

## Spanish Gardens – 1325 Simonton Street – Presentation Notes

Property is located in the Historic Commercial Tourist district at the corners of Simonton and South Street.

As part of its existing conditions and relevant to this project, at the corner of Simonton and South is a pool and pool deck which includes existing consumption area.

The project will remove the pool, the pool deck, the consumption area associated with the pool deck and much of the existing impervious surface. It will be replaced with new parking spaces, a small food truck with 160 sq. ft. of consumption area, landscaping, open space, and the Lama e-kick scooters.

The project requires conditional use approval for the electric kick (or e-kick) Lama scooters. These 12 Lama scooters will be offered as an amenity to hotel guests in order to provide an eco-friendly, all-electric, alternative to automobile use while site seeing and visiting Key West.

Why are the scooters not an accessory use to the hotel? The scooters technology cannot limit their use to guests only, because anyone with a cellphone AND meets other criteria, such as age restrictions, may be able to rent these scooters. Because of this fact, the planning department determined the scooters are technically not an accessory use and therefore requires conditional use approval.

The project also includes food trailer with food and drink service open to the public. At the time of our original submission, we had inadvertently labeled the consumption area for the food trailer as “new” consumption area and did not include consumption area we are removing in our calculations. We alerted our mistake to Planning a month ago and we were told any changes relative to the parking calculations risked this being postponed further.

While we are not relying on the reduction in consumption area to calculate parking, it is important to note there will be a substantial reduction in consumption area and the associated parking.

At the Planning Department’s insistence, the project includes variances to automobile parking, open space, landscaping, interior parking landscape strips, and impervious surface. While we strongly disagree with the interpretation that any variances are required at all, we applied for variances to move the project forward.

Parking for uses is only required by code when the proposed use increases parking demand. These Lama E-kick scooters do not generate additional automobile trips, they provide alternative transportation in lieu of automobile trips. Therefore pursuant to code, no increase in parking demand is created.

This is a nonconforming property that is being renovated to an extent less than 50% of its value with no expansion of nonconformities and therefore, pursuant to code, no variances should be required.

Additionally, the parking codes cited by planning as requiring variances are inconsistent with the Comprehensive Plan and therefore pursuant to State Statute should not be applied to the development review.

There are 22 inconsistencies between the LDRs and the Comp plan applicable to Lama Mobility.

- The Comp plan requires reduced automobile traffic within the historic district; the LDRs only provide limited regulations, which are inconsistent with the Plan
- The plan further requires increased multimodal transportation to relieve congested roadways; the LDRs have no regulations, a clear inconsistency
- The plan further requires multimodal transportation level of service standards, in order to address current and projected transportation needs; again the LDRs only provide limited regulations, which are inconsistent with the Plan
- The plan further requires reduced greenhouse gas emissions and in fact links automobiles as producing greenhouse gases; the LDRs have no regulations, another clear inconsistency
- And, the plan requires multimodal transportation improvements to address current and project greenhouse gas emissions; again, the LDRs have no regulations, another clear inconsistency

More specifically, of these 22 inconsistent LDRs, 2 LDRs result in this project requiring that these all-electric kick scooters, an automobile alternative, acquire variances to automobile parking spaces. As previously mentioned, although Lama scooters are an alternative to automobiles. LDRs have no methodology, framework, strategy, or requirement to reduce automobile traffic or increase non-automobile alternative transportation.

# Attachment A

**Thomas Francis-Siburg**

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**From:** Thomas Francis-Siburg  
**Sent:** Tuesday, October 26, 2021 2:01 PM  
**To:** Katie P. Halloran; Donna Phillips  
**Cc:** Owen Trepanier  
**Subject:** 1325 Simonton - Error in Consumption Area Accounting  
**Attachments:** Staff report - Existing Consumption Area.pdf; 20211021\_144556\_863307\_Sec.108\_575.\_\_\_Computation\_of\_parking\_spaces..docx

Dear Katie,

We discovered we made an error in our consumption area calculations when recently researching the Tippy Rooster's 2018 Conditional Use approval at 1325 Simonton Street. We discovered the Planning Department's determination of 2,092 sq. ft. of consumption area on the property [attached, 08/16/18, Conditional Use Staff Report, pdf p. 3 of 5]. We prepared the original application including only the Tippy Rooster's consumption area. It's an important correction because the pool deck, considered consumption area due to pool-side food and drink service, will be redeveloped into a food truck (anticipated to be an ice cream stand) with 160 sq. ft. of consumption area for food and drink service and Lama Mobility. As a result, there is a net reduction in parking demand of 3.5 auto spaces and 1.5 bicycle spaces. Therefore, pursuant to Sec. 108-575(5) [attached], no additional parking is required.

Could you please advise us as to how you think we should correct this error?

