



THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report

**To:** Chair and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Ben Gagnon, Planner I

**Meeting Date:** December 19<sup>th</sup>, 2024

**Agenda Item:** **Conditional Use – 1 Duval Street (RE#00000070-000000)** applicant seeks a conditional use permit for small recreational power-driven equipment rentals, specifically golf carts, mopeds, and bicycles at an existing hotel located in the Historic Residential Commercial Core (HRCC-1) zoning district, pursuant to Sections 122-688 and 122-62 of the City of Key West Land Development Regulations.

**Request:** A request for a conditional use to operate a recreational rental vehicle operation in an approximately 508 square foot area located at 1 Duval Street, an existing hotel on a 207,083 square foot lot. The applicant is requesting permission to rent a total of 17 golf carts, 10 mopeds, and 10 bicycles.

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**Owner:** Hydro-Thunder of Key West, Inc (Operator); Ashford Pier House GP, LLC (Property Owner)

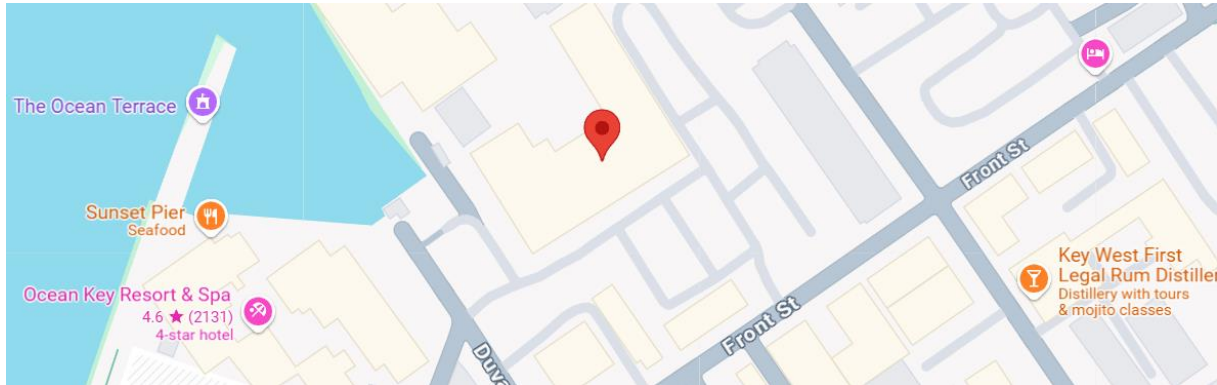
**Applicant:** Oropeza, Stones & Cardenas, PLLC

**Location:** 1 Duval Street (RE# 00000070-000000)

**Zoning:** Historic Residential Commercial Core -1 (HRCC-1)



## SITE MAP & PHOTOS





## **BACKGROUND:**

The subject property is a 207,083 square-foot parcel located at 1 Duval Street HRCC-1 zoning district. The principal use is a hotel with 142 transient rooms. Accessory uses include a spa, a bar, and a restaurant. The property includes a historic cistern with large trees between two small existing structures and trellises. They currently have unpermitted signage along with carts, mopeds, and bicycles set up at the location. The remainder of the property consists of paved parking area. Additionally, blue colored vinyl flooring has been placed inside the south trellis without any permits. The property is a corner lot near other commercial properties to the east, south and west. The north side of the property fronts the Gulf of Mexico.

Recreational vehicle rentals are a conditional use in the HRCC-1 zoning district. Ordinance 21-12 created additional review and performance criteria for new recreational rental vehicle (RRV) permits related to traffic impacts and nuisance prevention.

