

**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: June 17<sup>th</sup>, 2021

Application: **Conditional Use Amendment** – 112 Fitzpatrick Street (RE# 00000650-000000) – A request for a revision to a conditional use approval to alter the conditions of Planning Board Resolution 2010-014 to allow the change of rental vehicles types and the overall reduction of rental vehicles permitted at the property in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Sections 122-62 and 122-688 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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Applicant: Alex Castillo

Property Owner: Michael Halpern

Location: 112 Fitzpatrick Street - (RE # 00000650-000000)



**Background:**

The structure located at 112 Fitzpatrick, also addressed as 105 Whitehead, is near the corner of Fitzpatrick Street and Green Street. The property has historically been used as a commercial property with multiple commercial structures, first developed in 1934. The vacant lot at the rear of the property abutting Fitzpatrick St. has been used as a scooter rental facility since at least 1995. The property has changed operators several times but has maintained the scooter rental use. In 2010 the Planning Board approved a conditional use for the addition of two electric cars, approved in PB Resolution 2010-014.

The property is currently licensed for 45 scooters and 2 electric cars, 47 vehicles in total. The PB Resolution consisted of seven conditions of approval listed below. The applicant has proposed to amend conditions one and two of PB Resolution 2010-014 and add 5 auto-cycles and reduce their total licensed recreational vehicles from 47 to 39 scooters.

1. This approval allows for the rental of two electric cars from 112 Fitzpatrick Street. Those same vehicles are not to be rotated with other vehicles. License and VIN must be submitted to Licensing and Code Compliance Departments.
2. The license holder shall maintain a separate, permanent storage site for the two electric cars at the 400 block of Whitehead Street (RE# 00006650-000000). No electric car rentals will be permitted from the storage site.
3. Servicing, washing, and repair of the vehicles will take place in a location licensed for such services off site; and
4. Hours of operation are limited to 8 am to 6 pm; and
5. Vehicles exiting the Fitzpatrick Street Site are prohibited from reversing off the site; and
6. Mirrors will be installed near the right of way for better line of site for vehicles exiting the Fitzpatrick Street site onto the right of way; and
7. The applicant agrees to donate \$300.00 for tree planting on Fitzpatrick Street to assist in the revitalization of the streetscape. *(it is unclear if this has been paid by the previous tenant or not)*

The applicant is proposing to alter conditions one and two of PB Resolution 2010-014 to the following:

1. This approval allows for the rental of ~~two electric cars~~ five auto-cycles from 112 Fitzpatrick Street. Those same vehicles are not to be rotated with other vehicles. License and VIN must be submitted to Licensing and Code Compliance Departments.
2. ~~The license holder shall maintain a separate, permanent storage site for the two electric cars at the 400 block of Whitehead Street (RE# 00006650-000000). No electric car rentals will be permitted from the storage site.~~
3. ~~The applicant agrees to donate \$300.00 for tree planting on Fitzpatrick Street to assist in the revitalization of the streetscape. (it is unclear if this has been paid by the previous tenant or not)~~

*\* underlined language is added, ~~strike through~~ language is removed*

**Staff Analysis - Evaluation:**

The subject parcel is located in the Historic Residential Commercial Core (HRCC-1) zoning district, which allows small motorized recreational rental vehicles as a conditional use. The applicant is proposing to

replace electric vehicles for gas powered vehicles and have a total reduction of 3 recreational rental vehicles at the site. The applicant has stated they will replace 2 electric cars and 6 scooters, 8 rental vehicles in total, for 5 proposed auto-cycles. The proposed two-seater auto-cycles have an average fuel consumption of 34 miles per gallon, the 50 CC scooters have an average fuel consumption of 85 miles per gallon. Both the electric cars and the scooters being replaced are more fuel efficient than the proposed auto-cycles.

To mitigate the proposed substitution of less fuel-efficient vehicles for more fuel-efficient vehicles, the Planning Department recommends the applicant reduce their total number of recreational vehicles from the licensed 47 vehicles in total to 30 vehicles in total, 25 scooters and 5 auto-cycles. The total proposed reduction of recreational rental vehicles would equate the addition of each auto-cycle to the reduction of four scooters. Each auto-cycle is about a third as fuel-efficient as a scooter and four times the size as a scooter. The proposed auto-cycles have a footprint of about 18 sqft, a scooters footprint is about 6 sqft. An auto-cycle and a scooter can both carry two passengers.

The entire lease area for the recreational rental vehicle modification is impervious, with the exception of a six square foot planter box. The area surrounding the property is largely impervious as well, apart from a street tree near the property. The applicant has specified that they would continue the use of the small planter box. The Planning Department recommends the addition of two additional planter box and a donation to the tree fund to substitute for full compliance with landscaping regulations in the City Code.

