

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



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, Planner I

Meeting Date: June 18th, 2020

Application: Conditional Use- 210 Simonton Street (RE# 00001111-000700) – A request for conditional use approval to allow for a small recreational power-driven equipment rental use on a vacant lot located in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Section 18-355, Section 122-62 and 122-808 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The establishment of a conditional use in the HRCC-1 zoning district to convert a dirt noncomplying parking lot to a small recreational power-driven equipment rental use to open a scooter rental company on the north parcel of the vacant lot at 210 Simonton, formally addressed as 204 Simonton Street.

Applicant: Istvan Szentgyorgyi

Property Owner: 220 Simonton Street, LLC

Location: 210 Simonton Street (RE# 00001111-0007)



Background:

210 Simonton Street is a licensed commercial parking lot that does not currently meet the City's Land Development Regulations regarding commercial parking lots. The parking lot is composed of five parcels, 210, 212, 214, 216, and 218 Simonton. This conditional use request is specifically for the 210 Simonton Street parcel and will only utilize the space on the 210 parcel. This parcel is approximately 5,500 square feet and has a 24-foot curb cut on Simonton Street across from Hemingway Rum Co. The parcel is a noncomplying dirt and gravel parking lot and the remainder of the parcel will be utilized for commercial parking. The 1961 Sanborn maps reveal that the parcel was mixed-use, containing both a single-family structure and an auto-repair business. The parcel was originally addressed as 204 Simonton Street and had a two-story single-family home on it until 1965. The change of use on the parcel to a noncomplying parking lot occurred in the early 2000's.

The applicant proposes to operate the scooter rental business initially without any signage or structures on the lot. Scooters and mopeds require a parking space pursuant to Section 108-611 of the City Code which states that parking surfaces must be paved with an approved dust-free material. The applicant has not applied to pave any space for the proposed scooter rentals. The applicant has stated that the scooter rental business employees would have access to the restrooms directly behind the lot attached to the Tattoos and Scars Bar. The applicant proposes to have a total of twenty (20) scooters for rent, with one scooter on display at the front of the parcel. A scooter space is two (2) feet by six (6) feet, twenty scooter rental spaces will equate to 240 square feet. All fuel will be contained in a flammable locker and a fire extinguisher will be on site.

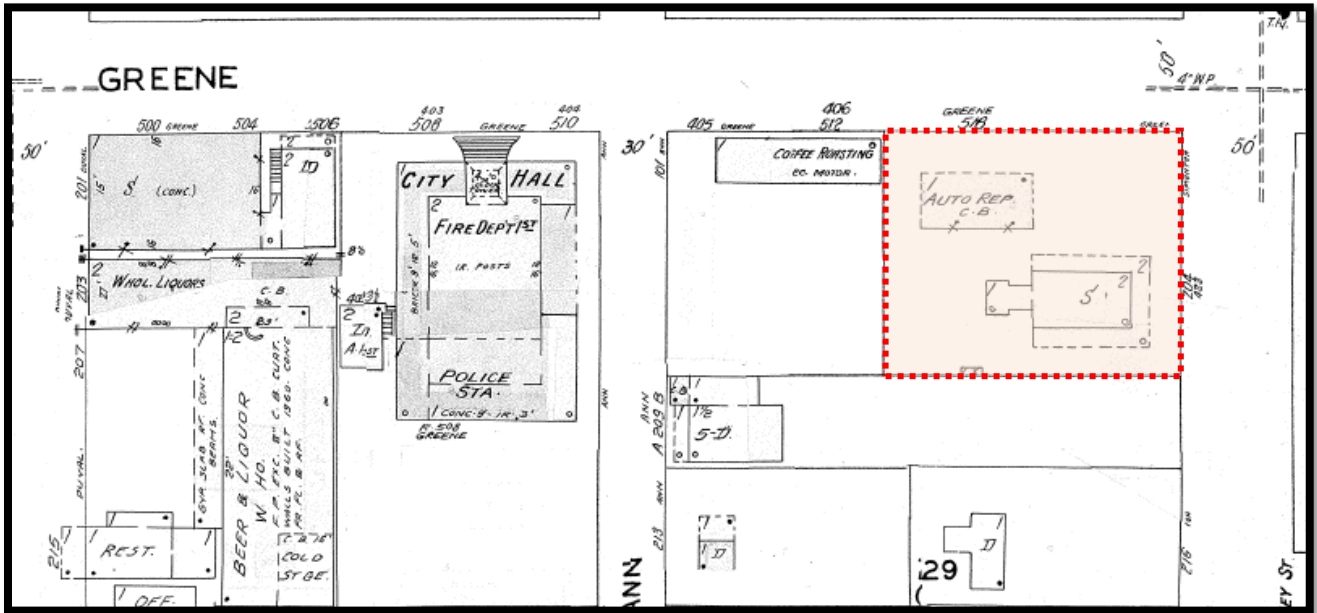
The commercial parking lot license, license # 23624, at 210 Simonton Street is an active license. The applicant proposes to operate the scooter rental business as an accessory to the already licensed parking lot. Section 108-609 of the City Code states that use of parking areas for purposes other than parking are prohibited, if the Planning Board approves the applicant's proposed conditional use, the commercial parking lot licenses must be removed and a commercial scooter rental license would be required for the subject parcel.