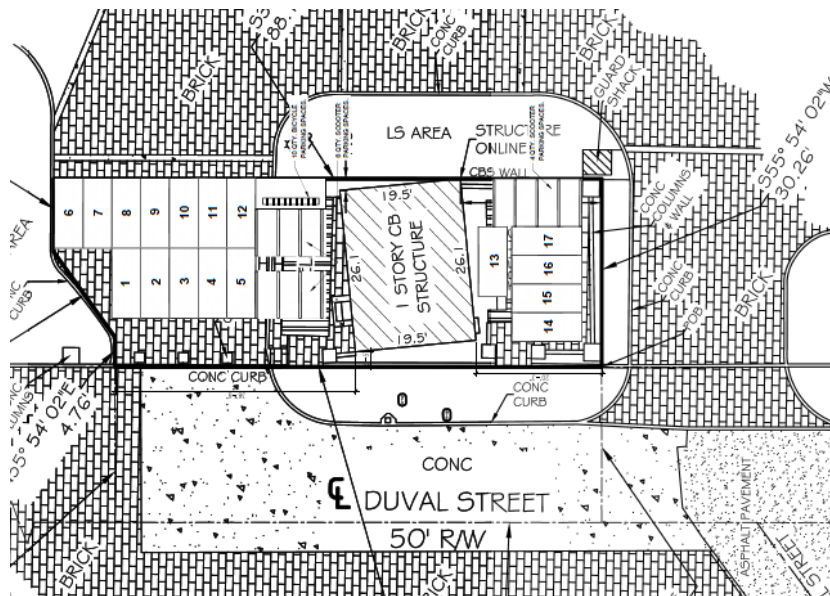
## **REQUEST:**

The applicant proposes to operate a golf cart rental business out of a portion of the existing parking lot at the Pier House Hotel, located at 1 Duval Street. The proposal is for

- 17 golf carts (10 gas, 7 electric)
- 10 gas mopeds
- 10 bicycles (Note: Staff observed electric bicycles and a golf cart in the staging area and reached out to the applicant to determine if the applicant wished to modify the proposal to rent electric rather than standard bicycles. Given the publishing deadline of 12/13/2024, staff has not had time to evaluate the impact of electric versus standard bicycle rentals, or receive input from the City's multi-modal coordinator and other DRC staff.)



SITE PLAN



**SURROUNDING ZONING AND USES:**

**North:** Conservation

**South:** HRCC-1: Commercial

**East:** HRCC -1: Commercial

**West:** HRCC -1: Commercial

**PROCESS:**

**Development Review Committee:** October 15<sup>th</sup>, 2024

**Planning Board:** December 19<sup>th</sup>, 2024

**Local Appeal Period:** 10 days

**DEO Review:** Up to 45 days

**DEVELOPMENT REVIEW COMMITTEE:**

This application appeared before the October 15, 2024, Development Review Committee. Committee member comments/questions and the applicant’s responses are provided below:

**Urban Forestry:**

- Existing tree map needs to be submitted

**Utilities**

- Where will scooter instruction take place? **Applicant response:** on site in parking lot to Pier House
- Where will vehicles be washed? **Applicant response:** off site



- Decibel level per vehicle. **Applicant response:** Submitted via E-mail (70-80dB for moped, 60-70dB for gas cart)

#### HARC:

- Will the trellis be removed? How will the cistern be affected, stabilized, and protected since it is a very important historic cistern and trees are causing it to crack. Will any signs, pavilion, or structures be built? **Applicant response:** asked client to reach out to hotel management. Trellis will remain, no major site modifications proposed.

## SECTION 18-358 REVIEW: TRAFFIC IMPACTS ON LEVEL OF SERVICE AND NUISANCE PREVENTION.

### Traffic Study

Code Section 18-358 stipulates specific performance criteria for motorized RRV permit applicants:

- Requires the applicant to submit a traffic analysis to show that the size, location and operation of the facility does not degrade the existing traffic level of service.
- If the operation increases average daily or peak hour traffic by 3% or more, the applicant must mitigate the impact through a capital improvement or payment in lieu.
- Provides that a 3% or greater impact may serve as one reason to deny the application.

