

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



To: Chair and Planning Board Members

From: Ginny Haller, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: August 17, 2017

Agenda Item: **Conditional Use – 1103-1105-1107 Simonton Street (RE # 00027490-000000; 00027500-000000; 00027510-000000)** - A request for a conditional use for the location of a recreational rental vehicle use on property located in the Historic Neighborhood Commercial-Truman/Simonton (HNC-1) Zoning District pursuant to Sections 18-355, 122-62 and 122-808 (14) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

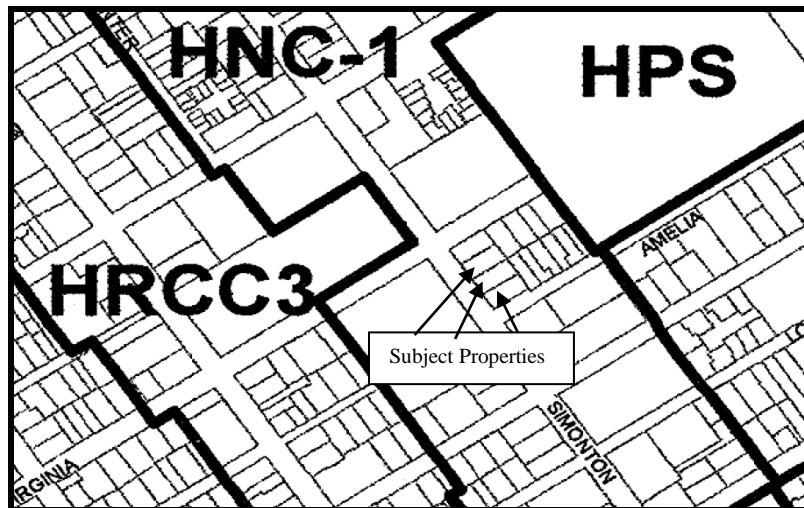
Request: To allow for the location of a recreational rental vehicle use

Applicant: Adele V. Stones

Property Owner: Frank F. Ratcliff and Maria G. Ratcliff

Location: 1103-1105-1107 Simonton Street (RE # 00027490-000000; 00027500-000000; 00025710-000000)

Zoning: Historic Neighborhood Commercial-Truman/Simonton (HNC-1)



Background:

The subject property is located in the 1100 block of Simonton Street bound by Virginia and Amelia Streets. The property is immediately surrounded by Historic Neighborhood Commercial-Truman/Simonton (HNC-1), Historic Public and Semipublic Services (HPS), and Historic Residential Commercial Core –3 Duval Street Oceanside (HRCC-3) zoning districts. The property is comprised of three lots with the total area of the property approximately 11,630.5 square feet. Approximately 5,288 sf of the outdoor space will be used for outdoor storage, and the demonstration/safety training area. The property currently operates as a welding and fabrication facility, along with storage of shipping containers for rent and storage of heavy equipment, and also electric car storage, bicycle rentals and sales.

The applicant is proposing to use approximately 50% of the property for the rental for no more than 75 small recreational power driven vehicles, including moped scooters electric bicycles and/or three or four wheeled power-driven vehicles. The applicant proposes no additional square footage for the existing industrial commercial structure that will contain the office and interior storage.

Surrounding Zoning and Uses:

North: HNC-1, Residential/Commercial/Retail Uses

South: HNC-1, Commercial/Restaurant/Banking/Retail Uses

East: HPS, Private School/Residential Uses

West: HRCC-3, County Government/Commercial/Restaurant Uses

Process:

| | |
|-------------------------------|-----------------|
| Development Review Committee: | April 23, 2015 |
| Planning Board: | August 17, 2017 |
| 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

The rental of small recreational power-driven equipment is a conditional use in the HNC-1 zoning district. The Historic Neighborhood Commercial zoning districts are defined as districts that shall accommodate both residential and neighborhood commercial uses. KBP Consulting, Inc. analyzed the traffic impacts of the proposed use in a Traffic Statement dated July 12, 2017 (attached). In the summary, the statement says “up to 235 rental vehicles at the location can be accommodated within the City's 3% traffic impact threshold on local streets.”

(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 site is .18 (1.0 permitted) which consists of 2,012 sf of the structure. The area of the Conditional Use will occupy 1,008.5 sf, approximately .09 FAR.

b. Traffic generation:

The property is located in the historic neighborhood and commercial area. The applicant has provided a traffic statement from a licensed traffic engineer analyzing the conditions of the location (Traffic Statement attached). The analysis maintains that Simonton Street at this time is operating at an acceptable level of service and can accommodate a 3% increase of traffic impact for the area, which translates to 235 rental vehicles at the location. The City's traffic consultant, Calvin, Giordano & Associates, has deemed the submitted traffic statement in compliance with Section 18-358. The applicant in the attached Additional Letter states the proposed number of rental scooter, electric bikes, or electric cars is for “up to seventy-five (75) pieces of rental equipment.”

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

The square footage of the commercial area is 2,012 sf. The applicant proposes in interior area is 1,008.5 sf and approximately 5,288 sf of the outside space will be used for outdoor storage/display, and the demonstration/safety training area.

d. Proposed employment:

2 to 3 employees on the site each day.

e. Proposed number and type of service vehicles:

The applicant states that a business vehicle will be used for assistance made off-site by rental customers. Staff does not anticipate any adverse impacts from service vehicles.

f. Off-street parking needs:

The property is located in the historic commercial pedestrian oriented area, and no new floor area is being created. Section 108-573 (c) states that no additional parking is required for the change of one type of commercial to another in this district.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities

Staff does not anticipate any improvement needs regarding utilities.

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 expected.

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 nonconforming to commercial open space requirements. No changes are proposed.

b. Setbacks from adjacent properties

No changes proposed.

c. Screening and buffers

No changes proposed. There is an existing fence on the north side of the property to buffer the residential uses and there are no exterior ingress/egress on the north side. The west and south sides of the property front on the city rights of way. The applicant states that sound buffering will occur due to the limited exterior opening on Simonton Street and interior sound proofing material in the existing structure.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites

No changes proposed.

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

No noxious impacts expected. The hours of operation will be 8 am to 8 pm.

(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 HNC-1 zoning district. The rental of small recreational power-driven equipment is a conditional use in the HNC-1 zoning district. Per Section 122-776 the intent of the Historic Neighborhood Commercial zoning districts are defined as districts that shall accommodate both residential and neighborhood commercial uses. The proposed location is within an area of restaurants, banks, government offices and transient rentals and hotels/motels.

(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

No changes proposed. There is an existing fence on the north side of the property to buffer the residential uses and there are no exterior ingress/egress on the north side. The west and south sides of the property front on the city rights of way. The applicant states that sound buffering will occur due to the limited exterior opening on Simonton Street and interior sound proofing material in the existing structure.

(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: N/A

b. Residential development: N/A

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:** N/A

f. **Commercial structures, uses and related activities within tidal waters:** N/A

g. **Adult entertainment establishments:** N/A.

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 number of small recreational power-driven equipment rentals is established at no more than seventy-five (75) and recorded with the City's licensing official per Section 18-351(a).
2. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

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

3. 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.