The City Commission of the City of Key West passed a moratorium on small recreational power-driven equipment rentals in February of 2020. The Commission focused on the need to study the effects of small powered recreational rentals and public safety. The applicant had submitted this conditional use application in September of 2019, before the moratorium had been put in place, and therefore this conditional use application has been allowed to proceed. The parcel is not compliant with applicable rules and regulations for a commercial parking lot and will not be in compliance with applicable rules and regulations for a scooter rental business including; requirements for landscaping, screening, paving, drainage, and accessory vehicular use access; including requirements for landscaping, screening, paving, access ways, and accessory vehicle use access.

204 Simonton Street, 1965



Sanborn Map of 204 Simonton Street, 1961



210 Simonton Street, 2020



Staff Analysis - Evaluation:

The subject parcel is located in the Historic Residential Commercial Core (HRCC-1) zoning district, which allows for small recreational power-driven equipment rentals as a conditional use. The City of Key West Code of Ordinances Section 18-355 – Recreational Rental Vehicle Deemed Conditional Use, states that the establishment of any new or relocation of a recreational rental vehicle use shall require a conditional use approval pursuant to Section 122-61. Section 6-116 defines a recreational rental vehicle as a moped, motorized scooter, motorized entertainment vehicle, etc. The HRCC-1 zoning district allows small recreational power-driven equipment rentals as a conditional use.

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. Granting or denying a proposed Conditional Use on a case-by-case basis gives the Planning Board the discretion to review the proposed conditional use based on the following criteria:

Characteristics of use described:

(1) Scale and intensity

- a. Floor Area Ratio:
 - i. Permitted: 1.0 (5,520 sqft)
 - ii. Proposed: 0.04 (240 sqft)
- b. Traffic Generation:
 - i. The Applicant submitted a traffic study conducted by Traffic Impact Group, LLC. The study stated that there were no trip generation categories from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* that fit the proposed recreational rental vehicle operation. As such, trip generation was estimated based on information provided by the owner: Twenty vehicles will be available for rental. It is estimated that each customer will rent a vehicle for an average of two-hours at a time. The business hours would be approximately 8-hours (10 am to 6 pm). This would total 80 average daily trips in and out of the business. (20 vehicles x 4 rental periods per 8-hour day = 80 trips).
 - ii. The section of parking lot addressed as 210 Simonton Street has thirteen (13) parking spots located on the subject parcel. The scooter rental company will bring an additional twenty (20) scooters on the property that will more than double the number of vehicles park on the property at one time. The increase in the number of vehicles on the property will generate more trips than what is currently generated by the thirteen spaces alone. More trips generated and more vehicles parked on the property will further the nonconformity of the already noncompliant parking lot.
- c. Square feet of enclosed building for each specific use:
 - i. No enclosed building proposed.
- d. Proposed Employment:
 - i. One full time employee.
- e. Proposed number and type of service vehicles:
 - i. Twenty (20) moped scooters.
- f. Off-street parking needs:

- i. Minimum parking requirement – One (1) off-street parking space per three (3) scooters – Seven (7) off-street parking spaces 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. No improvements specified.

