

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: **Variance – 1401 Simonton Street – (RE# 00036231-000000)** - A request for approval of a variance to conform with parking deficiencies and a variance to off-street required parking to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourism (HCT) zoning district pursuant to Sections 90-395, 108-572, and 108-575(5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The proposed project would allow electronic scooters as a conditional use and would include a variance to off-street parking.

Applicant: Trepanier & Associates

Property Owner: Santa Maria Resort Condominium Management, LLC

Location: 1401 Simonton Street – (RE# 00036231-000000)



Proposed Scooter Rentals



Background:

This item has been postponed by the applicant from the September and October Planning Board meetings.

The subject parcel is located at 1401 Simonton Street on the corner of Simonton Street and South Street. The main structure is a historically significant contributing structure to the Key West Historic District. The parcel is zoned HNC-1 and is surrounded by HCT zoned properties to the north, south, and west, and Historic Residential Office (HRO) zoned properties to the east, northeast.

The property is operated as the Santa Maria Resort as a 35-unit resort complex and Milagro Restaurant and Bar (formally known as Ambrosia Japanese Restaurant). The 35-unit resort received approval in 2004 through Planning Board Resolution 2004-17, at this time, it is unclear if the parking for the Ambrosia restaurant with 76 seats was taken into account during the 2004 approval. The property has 35 off-street parking spaces, scooter parking, and a bike rack for 18 bicycles. The applicant has proposed to replace an existing scooter parking space and install an electronic scooter docking station near the entrance of the parking area. No regulated vegetation will be impacted by the work.

There are currently 35 off-street parking spaces on the property, code requires one off-street space per rental unit, with an additional space required for management. Code requires one off-street parking space per 45 sqft of consumption area, the Milagro restaurant has 76 seats, which equates to at least 1,140 sqft of consumption space, not counting any areas except for the seats and tables themselves. The Ambrosia restaurant, if calculated conservatively as is above, per code would require at least 25 parking spaces, the restaurant has zero off-street parking spaces currently. The proposed addition of the 12 scooter rentals would require an additional 4 off-street parking spaces. In total, per code the parking needs of the property would be 36 off-street spaces for the transient use, 24 spaces for the restaurant use, and an additional 4 off-street spaces for the proposed scooters, a total of 65 off-street parking spaces.

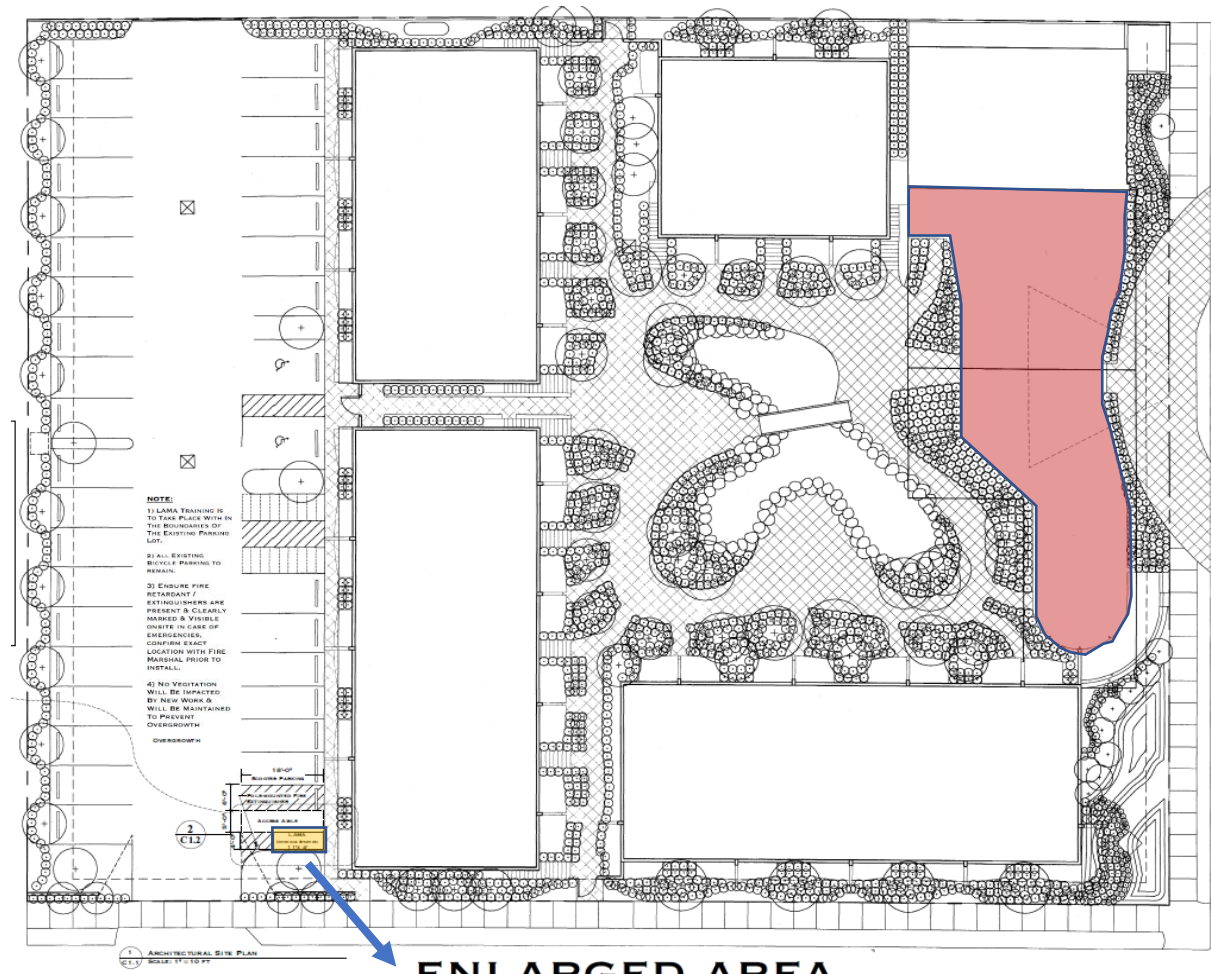
The Santa Maria is a condominium association; staff received confirmation on 11.15.2021 that it is legally permissible for common area to be utilized by this entity for this new business purpose.

