



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chair and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Jordan Mannix-Lachner, Planner I

Meeting Date: September 21, 2023

Agenda Item: **Conditional Use Amendment – 114 Simonton Street (RE# 00000290-000000)** – A request for an amendment to a conditional use approval for an existing recreational rental vehicle operation, to allow for the addition of fifty (50) golf carts at a property located at 114 Simonton Street in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Sections Sec. 18-358, 122-62(b), 122-62(c), 122-63(e), and 122-688 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request for an amendment to an existing conditional use approval in order to add an additional fifty (50) golf carts to a recreational rental vehicle operation at 114 Simonton Street, for a total of 91 electric cars and 36 mopeds.

Applicant: Hydro-Thunder of Key West

Applicant’s Representative: Gregory Oropeza, Esq. of Oropeza, Stones & Cardenas, PLLC

Property Owners: Historic Tours of America, Inc.

Location: 114 Simonton Street (RE# 00000290-000000)

Zoning: Historic Residential Commercial Core (HRCC-1)



Site Map



Site Photos



Map
ion for your map.





Above: Image of Simonton St & Greene Street intersection from Google Streetview. The RRV storefront is just out of the picture to the right. This image shows the site's perpendicular parking stalls which require vehicles to back into the right-of-way in order to exit. A bicyclist is seen with a child on the bicycle, passing behind a parked vehicle. The intersection is busy with bicyclists, pedestrians, and vehicles waiting and crossing at all corners. Pedestrians, bicycles, and a scooter are seen crossing the intersection at the same time, as a trolley approaches the intersection.

Below: Image facing the Simonton and Greene Streets intersection from Google Streetview. Traffic congestion is observed. The proposed storage garage and parking area are seen to the left. The site's dumpster can also be seen from the right of way; the enclosure should be modified to adequately screen the dumpster as required per Code.





Background:

The subject property consists of a 57,670 square-foot parcel located on the 100 block of Simonton Street bound by Front Street and Greene Street. The property is located in the HRCC-1 zoning district in the Historic Commercial Pedestrian Oriented Area.

The parcel is owned by Historic Tours of America, Inc. It includes a commercial complex known as Simonton Row. The parcel includes three buildings with several addresses and a mix of uses. The site contains four residential units, professional offices, food service, bar, and retail uses operating in separate lease areas.

The applicant's existing recreational rental vehicles business operates in a 4,623 square-foot showroom at 150 Simonton Street. The rental of recreational vehicles is a conditional use in the HRCC-1 zoning district. The business is currently approved to rent 51 electric cars and 36 mopeds, pursuant to the following conditional use approvals:

Resolution 2016-60 - Conditional Use Approval:

- Approved the transfer of forty-one (41) electric cars and forty-six (46) mopeds from an operation at 601 Front Street to the subject property.

Resolution 2019-40 - Amendment to Conditional Use Approval

- Permitted the exchange of ten (10) mopeds for (10) electric cars for a total of:
 - 51 electric cars
 - 36 mopeds

At the time this application was submitted and reviewed by the Development Review Committee, the business was licensed in accordance with existing conditional use approvals, permitting the rental of electric cars and mopeds. However, a renewed license was issued on May 31, 2023, and included seven gas-powered golf carts. This is a violation of the existing conditional use approvals, which were specific to electric cars. The Planning Department addressed this concern with the applicant and the Code Department. The Chief Licensing Official provided an email to the Planning Department which stated the "[The owner] has agreed to suspend five gas motored golf carts which will adjust his number to 49 electric golf carts and 2 gas. Once Mr. Bringle provides the decals back to the city the license will be adjusted to show 36 mopeds and 51 e-cars (49 electric and 2 gas)."