The applicant provided a traffic study that predicts an average daily traffic generation of 33 total inbound and outbound trips. The data was based on rental data from one of Hydro-Thunder's other existing locations at 115 Simonton Street. The applicant predicts an average of 33 daily trips (counting both inbound and outbound trips) which is roughly equivalent to 16 or 17 rentals per day. If all scooters and golf carts are rented once per day, the average daily trips would amount to 56, excluding employee trips and customers getting dropped off/picked up from the location.

### Impact on Average Daily & Peak Hour Traffic

Determining whether the 3% traffic impact threshold has been met requires a comparison of the facility's expected trip generation versus the existing Average Daily Traffic (ADT) and Peak Hour Traffic<sup>1</sup> (PHT) volume:

$$\text{Project Trip Generation} \div \text{ADT or PHT} = \text{Percent of Impact}$$

The most significant traffic impacts generated by this proposal would occur on Duval Street where there is an AADT of 8,300. 3% of which is 249 trips. Thus, the project would have to be producing over 249 trips per day to exceed the 3% threshold. Based on the number of proposed golf carts and scooters, staff does not expect the proposal to exceed the threshold.

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<sup>1</sup> Peak Hour Traffic reflects the number of vehicles that traverse a given roadway segment during the period during which traffic volumes are highest, e.g. rush hour.



### *Nuisance*

Both Section 18-358 and Section 122-62, which provides conditional use criteria, speak to minimizing nuisance including noise and fumes.

Speaking specifically to RRV applications, Section 18-358 calls on staff to propose conditions for consideration by the Planning Board to minimize potential nuisance including noise and fumes, especially as those impacts may occur in mixed use and residential neighborhoods.

The Planning Department recommends that electric golf carts be utilized to avoid adverse impacts of gas-powered vehicles. The use of electric vehicles as a mitigative technique would be consistent with previous Planning Board Resolutions 2021-63 and 2023-018.

## CONDITIONAL USE CRITERIA

Pursuant to Section 122-61 and 122-62(a), conditional uses 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. Section 122-26(a) provides the required content of Conditional Use applications. Section 122-26(b) provides specific criteria for approval.

### SECTION 122-62(B): CHARACTERISTICS OF USE DESCRIBED:

The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

#### *Scale and Intensity:*

- **Floor area ratio:** ?
- **Traffic generation:** At least 56 average daily trips (if each vehicle produces one round-trip, plus one round trip for an employee).
- **Square feet of enclosed building for each specific use:** approximately 500 square feet of existing space and structures to accommodate staff and vehicles.
- **Proposed employment:** 1-2 employees
- **Proposed number and type of service vehicles:** None proposed.
- **Off-street parking needs:** no new parking proposed.

#### *On- or off-site improvement needs generated by the proposed conditional use:*

- **Utilities:** No needs are identified by the application.
- **Public facilities:** No needs are identified by the application.
- **Roadway or signalization improvements:** The proposed use would result in 9 vehicles being required to drive over the sidewalk in the pedestrian-oriented area of the historic commercial



core. No improvements to ensure safety for pedestrians or vehicle operators have been proposed.

- **Accessory structures or facilities:** No needs are identified by the applicant.
- **Other unique structures or facilities:** No needs are identified by the applicant.

**On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:**

- **Open Space:** Required open space is 20% minimum; existing and proposed open space is noncompliant at 8%
- **Screening and buffers:**
  - Per Sec. 108-288, exterior storage areas shall be located to the rear or principal structure and shall not be located in front yards. The proposed use would store the RRVs directly along the front yard setback.
  - Per Sec. 108-283, all businesses and services shall be conducted within enclosed buildings, excepting duly permitted activities
  - In evaluating the degree of required screening and buffering, the Code looks to whether a proposed use is low, medium, or high impact, using the considerations listed below. The location of the proposed use is directly adjacent to pedestrian pathways on one of the heavily pedestrian-trafficked areas of the City, and zero setbacks, screening or buffering are proposed.
    - Noise
    - Outdoor parking and loading
    - Exterior storage
    - Production of dust, fumes, vibration

