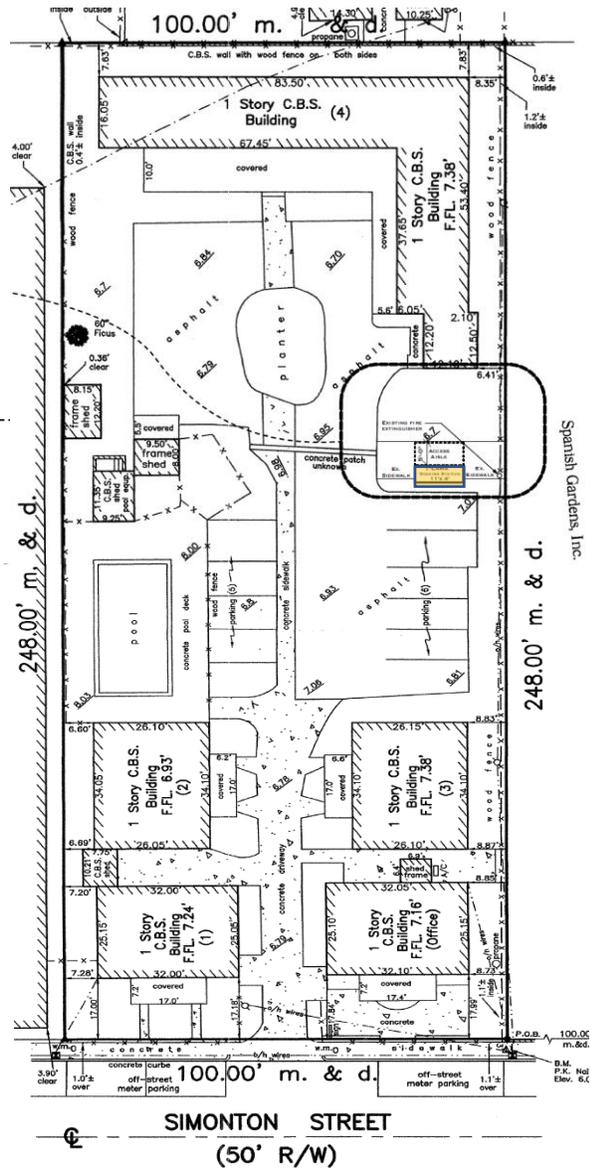
## ENLARGED AREA



 Proposed Scooter Rentals



PROPOSED SCOOTER RACK LOCATION  
BEHIND EXISTING BUILDING



### Process:

Planning Board Meeting:	Sept. 16 <sup>th</sup> , 2020
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

### Staff Analysis - Evaluation:

The applicant has submitted a document entitled, "Comp Plan -LDR Consistency Analysis", dated October 1, 2021, with regards to their client's electric scooter applications for properties at 1325 Simonton, 1220 Simonton, 1321 Simonton and 1401 Simonton Street. Staff appreciates the potential benefits that some

electric scooter rental programs may offer, particularly those comprised of non gas-powered vehicles. However, the document does not succeed in providing evidence that the City's Comprehensive Plan is inconsistent with the Land Development Regulations such that parking regulations codified through Section 108-572 and 108-575 should not apply to these applications.

Some of the applicant's Comprehensive Plan policy examples are unrelated to the cited parking code. Other quoted policies encourage a more progressive, holistic, and multi-modal approach to transportation planning, but are not inconsistent with the aforementioned parking policies (108-572, 108-575). In addition, the applicant neglects to grasp that the City implements the Comprehensive Plan across departments and programs; implementation is not limited to the Land Development Regulations. Various City programs endeavor to support multi-modal transportation opportunities including 1) the Transit Department's nascent On-Demand transit system, to be piloted this fiscal year, 2) the Transportation Alternative Fund and the capital improvements and services funded through the program, 3) the Key West Forward Strategic Plan's transportation goals, adopted and approved by the City Commission this summer, and, 4) the Recreational Rental Vehicle Traffic/Impact Study (and related, anticipated Code amendments) mandated by City Commission to analyze the impacts and benefits of this industry in the City of Key West.