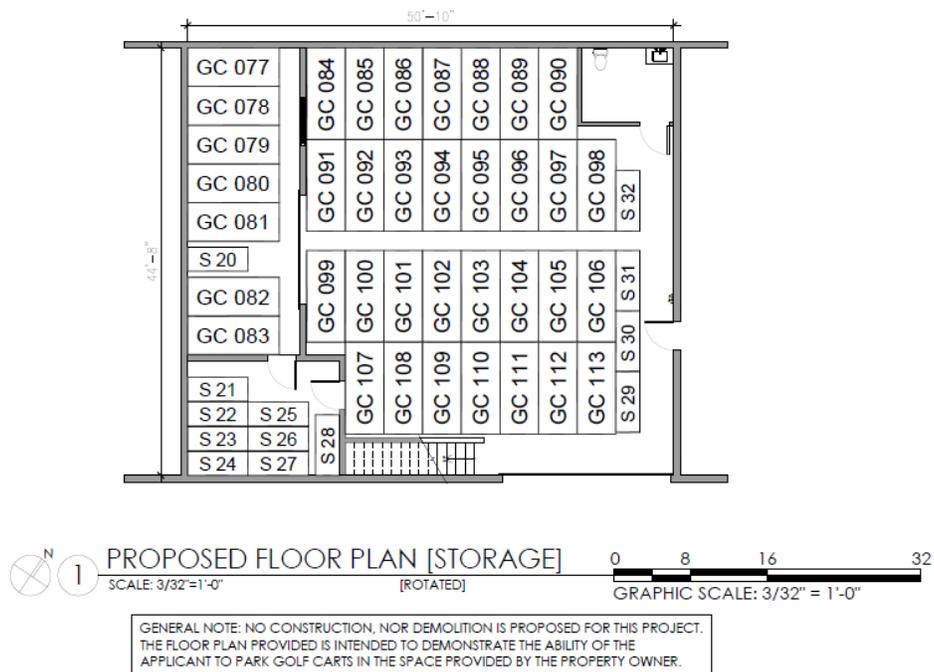
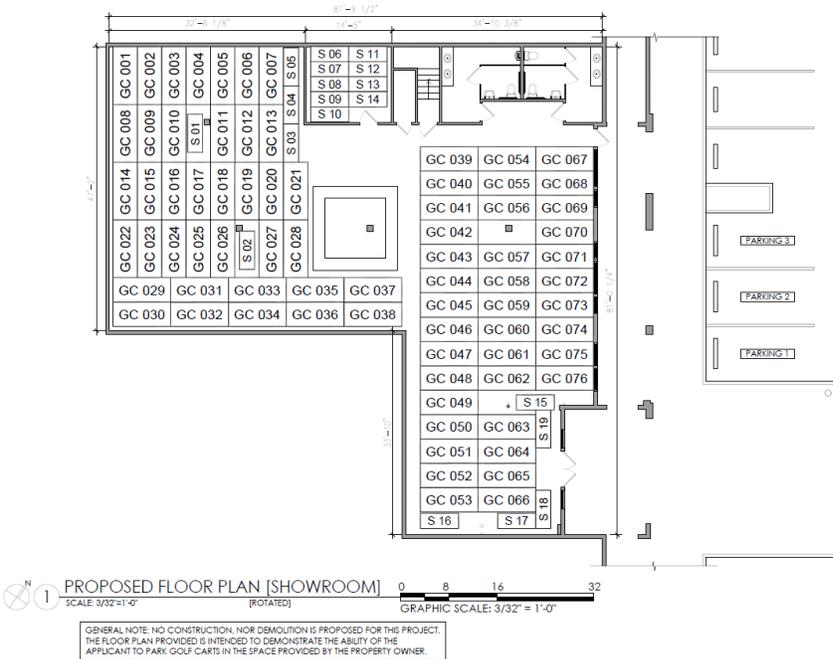
Request:

The applicant is requesting approval to add fifty gas golf carts to the existing fleet, for a total of 137 vehicles, including:

- 51 electric cars
- 36 mopeds
- 50 golf carts



To accommodate the additional vehicles, the applicant proposes to store up to 37 carts and 13 mopeds in 2,295 square feet of the on-site garage, located at 114 Simonton Street. To minimize traffic impacts, the applicant has agreed to require that operators of rental vehicles stored in the garage shall depart from the garage area, rather than be transported to the showroom. The garage is accessed through an outdoor parking lot that contains a dumpster, parking, and the entrance to four residential units.





Surrounding Zoning and Uses:

North: HRCC-1: Restaurant/Bar - Celtic Conch Public House

South: HRCC-1. Retail - Greene Street Cigar Company

East: HRCC-1. Retail - Captain's Corner Dive Center

West: HRCC-1. Residential

Process:

Development Review Committee: May 19, 2023

Planning Board: July 19, 2023

Local Appeal Period: 10 days

DEO Review: Up to 45 days

Development Review Committee Comments:

The initial traffic analysis provided by the applicant did not include a comparison of the traffic impacts to the existing average daily traffic. The City of Key West Multi-Modal Transportation Coordinator requested an updated report to address the impact to average daily traffic. The applicant provided several updates to the traffic analysis based on comments from staff. However, it did not include the required information related to drop-off locations and the decibel level of the proposed vehicles.

Section 18-358 Review: Traffic impacts on level of service and nuisance prevention.