**SECTION 122-62(C): CRITERIA FOR CONDITIONAL USE REVIEW AND APPROVAL.**

**Land Use Compatibility:** The scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

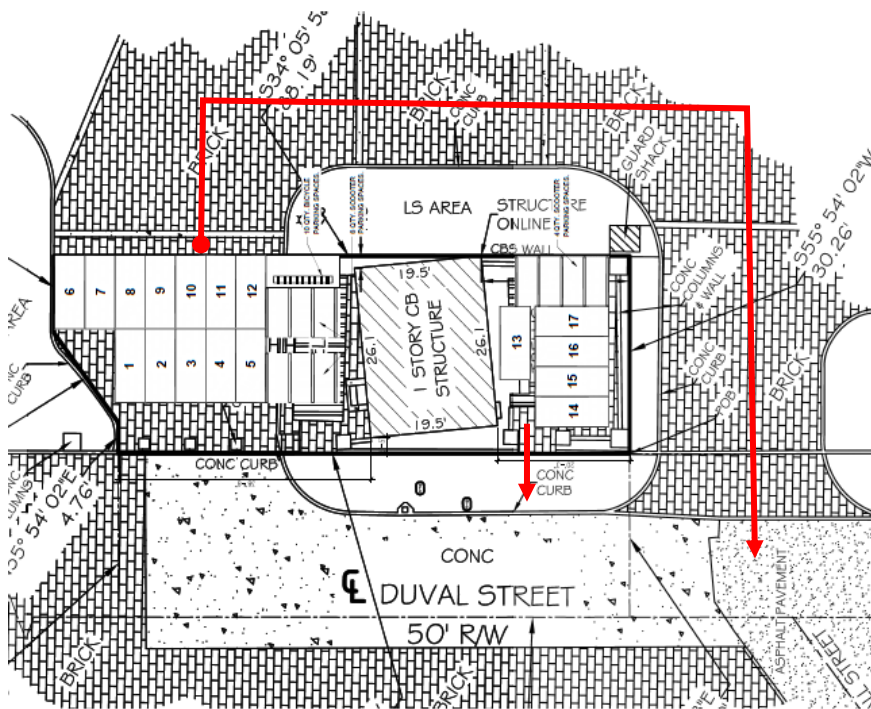
- Per Comprehensive Plan Policy 1-1.1.8, HRCC-1 is the most intense activity center in the historic commercial core, and the HRCC zoning districts are intended to provide a management framework for preserving the nature, character, and historic quality of the Historic Preservation District Commercial Core. RRVs aimed at tourist customers is consistent with the characteristics of the HRCC-1 zoning district and is compatible with surrounding commercial and transient uses. However, the proposed storage location of the RRVs is inconsistent with site design standards in the LDRs.



- As of 2011, Duval Street was operating between E and F LOS during mid-day peak hour for the northbound and southbound lanes, respectively. FDOT AADT data suggests daily traffic has increased since then. The likely number of vehicles trips that will result from this proposal are not significant compared to existing AADT on Duval. However, golf carts are typically slower than other vehicles and may contribute to slower average roadway speeds. (2011 City of Key West Carrying Capacity Traffic Study)

**Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use:**

The site shall be of sufficient size to accommodate the proposed scale and intensity of the use, including urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure



Red arrows indicate egress route.

**Internal Circulation:**

- The proposed site plan indicates that golf carts will be stored on either side of an existing historic cistern. On the south side, the site plan indicates that 5 golf carts and 4 scooters will be stored in an area bounded by a concrete block wall. It does not appear that the vehicles can be readily maneuvered in that area. Further, there are trellis posts and a tree in the spaces that are designated for RRV parking.
- Staff is also concerned that parking the vehicles in a tight space in such close proximity to the historic cistern could result in damage to the cistern in case of accidental collisions. Historic Preservation staff have coordinated in the drafting of recommended conditions if approved.
- The golf cart labelled #13 on the site plan appears to be in the location of an existing tree.