Use	Existing			Proposed		
	Sq. Ft. or No. of Units	Auto Spaces	Bicycle Spaces	Sq. Ft. or No. of Units	Auto Spaces	Bicycle Spaces
Units	26	27	9.2	26	27	9.2
Consumption Area	2,092	46.5	11.6	1,756	39.0	9.8
Lama Mobility	0	0	0	12	4	0.4
<b>Total</b>		<b>73.5</b>	<b>20.8</b>		<b>70.0</b>	<b>19.4</b>

Sincerely,  
Thomas

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

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



**To:** Chair and Planning Board Members

**From:** Melissa Paul-Leto, Planner Analyst

**Through:** Patrick Wright, Planning Director

**Meeting Date:** August 16, 2018

**Agenda Item:** **Conditional Use – 1325 Simonton Street #26 – (00035950-000000) - A request for a conditional use to operate a bar as an accessory use to the motel on property located in the Historic Commercial Tourist (HCT) Zoning District pursuant to Sections 122-62 and 122-898 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

**Request:** **To allow for the operation of a bar within the existing consumption area of a motel.**

**Applicant:** Trepanier & Associates, Inc.

**Property Owner:** Meisel Holdings FL – 1321 Simonton Street, LLC.

**Location:** 1325 Simonton Street #26 – (00035950-000000)

**Zoning:** Historic Commercial Tourist (HCT)



**Background:**

The subject property is located in the 1300 block of Simonton Street on the corner of South Street. The property is immediately surrounded by the Historic Residential / Office (HRO), Historic Medium Density Residential (HMDR), Historic Neighborhood Commercial (HNC-1), Duval Street Oceanside (HRCC-3), and Historic High Density Residential (HHDR) zoning districts. The property is comprised of three lots with the total area of the property approximately 65,968.0 square feet. The property currently operates as a motel, South Winds Motel. The applicant proposes no additional square footage for the bar use.

**Surrounding Zoning and Uses:**

**North:** HRO, Business and Professional Offices Uses

**South:** HHDR, Residential, Retail Uses

**East:** HCT, Hotel, Restaurant Uses

**West:** HNC-1, Hotels/Restaurant Uses

**Process:**

Development Review Committee:	June 28, 2018
Planning Board:	August 16, 2018
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***

Bars and lounges accessory to and located within a motel, hotel or other transient facility having at least 20 units, are a conditional use in the HCT zoning district. Historic Commercial Tourist zoning district is defined as a district comprised of areas having high concentration of hotels, motels, and/or transient lodging facilities together with primary tourist-oriented commercial services. KBP Consulting, Inc. analyzed the traffic impacts of the proposed use in a Traffic

Statement dated June 11, 2018 (attached). In the summary, the statement states...”that the existing operating and customer characteristics of the resort-style bar at the Spanish Gardens Motel in Key West, it is evident that that this use generates very little automobile traffic and, as such, requires very little, if any, automobile parking.” The proposed bar is located within the hotel.

**(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. **The existing FAR of the entire consumption area is .29 which consists of 7,213.8 square feet of the structure.** The area of the proposed Conditional Use will occupy approximately 996 square feet of the already existing 24,800 square foot lot.

**b. Traffic generation:**

No change in parking demand or vehicular trip generation.

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

**The existing square footage of the outdoor consumption area is 996 square feet.**

**d. Proposed employment:**

There will be no additional employees for this conditional use request.

**e. Proposed number and type of service vehicles:**

There are no proposed service trucks.

**f. Off-street parking needs:**

The property is not 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**

None expected.

**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.

**c. Roadway or signalization improvements, or other similar improvements**

None required.

**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**

The parcel is currently conforming to commercial open space requirements (41%). 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 landscape berms proposed.

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

The property is proposing to add a resort bar to the existing consumption area of the hotel. The hotel has outdoor music for the consumption area. There is no plans to change that. No proposed new/additional amplified music is proposed as part of the resort bar.

**(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 HCT zoning district. Bars and lounges accessory to and located within a motel, hotel or other transient facility having at least 20 units, are a conditional use in the HCT zoning district. Per Section 122-896 the intent of the Historic Commercial Tourist zoning district is defined as a district comprised of areas having high concentration of hotels, motels, and/or transient lodging facilities together with primary tourist-oriented commercial services, including specialty shops, restaurant and drinking establishments, personal services, offices, and other similar activities.

**(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**

None have been proposed as it the resort bar is located within the hotel property.

**(4) Hazardous waste**

None expected or proposed.

**(5) Compliance with applicable laws and ordinances**

The use will 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:** The site is not located in a conservation area.
- b. Residential development:** No residential development is proposed.
- 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.
- e. Public facilities or institutional development:** No development of public facilities or institutions are proposed.
- f. Commercial structures, uses and related activities within tidal waters:** The site is not located within tidal areas.
- g. Adult entertainment establishments:** No adult entertainment is being proposed.

**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 location of resort bar shall match approved plans submitted with the application received by the Planning Department and dated May 3, 2018.

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

2. 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.

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## Sec. 108-575. Computation of parking spaces.

In computing the number of required parking spaces, the following rules shall govern:

- (1) *Floor area calculation.* Floor area means gross floor area of a specific use. The gross floor area for a specific use includes common areas such as hallways, storage areas, restrooms, and similar areas.
- (2) *Interpretation of computation with fractions.* When calculation of required parking results in requiring a fractional space, any fraction shall be rounded off to the next highest number.
- (3) *Requirements for uses not identified.* The parking requirement for any use not specified shall be the same as that required for a use of a similar nature as recognized in this division or, where not recognized in this division, shall be based on criteria published by the American Planning Association or similarly recognized standards of their profession, and such standard shall be approved by the city commission.
- (4) *Requirements for mixed uses.* For mixed uses the parking spaces shall be equal to the sum of the several uses computed separately.
- (5) *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.

(Ord. No. 97-10, § 1(3-15.3), 7-3-1997)

# Attachment B

**Thomas Francis-Siburg**

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**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

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