Code Section 18-358 requires applicants for motorized recreational rental vehicle (RRV) permits to provide a traffic impact analysis. Section 18-358 states:

“If the traffic analysis, in the opinion of city staff and its consultants, demonstrates an increase of average daily or peak hour traffic of three percent or more, impacting city streets and intersections, the applicant shall mitigate the impact by constructing a capital improvement for that section impacted or a transportation mitigation program, which may include, at city’s sole discretion, payment of traffic fees appropriate to the impacts created, and which may include projects designed to improve pedestrian safety. The identification of a significant (as described above) traffic impact, as determined by the planning board may serve as one reason to deny the application.”

Section 18-358 also 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.

Staff reviewed the analyses provided by the applicant and found that the trip generation would exceed 3% of average daily traffic, when considering vehicle trips to and from the garage storage location, and the storefront check-in area. The applicant agreed to have customers depart directly from the garage area so minimize the number of trips.

Based on a traffic count from a 2021 traffic study by KCI for the City of Key West, the table below shows the maximum number of trips that may be generated by the proposal without exceeding the 3% threshold.



This is based on a maximum of two trips per day per vehicle. Therefore, it does not include trips resulting from:

- A vehicle being rented more than once per day
- Customers being dropped off or picked up from the site in another vehicle.
- Transporting the carts to the off-site cleaning and maintenance site
- Transportation of vehicles from the garage to the storefront
- The existing fleet of 51 golf carts and 36 mopeds
- Employee-generated trips

Roadway Segment: 100 Block of Simonton St.	Annualized Average Daily Traffic	3% of AADT (Trips)	Project Traffic: Two Trips/Day/Vehicle	AADT % Impact
Two-Way	4,970	149	100	2.01%
Directional – Northbound Lane	2,571	77	50	1.94%
Directional – Southbound Lane	2,399	72	50	2.08%

Staff recommends monitoring of the traffic impact to ensure that the traffic generation does not exceed the 3% threshold, especially during peak season.

Section 18-358 also calls for review of potential nuisance, including noise and fumes. The applicant is proposing gas vehicles, which present a higher risk of noise and fume-related nuisance.

The proposed storage garage is accessed through an outdoor parking lot on-site. Four residential units are also accessed through this outdoor parking lot. The site is also across the street from a residential townhouse development. Given the proximity to residential uses, there is notable potential nuisance related to the proposed expanded fleet of gas RRVs.

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. In 2021, the Planning Board heard a request for the addition of fifty golf carts at the Marriot Beachside, located at 3841 N. Roosevelt in the General Commercial district. In Planning Board Resolution 2021-63, the Planning Board approved the request under the condition that, within five years of the conditional use approval, the fleet must consist of 70% electric vehicles, and 30% gas vehicles.

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.

Section 122-62: Specific Criteria for Approval

122-62(a): Findings. 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. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. 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. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.

122-62 (b): Characteristics of use described

122-62(b)1: SCALE AND INTENSITY	
Floor Area Ratio	The overall FAR for the site will not change, although the area used for RRV storage will increase by approximately 2,300 SF. That floor area is currently used as a garage for auto storage/service.
Traffic Generation	See complete traffic analysis in Section 18-358 review.
Square feet of enclosed building for each specific use	Showroom and Sales Floor: 4,623 SF (No change). Garage Storage: + 2,295 SF
Proposed employment	No change proposed.
Proposed number and type of service vehicles	No change proposed.
Off-street parking needs	There is no change in the off-street parking needs, pursuant to Section 108-573: Special provisions within Historic Commercial Pedestrian Oriented Zone

122-62(b)2: IMPROVEMENT NEEDS GENERATED BY PROPOSAL



<p>Utilities</p>	<p>The property has adequate utilities to support the proposed use.</p>
<p>Public facilities, especially to ensure concurrency</p>	<p>See complete traffic analysis in Traffic Impact Review Section below.</p>
<p>Roadway, signalization, or other similar improvements</p>	<p>The applicant has not proposed any roadway or signalization improvements, although the site would benefit from such improvements, especially given the increased traffic impacts expected from the proposal.</p> <p>The existing off-street parking requires vehicles to back out onto the roadway, which presents a safety hazards, particularly for bicycles and pedestrians. It is also noncompliant with regard to Section 108-642, which provides that parking shall be designed so that no vehicle must back into a public street in order to exit, and so that conflict is avoided between pedestrian and vehicular movements.</p> <p>Section 108-642 also provides that internal circulation shall be designed so as not to create conflict with egress from the site, and shall be consistent with the landscape requirements of this subpart B. The proposed departure point from the garage would present additional congestion between pedestrians and vehicles entering/exiting the site.</p> <p>These conflicts are exacerbated by localized traffic congestion and the significant number of bicycles, mopeds, trolleys, entertainment vehicles, and recreational rental vehicles in the area. A 2021 traffic study by KCI analyzed the roadways between Simonton, Greene, Elizabeth, and Caroline Street. It identified 45 vehicular crashes in that area between 2017 and 2020.</p> <p>The Planning Department recommends that the off-street parking and access to the site be improved to reduce vehicle-multimodal conflict and increase pedestrian & bicycle safety if the request is approved.</p> <p>This would ideally be accomplished by relocating off-street parking to the interior of the site, or by converting the parking stalls to parallel parking stalls.</p>