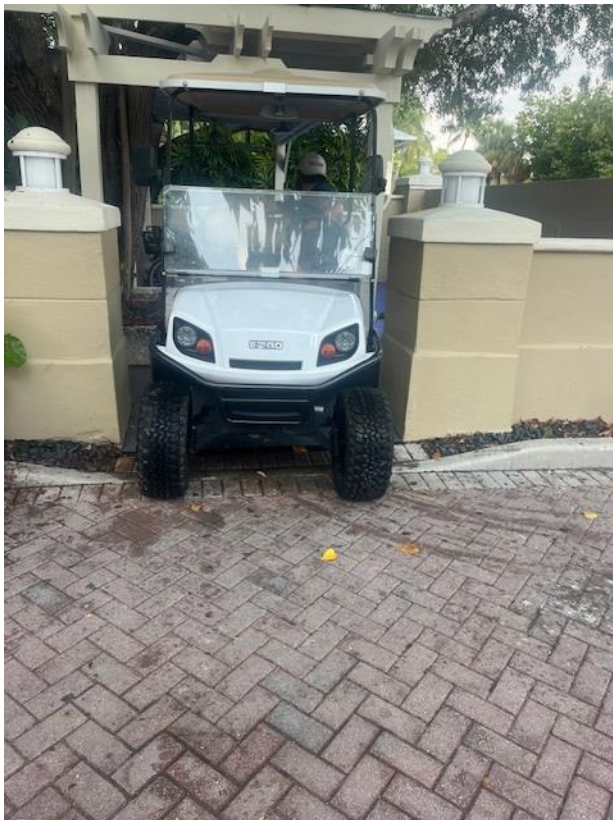




- The scooters stored on the north side of the cistern would be on a curbed driveway and would have to be transported off the curb into the drive aisle.

**Pedestrian-Vehicle Conflict:**

- The golf carts and scooters stored on the south side would have to drive over the existing sidewalk in order to reach the roadway. This increases the risk of conflicts between vehicles and pedestrians.
- Per Sec. 108-318, "Motorized traffic should be separated from principal bicycle ways, pedestrian routes and recreation areas by curbs, pavement markings, planting areas, fences or similar features designed to promote vehicle, bicycle and pedestrian safety."



The red bricks are the sidewalk adjacent to Duval Street.



**Proper Use of Mitigative Techniques:** The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses, and to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

- **Enhancements to mitigate against potential adverse:** No enhancements are proposed to mitigate against potential adverse impacts.
- **Noise & fumes:** The applicant is proposing that seven of the 17 carts be electric, which would mitigate noise and fumes for those vehicles. However, no mitigation is proposed for the 10 gas carts and 10 gas scooters.
- **Traffic:** No mitigative techniques are proposed.
- **Multimodal safety:** The proposed use may result in additional conflict between vehicles and pedestrians and no mitigative techniques, such as curb cuts or markings have been proposed. No mitigative techniques are proposed.
- **General public health, safety & welfare:** No mitigative techniques are proposed.



**Additional Criteria Applicable to Development within the Historic District:** Development within the historic district shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.

- Section 102-7 provides that development impacting a historic site shall include a mitigation plan that addresses destruction of part of such site and the introduction of elements that alter its setting, The proposed vehicular uses in such close proximity to the historic cistern increase risk of damage to the cistern, and no efforts to protect the structure from damage has been proposed.
- Since this project was reviewed at DRC, vinyl tiles have been installed in one of the storage areas, as seen in the picture below. This was not proposed as part of the application and requires a HARC Certificate of Appropriateness.
- Both the current signs and the vinyl flooring were completed without valid permits.



#### **PUBLIC COMMENTS:**

Staff has received no public comments as of December 12, 2024.



