

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 18th, 2021

Application: **Conditional use - 1325 Simonton Street (RE# 00035950-000000)** - A request for approval of a conditional use to allow an electronic scooter rental service and a food truck as accessory uses to a hotel use in the Historic Commercial Tourism (HCT) zoning district pursuant to Sections 18-355, 122-62 and 122-898 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Applicant: Trepanier & Associates

Property Owner: Meisel Holdings

Location: 1325 Simonton Street (RE# 00035950-000000)



Background:

Electric scooter application items for properties at 1325 Simonton, 1220 Simonton, 1321 Simonton and 1401 Simonton Street were postponed at the September and October Planning Board meetings at the request of the applicant.

The subject parcel is located at 1325 Simonton Street on the corner of Simonton Street and South Street. According to the Historical Architectural Review Commission, the current residential structure was constructed in 1946. The structure is a historically significant contributing structure to the Key West Historic District. The parcel is surrounded by HCT zoned properties to the south and west, and Historic Residential Office (HRO) zoned properties to the north and east.

The property is operated as the Southwinds Motel (aka Spanish Gardens) and is licensed for 25 transient rentals and an additional one non-transient rental. The property contains an accessory retail and bar space, Topsy Rooster, which is open to both guests and non-guests. The applicant has applied to remove the pool and deck area, install a publicly accessible food-truck, install three additional parking spaces, 2 additional bike parking spaces, and operate 12 electric kick scooter rentals.

Per Code Section 18-355, the establishment of a new recreational rental vehicle use shall need a conditional use permit. The applicant has applied for the installation of 12 electronic kick scooters which will establish a new recreational rental vehicle use at the subject property. Per the HCT zoning district, restaurants and food service establishments are conditional uses, the applicant has applied to add a publicly accessible food truck on the lot.

Staff Analysis - Evaluation:

The subject parcel is located in the Historic Commercial Tourism (HCT) zoning district, which allows restaurants and small recreational power-driven equipment rentals (if accessory to a motel/hotel) as a conditional use. The applicant has proposed to install a food truck and an electric scooter docking station for 12 electronic scooters as an accessory to the Southwinds Motel (aka Spanish Gardens).

Characteristics of use described:

(1) Scale and intensity

- a. Floor Area Ratio:
 - i. The proposed conditional use will not affect the Floor Area Ratio of the site.
- b. Traffic Generation:
 - i. The addition of a food truck on the premises for both guests and the general public will generate additional trips to the subject property. All new recreational rental vehicle permits are required to complete a traffic impact analysis to demonstrate that the operation will not degrade the traffic level of service. The applicant has submitted a traffic impact statement by KBP Consulting which states that the proposed conditional use would not degrade the existing traffic level of service.
- c. Square feet of enclosed building for each specific use:
 - i. No enclosed buildings are being proposed. The proposed food truck is about 160 sqft in total size.
- d. Proposed Employment:
 - i. It is unclear if employees will be hired for the proposed conditional use.

- e. Proposed number and type of service vehicles:
 - i. No service vehicles proposed.
- f. Off-street parking needs:
 - i. Per code, one parking space is required per three scooter rentals. The applicant has applied for 12 scooter rentals which would result in the need for 4 off-street parking spaces.
 - ii. Per code, one parking space is required per 45 sqft of consumption/service area; the food truck required 4 off-street parking spaces.

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

- a. Utilities
 - i. The applicant has proposed to install a grease interceptor at the property for the proposed food truck. The applicant has also proposed to install fencing around the trash receptacles and bollards around the propane tanks on the property.
- b. Public facilities:
 - i. No improvements specified.
- c. Roadway or signalization improvements:
 - i. No improvements specified.
- d. Accessory structures or facilities
 - i. Due to the scope of the applicant's proposal, it appears that the legal nonconforming signage on the corner of the property will be moved and would be required to conform with sight lines and the visibility triangle.
- e. Other unique facilities/structures proposed as part of site improvements
 - i. No improvements specified.