The applicant has requested to maintain all current off-street parking and bicycle parking as part of this variance application. The applicant is proposing to place the scooter docking station internally on the property. Per Code Section 18-381, the rental vehicle purveyor is required to provide instruction and training to each customer, including the requirement that the renter drive the vehicle on business premises or in its immediate vicinity in the presence of a trained instructor. The applicant has proposed for their training vicinity to be on the business premises. Scooter rental is proposed to be available for both hotel guests and the general public.

The parking variance for this request is associated with Section 108-575(5) of the City Code which states, "*Applicability of standards to expanding uses. Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.*" Given that the proposed scooter rental vehicle is a new use with associated parking requirements, parking deficiencies are considered for the site.

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

The parcel located at 1321 Simonton Street is larger than the code required minimum lot size, the parcel is 20,840 sq.ft. and the minimum size for lots in HCT is 10,000 sq.ft. The applicant's current proposal to add 12 scooter rentals requires the applicant to come into conformance with parking requirements.

**NOT IN COMPLIANCE**

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The conditions on the lot have remained relatively consistent for the past thirty years. The motel operates with 17 transient units and one non-transient unit and has 17 off-street parking spaces. The addition of the scooters requires the applicant to bring the property's parking into conformance; conformance with code would require the applicant to have 23 parking spaces on site. The scooter rental is proposed to be located internally on the property and is proposed to be for hotel-guests and the general public.

**NOT IN COMPLIANCE**

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

The Land Development Regulations require dimensional standards and off-street parking in order to ensure life safety, general welfare, health standards, and aesthetics. The proposed scooter dock would increase the parking needs of the property. The proposed variance is for both the 4 off-street parking spaces required for the scooter rentals, as well as 2 additional off-street parking spaces that are not present for the motel use.

**NOT IN COMPLIANCE**

4. *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The parcel located at 1321 Simonton is larger than the zoning district's requirements. Much of the property is used for parking and/or the motel use. There is a small pool and patio that could be removed to add additional parking. It is understandable that while a pool is not a necessity for a hotel, it is an added amenity. It is unknown where it may be possible to restripe the parking lot to angle the parking, similar to other motel properties in the area, to provide additional parking spaces. Literal interpretation of the provisions of the Land Development Regulations would not deprive the applicant of rights commonly enjoyed by other surrounding properties under the terms of this ordinance.

**NOT IN COMPLIANCE**

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is not the minimum required that will make possible the reasonable use of the land, building and/or structure. It is reasonable that the applicant could amend their plans to provide additional bicycle or off-street parking or find alternate means to provide parking to their guests.

**NOT IN COMPLIANCE**

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance will not be in harmony with the general intent of the land development regulations. Parking is an issue in the Simonton/South/United Street area. It may be possible for the applicant to install angled parking that may provide additional parking spaces on the property. High activity level in this touristic district and limited off-street parking does result in drivers cruising the streets in search of on-street parking. However, the applicant opines that scooter rentals will provide an alternative mode of transportation for some hotel guests, and City staff acknowledge the benefit of electric scooters to provide quite, carbon-free transportation options to hotel guests.

**NOT IN COMPLIANCE**

7. *Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

**IN COMPLIANCE**

**Concurrency Facilities and Other Utilities or Service (Section 108-233):**

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

**The Planning Board shall make factual findings regarding the following:**

*That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

*That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

The Planning Department received one letter of opposition to the variance request on September 7, 2021. The resident was concerned about the lack of parking in her neighborhood; she was subsequently contacted by the applicant and has since withdrawn her objection.

**Recommendation:**

The proposed variance at 1321 Simonton is for five (5) off-street parking spaces. The applicant is seeking a variance to both hotel parking spaces and the parking required by the installation of the scooter rentals. The hotel is historic, but the addition of the scooter rental business triggers a parking review for the site. The scooters are proposed to be rented to both the hotel-guests and the general public. Staff finds that

the variance to the minimum number of off-street parking spaces does not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent with the plans signed, sealed, and dated 8/3/2021 by Seth Neal.