## PLANNING ANALYSIS:

Code Section 122-62 provides 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.” Section 122-62 requires that a conditional use approval shall be based on a finding that the use complies with the criteria specified in Section 122-62 and in referenced sections of the Land Development Regulations, in order to ensure compliance with the Comprehensive Plan and Land Development Regulations. Staff has reviewed the proposed use and finds that it does not comply with the criteria specified in Section 122-62, and conflicts with provisions of the Land Development Regulations and Comprehensive Plan.

- The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements are not currently adequate to accommodate the proposed scale and intensity of the conditional use requested.
- Planning staff has reviewed the proposed vehicle layout and circulation with the Engineering Department, and staff agrees that it does not appear sufficient to accommodate the proposed use. It does not appear that vehicles can be maneuvered within the proposed area. Additionally, maneuvering the vehicles in such a constrained area on either side of a historic cistern present the threat of damage to that historic resource, which is already facing threats from the trees growing on or around it.
- The proposed use would create conflict between pedestrians utilizing the adjacent sidewalk, and golf carts/scooters exiting the storage area on the south side of the cistern.
- No site design improvements or mitigation have been proposed, such as landscape buffering, screening, curb cuts, or roadway markings.
  
- Comprehensive Plan Policy 1-1.3.2 provides that commercial zoning designations shall be complemented by performance standards and site plan review requirements that address perimeter and internal landscaping, controlled access and egress, safe and convenient systems of vehicular, bicycle, and pedestrian circulation, and “urban design amenities, including, but not limited to, signage controls, pedestrian amenities, landscaping improvements, building height limitations, architectural controls in the Historic Preservation District, and other similar design features.” The proposed use lacks perimeter landscaping, controlled access and egress, safe and convenient systems of vehicular-pedestrian circulation, pedestrian amenities, and landscaping improvements.
- The proposed vehicular traffic in such close proximity to a historic structure endangers the historic structure.
- Signage and flooring material installed without a Certificate of Appropriateness, and RRV rental in direct proximity to the historic cistern are also in conflict with Comprehensive Plan Policy 1-1.3.1, which establishes the importance of preserving the character and ambiance of the historic district to support the City’s heritage and tourism industry. The Policy states in part that design shall provide for, “. . . development and redevelopment opportunities that are consistent with and reinforce the historic character of architecture as well as its ambience and urban design amenities.”



### **RECOMMENDATION:**

Section 122-62 requires that a conditional use approval shall be based on a finding that the use complies with the criteria specified in Section 122-62 and in referenced sections of the Land Development Regulations in order to ensure compliance with the Comprehensive Plan and Land Development Regulations. The proposed use does not comply with the required criteria and proposes no improvements or mitigation to address potential adverse impacts. Therefore, the Planning Department, based on the criteria of Section 122-62 and 18-358, recommends **DENIAL** of the subject conditional use application for 1 Duval Street. Should the Planning Board approve the request Staff recommends the conditions outlined below.

1. Vehicles shall be stored consistent with the attached plans by A2O Architecture, dated October 8, 2024, with the adjustment that no carts shall be parked on the south side of the cistern in the trellis.
2. A maximum of 10 golf carts shall be kept at 1 Duval. The 10 approved carts shall be electric-powered carts.
3. The owner shall obtain and maintain a Conditional Use Approval Permit, pursuant to City Code Chapter 18, Article II, Division 1. The owner shall be subject to an annual inspection to verify compliance with the conditions of this approval.
4. The applicant shall coordinate with City of Key West historic preservation staff to submit applications for Certificates of Appropriateness for applicable signage, flooring, or other site alterations existing and proposed.
5. Staff recommends that the applicant coordinate with City of Key West historic preservation and urban forestry staff to remove plant material growing into the walls of the historic cistern, and to explore opportunities to preserve and provide visual access to the structure from the right of way.
6. Applicant shall install bollards or stoppers on sides of the project adjacent to the historic cistern to prevent further damage to the historic resource. The architectural designed bollards or stoppers shall be reviewed by HARC for compliance.