Proposed Development:

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HCT			
Size of Site	10,000 sqft	50,600 sqft		
Height	35'	n/a	n/a	n/a
Front Setback	5'	n/a	n/a	n/a
Side Setback	5'	n/a	n/a	n/a
Rear Setback	15'	n/a	n/a	n/a
Building Coverage	50% -- 25,300 sqft	49.8% -- 25,229 sqft	49.9% -- 25,273 sqft	n/a
Impervious Surface	70% -- 35,420 sqft	55.4% -- 28,046 sqft	n/a	n/a
Open Space	20% -- 10,120 sqft	20.6% -- 10,408 sqft	n/a	n/a
Parking	1 per motel unit 1 per motel manager 1 per 3 scooter rentals 1 per 45 sqft of consumption space	35 spaces	35 spaces	30 off-street parking spaces*
Bicycle Parking	17 spaces	18 spaces	n/a	n/a

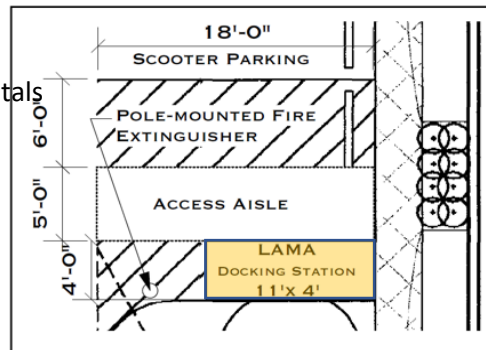
*Four(4) off-street parking spaces required for scooter rental business. City of Key West Code requires parking deficiencies be considered when uses expand Section 108-575; the remainder of the parking variance is in consideration of existing on-site uses.

Proposed site plans for 1401 Simonton St., Submitted by applicant (altered for clarity)



ENLARGED AREA

- Proposed Scooter Rentals
- Restaurant Use



The applicant has applied to maintain all current off-street parking and bicycle parking as part of this variance application. The applicant is proposing to place the scooter docking station near the entrance of the property in the space as seen on the street image below. Per Code Section 18-381, the rental vehicle purveyor is required to provide instruction and training to each customer, including the requirement that the renter drive the vehicle on business premises or in its immediate vicinity in the presence of a trained instructor. The applicant has proposed for their training vicinity to on the business premises.

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

The parcel located at 1401 Simonton Street is larger than the code required minimum lot size, the parcel is 50,600 sq.ft. and the minimum size for lots in HCT is 10,000 sq.ft. The applicant's current proposal to add 12 scooter rentals requires the applicant to come into conformity for parking. The applicant is applying for a variance to 30 off-street parking spaces.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The conditions on the lot were created after a major development approval for a 35 transient unit resort was approved in 2004. The 2004 MDP staff report does not state the parking requirements for the 76-seat restaurant, but only speaks to the requirements for the transient units. The addition of the scooters requires the applicant to bring the property's parking into conformance, conformance with code would require the applicant to have 65 parking spaces on site. The scooter rental is proposed to be near the entrance of the parking lot.

NOT IN COMPLIANCE

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

The Land Development Regulations require dimensional standards and off-street parking in order to ensure life safety, general welfare, health standards, and aesthetics. The proposed scooter dock would increase the parking needs of the property. The proposed variance is for both the 4 off-street parking spaces required for the scooter rentals, as well as 25 additional off-street parking spaces that are not present for the restaurant use.

NOT IN COMPLIANCE

4. *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The parcel located at 1401 Simonton is larger than the zoning district's requirements. Much of the property is used for parking and/or the motel use. There is not much space open on the property for additional parking, on-street parking in the area is scarce, as only one side of this block of Simonton St and one side of this block of South St are used for on-street parking currently. It is possible that the applicant could include additional bike parking and scooter parking on the site, literal interpretation of the provisions of the Land Development Regulations

would not deprive the applicant of rights commonly enjoyed by other surrounding properties under the terms of this ordinance.

NOT IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is not the minimum required that will make possible the reasonable use of the land, building and/or structure. It is reasonable that the applicant could amend their plans to provide additional bicycle or off-street parking or find alternate means to provide parking to their guests.

NOT IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance will not be in harmony with the general intent of the land development regulations. Parking is an issue in the Simonton/South/United Street area. It may be possible for the applicant to add additional scooter and or bike parking on the South Street side of the property. A lack of parking for the general public increases the number of drivers cruising the block searching for on-street parking. The applicant's representative has stated that the scooter rental business will not augment the need for off-street parking and will present an alternative transportation option.

NOT IN COMPLIANCE

7. *Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The Planning Department has received public comment for the variance request as of the date of this report and has forwarded these comments to the applicant’s representative.

Recommendation:

The proposed variance at 1401 Simonton is for 30 off-street parking spaces. The applicant is seeking a variance to parking required by the installation of the scooter rentals but City Code also requires contemplation of the existing on-site parking deficiencies. The requested variance to the minimum number of off-street parking spaces does not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated 8/3/2021 by Seth Neal.