(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. None proposed.

Criteria for conditional use review and approval

(1) Land Use Compatibility:

- a. 210 Simonton is surrounded by the HRCC-1 zoning district on all sides, the lot abuts Greene Street Cigars and Café to the north, Tattoos and Scars Bar to the west, Hemmingway Rum Co. to the east, and a noncomplying parking lot to the south. A scooter rental business would generate 80 more trips to the 210 Simonton Street area per day during business hours. The additional traffic could pose a public safety hazard for pedestrians at the corner of Greene and Simonton. The results of the City Commission’s moratorium to review public safety and small powered rental vehicles is still unknown. Furthermore, the site is unpaved and lacks most requirements to a scooter rental facility.

(2) Sufficient site size, adequate site specifications, and infrastructures to accommodate the proposed use

- a. The layout of the parking will change to accommodate the twenty (20) scooters. The size of the site will remain unchanged. Per Section 108-572 (10) the applicant is required to have one (1) off street parking space per three (3) scooters. The applicant will have a total of twenty (20) scooters and will need a total of seven (7) off-street parking spaces. The applicant has not proposed any additional off-street parking spaces to accommodate the increased requirement for the conditional use. Section 86-9 defines any retail use that generates 50-100 average daily trips as a medium intensity commercial use. At a minimum the parcel should be brought into compliance to accommodate the change in

medium intensity commercial use. Given the proposal that the parcel will change from a non-compliant commercial parking lot use to a small-recreational power-driven equipment rental use; site drainage, paving, appropriate buffering and landscaping requirements in the LDRs should be followed.

(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, even though fuel will be poured on property. Fuel spills would be hazardous, and spill and accident containment planning is unclear for this proposed business.

(5) Compliance with applicable laws and ordinances

- a. The applicant's proposal will not conform to multiple sections of the City Code. The proposed conditional use will not meet Section 108-611 regulations for paved accessible parking surfaces and will be contrary to Section 108-609 that states parking areas for purposes other than parking are prohibited. The proposed conditional application did not include a landscape plan nor a drainage plan as required for a Conditional Use application to be accepted and approved. The proposed rental company will increase off-street parking requirements on the already noncomplying parking lot and increase the noncompliance of the lot by adding an additional twenty (20) vehicles.

(6) Additional criteria applicable to specific land uses

- a. The conditional use will be at 210 Simonton Street, in the Key West Historical District. The property is currently noncomplying with city code for commercial parking lot regulations, sign regulations, HARC regulations, and urban forestry regulations.

Recommendation:

The corner of Simonton Street and Greene Street is a highly trafficked portion of our Historic Downtown. The property location at 210 Simonton Street lays steps away from historically significant buildings and newly renovated urban areas. The applicant is proposing a scooter rental business on a parcel that is currently noncomplying with the LDRs of the City of Key West. A scooter rental company on 210 Simonton will displace existing automobile parking and will also be noncompliant as it does not have any code compliant parking spaces for the proposed twenty (20) rental scooters. The increase in car generated trips to the corner of Greene Street and Simonton Street could pose an unknown public hazard.

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 **DENIED**. If the Planning Board chooses to approve this application, the Planning Department proposes the following conditions.

1. The parcel shall comply with all applicable rules and regulations outlined in the City's Land Development Regulations including; drainage, paving, and landscaping.
2. The paving material of the parcel to be approved by the Planning Department and City Engineer.

3. The applicant protect all trees on the property and not allow parking atop of major tree roots.
4. The applicant and parcel comply with all HARC regulations.