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

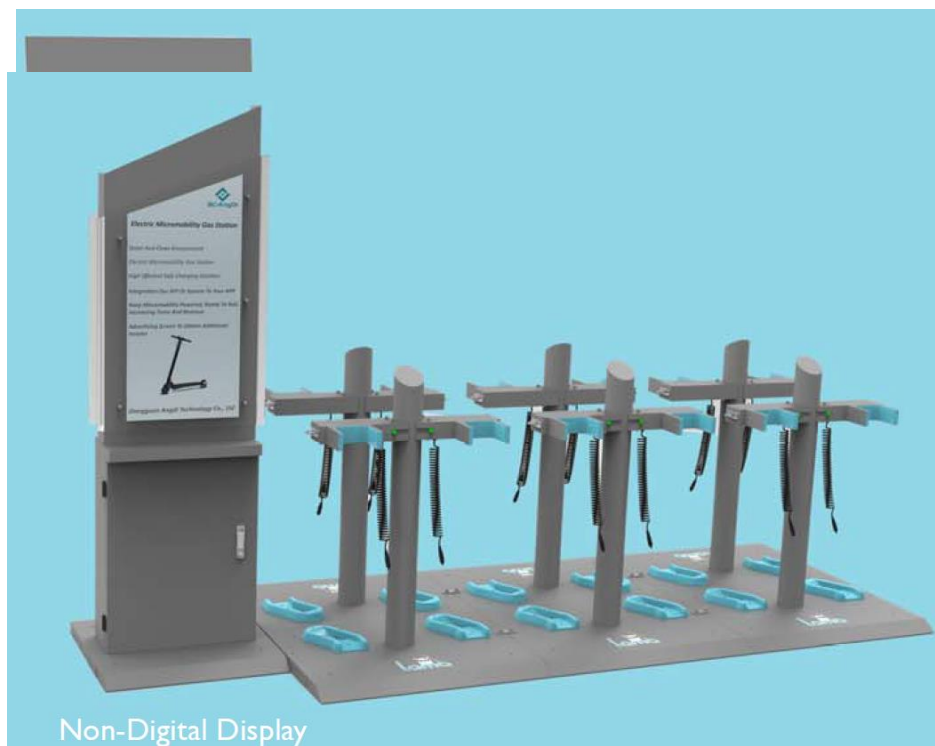
- a. Open Space
 - i. None proposed.
- b. Setbacks from adjacent properties
 - i. None proposed.
- c. Screens and buffers
 - i. The applicant has proposed to remove some of the screen and buffering on the corner of the property.
- d. Landscaped berms
 - i. None proposed.
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
 - i. None proposed for abating smoke, odor, noise, and other noxious impacts.

Criteria for conditional use review and approval

(1) Land Use Compatibility:

- a. The applicant proposes to install 12 electronic scooters and a scooter docking station at the property. The City Code allows recreational rentals (if accessory to a hotel/motel use) as a conditional use in the HCT zoning district. The applicant is also applying for additional consumption area on the property, for the construction of a food truck in addition to the Tippy Rooster bar that is already on the property. Restaurants and food-service establishments are conditional uses in the HCT zoning district.

- (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 is proposed to be about 45 sqft. The total square footage of the food truck consumption area is proposed to be 160 sqft.
- (3) **Proper use of mitigative techniques**
- a. The applicant has applied to install a grease interceptor for the proposed food truck. Mitigation for the scooter rentals was not mentioned the submission. The docking station proposed has a 48" electronic screen display, all scooters docking stations are able to be equipped with an analog display instead of an electronic display. It is the Department's determination that the analog display is more in keeping with the Historic District than an electronic display.
- (4) **Hazardous waste**
- a. The applicant has stated that no hazardous waste will be produced on the property.
- (5) **Compliance with applicable laws and ordinances**
- a. The applicant would be required to receive a variance for parking requirements, impervious surface, and open space prior to receiving approval for the proposed conditional use.
- (6) **Additional criteria applicable to specific land uses**
- a. The conditional use is applied for 1325 Simonton St. in the Key West Historical District. The property is currently noncomplying with city code for parking. Staff has determined that an analog display is more in keeping with the Historic District than an electronic display.
 - b. The two possible docking station configurations are below, note that the electronic display docking station has a 43" screen.



Recommendation:

The proposed conditional use for 1325 Simonton St. is for the introduction of a scooter rental business including a docking station for 12 electronic scooters and a new food truck at the motel property. The scooter rentals would be accessible to both hotel guests and the general public. The proposed food truck would also be for both the public and the guests. 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 CONDITIONS:**

1. The approval be for a 12-scooter docking station with all electric scooters and no electronic displays shall be visible from the right of way.
2. Geo-fencing technology shall be activated to prohibit rental scooter use on Elizabeth Street.
3. Ridership and associated scooter rental data will be shared with City staff upon request.
4. The total square footage of the food truck consumption area is 160 sqft.
5. There shall be no amplified music in the food truck consumption area.
6. The trash and recycling areas at 1325 Simonton shall be fully fenced and screened from view from the City right of way. The property owner shall maintain active commercial trash and recycling accounts.
7. The City has received a letter of objection partially due to odor and maintenance of the applicant's trash/recycling area at 625 South Street. This area must be regularly maintained and no additional trash/recycling from 1325 Simonton may be deposited at 625 South Street.
8. Bollards shall be installed to protect on-site propane gas tanks.
9. The proposed construction shall be consistent (except for conditions of approval listed herein) with the plans signed, sealed, and dated 8/3/2021 by Seth Neal.
10. Prior to application for building permits, the applicant shall submit a revised landscape plan to the Urban Forester for review and approval to reflect the following improvements: additional canopy trees shall be depicted and planted, spaced 10-15 ft on center, and native shrubs shall be planted along the South Street and Simonton Street perimeter to buffer vehicle lights along the South Street right of way. Existing regulated palms shall be retained or transplanted to provide safe sight triangle at the Simonton/South Street intersection.
11. The Southwinds Motel sign within the sight-triangle should be moved or changed to meet the visibility triangle standards.