

Thomas Francis-Siburg

From: Thomas Francis-Siburg
Sent: Wednesday, November 17, 2021 12:44 PM
To: Katie P. Halloran
Cc: Donna Phillips; Nathalia Mellies; Owen Trepanier
Subject: Requested condition modifications for Lama Mobility

Hi Katie,

Upon reviewing the staff reports, we request the following condition modifications:

1325 Simonton – Variance

Existing: 3. The Southwinds Motel sign within the sight-triangle should be moved or changed to meet the visibility triangle standards.

Proposed: ~~3. The Southwinds Motel sign within the sight triangle should be moved or changed to meet the visibility triangle standards.~~

Reasoning: The existing sign is a nonconforming/noncomplying structure. Per Sec. 122-27, noncomplying structures may be reconstructed or replaced, but not expanded. Per Sec. 122-28(d), voluntarily destroyed nonconforming structures may be reconstructed or replaced as long as it does not exceed 50% of the property's appraised or assessed value, if exceeds 50% of property's appraised or assessed value reconstruction or replacement must apply for a variance. The proposed redevelopment of the pool and pool deck area and potential reconstruction of the sign will not exceed 50% of the property's appraised or assessed value; therefore the sign may be reconstructed or replaced in its existing nonconforming location as long as it does not expand the nonconformity.

1325 Simonton – Conditional Use

Existing: 1. The approval be for a 12-scooter docking station with all electric scooters and no electric displays shall be visible from the right of way.

Proposed: 1. The approval be for a 12-scooter docking station with all electric scooters and no electric displays shall be **directly** visible from the right of way.

Reasoning: We are concerned about future interpretation with regard to potential reflections in glass, etc.

Existing: 2. Geo-fencing technology shall be activated to prohibit rental scooter use on Elizabeth Street.

Proposed: 2. Geo-fencing technology shall be activated to address the concerns of Elizabeth Street neighbors of speed and parking concerns.

Reasoning: Neighbors raised specific concerns and the proposed added language resolves their concerns, without interfering with public use of a Right-of-Way.

Existing: 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.

Proposed: 6. The solid waste area at 1325 Simonton shall be fully fenced and screened from view from the City right of way. The property owner shall maintain a solid waste account.

Reasoning: City code does not require separate trash and recycling accounts. This condition mitigates no impact. It is inappropriate for the City to arbitrarily assign additional businesses expenses not required by Code on an arbitrary basis through the conditional use process.

Existing: 11. The Southwinds Motel sign within the sight-triangle should be moved or changed to meet the visibility triangle standards.

Proposed: 11. ~~The Southwinds Motel sign within the sight triangle should be moved or changed to meet the visibility triangle standards.~~

Reasoning: The existing sign is a nonconforming/noncomplying structure. Per Sec. 122-27, noncomplying structures may be reconstructed or replaced, but not expanded. Per Sec. 122-28(d), voluntarily destroyed nonconforming structures may be reconstructed or replaced as long as it does not exceed 50% of the property's appraised or assessed value, if exceeds 50% of property's appraised or assessed value reconstruction or replacement must apply for a variance. The proposed redevelopment of the pool and pool deck area and potential reconstruction of the sign will not exceed 50% of the property's appraised or assessed value; therefore the sign may be reconstructed or replaced in its existing nonconforming location as long as it does not expand the nonconformity.

1220 Simonton – Variance

Existing: 4. The loading zone in front of the hotel shall be reduced in length to allow for 1-2 additional street parking spaces.

Proposed: 4. ~~The loading zone in front of the hotel shall be reduced in length to allow for 1-2 additional street parking spaces.~~

Reasoning: The existing loading zone was established in coordination with the City due to a lack of loading zones in the area, prevent double parking for guest check-ins and taxi services, and prevent parked cars from potentially interfering with the adjacent Fire Lane during an emergency.

1220 Simonton – Conditional Use

Existing: 5. The loading zone in front of the hotel shall be reduced in length to allow for 1-2 additional street parking spaces.

Proposed: 5. ~~The loading zone in front of the hotel shall be reduced in length to allow for 1-2 additional street parking spaces.~~

Reasoning: The existing loading zone was established in coordination with the City due to a lack of loading zones in the area, prevent double parking for guest check-ins and taxi services, and prevent parked cars from potentially interfering with the adjacent Fire Lane during an emergency.

1401 Simonton – Conditional Use

Existing: 5. Geo-fencing technology shall be activated to prohibit rental scooter use on Elizabeth Street.

Proposed: 5. Geo-fencing technology shall be activated to address the concerns of Elizabeth Street neighbors of speed and parking concerns.

Reasoning: Neighbors raised specific concerns and the proposed added language resolves their concerns, without interfering with public use of a Right-of-Way.

Thomas Francis Siburg, MSW, MURP, AICP
Planner / Development Specialist

Trepanier & Associates, Inc.
Land Planners & Development Consultants
1421 First Street
Key West, FL 33040-3648
Ph. 305-293-8983 / Fx. 305-293-8748
www.owentrepanier.com