**Characteristics of use described:**

**(1) Scale and intensity**

- a. Floor Area Ratio:
  - i. Permitted: 1.0 (912 sqft)
  - ii. Proposed: 0.04 (36 sqft)
- b. Traffic Generation:
  - i. The subject property is located in the Historic Pedestrian Oriented Zone (Section 108-573 (c)). The Planning Department does not anticipate the modification to increase the traffic generation over the existing use. If the total number of vehicles are reduced, the traffic generation for the lot would also reduce.
  - ii. There have been 34 traffic incidents on the one block of Fitzpatrick St. from Front St. to Green St. The reduction of vehicles from this area may reduce the total number of traffic incidents
- c. Square feet of enclosed building for each specific use:
  - i. No enclosed buildings being proposed.
- d. Proposed Employment:
  - i. One full time employee
- e. Proposed number and type of service vehicles:
  - i. No service vehicles proposed.
- f. Off-street parking needs:
  - i. The subject property is located in the Historic Pedestrian Oriented Zone (Section 108-573 (c)). The Code states that if the applicant does not create floor area or alter their use to a more intensive use, then no excess parking is required.

**(2) On- or off-site improvement needs generated by the proposed conditional use**

- a. Utilities
  - i. No improvements specified.
- b. Public facilities:

- i. No improvements specified.
  - c. Roadway or signalization improvements:
    - i. No improvements specified.
  - d. Accessory structures or facilities
    - i. No improvements or structures proposed
  - e. Other unique facilities/structures proposed as part of site improvements
    - i. All trash and recycling receptacles will be moved from view and stored at the rear of the structure. The department would recommend reinstalling the additional planter boxes as seen in this 2011 Google Street View picture below:



**(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:**

- a. Open Space
  - i. None proposed.
- b. Setbacks from adjacent properties
  - i. None proposed.
- c. Screens and buffers
  - i. None proposed.
- d. Landscaped berms
  - i. None proposed.
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
  - i. The applicant has proposed that all servicing of the vehicles including washing and fueling to be done off-site. There have been no mitigative techniques proposed for noise.

**Criteria for conditional use review and approval**

- (1) **Land Use Compatibility:**
  - a. The applicant proposes to modify an approved conditional use at the subject property for recreational vehicle rentals. The City Code describes HRCC-1 zoning district as a tourist heavy district and allows recreational vehicle rental as a conditional use. The modification would continue the approved recreational vehicle rental use.
- (2) **Sufficient site size, adequate site specifications, and infrastructures to accommodate the proposed use**

- a. The size and shape of the site will remain the same as it is in its current state. The lease area is under 1,000 sqft and has been used for recreational rentals since at least 1995.
- (3) **Proper use of mitigative techniques**
  - a. The applicant will keep all fuel in a locked container and will keep a fire extinguisher on the property. The applicant is not proposing mitigation for anticipated waste, dust, fumes, or fuel and oil contaminated water run-off. These mitigative techniques are required by the Land Development Regulations for public health and safety.
- (4) **Hazardous waste**
  - a. The applicant has stated that no hazardous waste will be produced on the property, though fuel will be stored on property.
- (5) **Compliance with applicable laws and ordinances**
  - a. The applicant complies with minimum parking standards due to their location in the Historic Pedestrian Oriented Zone.
- (6) **Additional criteria applicable to specific land uses**
  - a. The conditional use will be at 112 Fitzpatrick Street in the Key West Historical District. The property is currently noncomplying with city code for landscaping, open space, and impervious surface.

**Recommendation:**

The proposed amendment to a conditional use for 112 Fitzpatrick, 105 Whitehead, is proposed to reduce the overall number of rental vehicles by three and but would also decrease the overall sustainability and fuel efficiency of the rental business. The applicant has proposed to replace two electric cars and six gas powered scooters for five gas powered auto-cycles. The Planning Department has determined a more appropriate ratio of scooter replacement to be four scooters per auto-cycle, which would reduce the total amount of scooters on the project to 25 scooters instead of the 45 currently allowed. The Department determined this ratio comparing the size of the vehicles and the fuel efficiency of the vehicles. In addition to the decrease of rental vehicles, the Department also recommends replacing the planter boxes formerly on the property in 2011. In addition to these amendments, the Department also recommends all conditions, apart from condition one and two of PB Resolution 2010-014 be maintained. Based on a review of the application according to the stringent evaluation criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for a conditional use be **APPROVED** with the following conditions:

1. This approval allows for the rental of five auto-cycles from 112 Fitzpatrick Street. Those same vehicles are not to be rotated with other vehicles. License and VIN must be submitted to Licensing and Code Compliance Departments.
2. This approval reestablishes that the applicant had a grandfathered conditional use to rent 45 moped scooters and will reduce the total amount of rentable moped scooters to 25.
3. Servicing, washing, fueling, and repair of the vehicles will take place in a location licensed for such services off site; and
4. Hours of operation are limited to 8 am to 6 pm; and
5. Vehicles exiting the Fitzpatrick Street Site are prohibited from reversing off the site; and
6. Mirrors will be installed near the right of way for better line of site for vehicles exiting the Fitzpatrick Street site onto the right of way; and
7. Two additional planter boxes be installed on the left side of the lease area the same size or larger than the current six square foot planter box installed at the right-hand side of the property.