	<p>Additionally, the Planning Department recommends signalization and multimodal safety improvements at the garage driveway, as well as landscaping improvements to come closer to compliance with regard to landscaping requirements for parking areas.</p>
<p>Accessory structures or facilities</p>	<p>In order to avoid triggering a traffic generation threshold that triggers a capital improvements requirements, the applicant must have customers depart from garage-stored vehicles from the garage area, rather than driving them to the storefront for check-in. Therefore, the Planning Department recommends check-in accommodations in the garage area to provide a waiting and departure area for customers. The Planning Department also recommends that the parking area be restriped to ensure safe internal circulation, given the increase in vehicle traffic expected in the garage parking lot area.</p>
<p>Other unique facilities/structures proposed for site improvements</p>	<p>The applicant should also provide an after-hours drop off location that doesn't take up required parking and is otherwise in conformance with the Land Development Regulations.</p>

122-62(b)3: PROPOSED ON-SITE AMENITIES, ENHANCEMENTS, & MITIGATIVE TECHNIQUES	
<p>Open Space</p>	<p>No change proposed.</p>
<p>Setbacks from adjacent properties</p>	<p>No change proposed.</p>
<p>Screenings and buffers</p>	<p>No change proposed.</p>
<p>Landscaped berms proposed to mitigate against adverse impacts to adjacent sites</p>	<p>None proposed.</p>
<p>Mitigating techniques for abating smoke, odor, noise, and other noxious impacts</p>	<p>The applicant has not proposed any measures to mitigate the odor, noise, or other noxious impacts of a gas-powered vehicle fleet. Section 18-358 requires that the applicant's traffic analysis include a description of the decibel level of the proposed vehicles. That information has not been provided.</p>



	<p>The Planning Department recommends that the applicant mitigate nuisance impacts from the proposed vehicles by coming into compliance with Section 108-450: Landscape screening. Dense vegetative screening is recognized as a low-cost way to mitigate traffic-related air pollution and polluted stormwater runoff. In this case, landscape enhancements like a bioswale and/or landscape berm could be added at the garage entrance without requiring significant construction. The Planning Department also recommends the applicant commit to utilizing only electric-powered vehicles which would mitigate noise and odor impacts to the surrounding historic mixed-use neighborhoods.</p>
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122-62(c): Criteria for Conditional Use Review and Approval

<u>122-62(c)1: LAND USE COMPATIBILITY:</u>	
<p>The applicant shall demonstrate that the conditional use, including its proposed 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.</p>	<p>Adjacent land uses include residential, office, commercial retail, and bar/lounge uses. A residential development is located directly across the street from the project location. Another recreational rental vehicle operation is located one block over on Simonton Street between Front Street and the gulf. Overall, the immediate vicinity is characterized by high-intensity mixed uses including residential and commercial activity with a high degree of multi-modal activity.</p> <p>While recreational vehicle rental is compatible with high-intensity tourist activity, the additional traffic generated by the proposed vehicles could create in adverse impacts for this area given the high amounts of pedestrian and multimodal activity. These impacts may include adverse effects on air quality, traffic congestion, noise, odor, and pedestrian and vehicular circulation.</p>

122-62(c)2: SITE CHARACTERISTICS
<p>The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested.</p>



<p>Screening & Buffers</p>	<p>Screening improvements are recommended for the garage area and dumpster. More detail is provided in a later section.</p>
<p>Landscaping</p>	<p>Landscaping improvements are recommended for the parking lot area adjacent to the garage in order to come into compliance with Section 108-414, which requires least twenty (20) percent of an outdoor parking lot shall be landscaped.</p> <p>Additionally, the entrance to the parking lot area previously contained hedges, which were also indicated on the 2002 major development plan approval for four residential units on the site. The Planning Department recommends landscaping be replaced adjacent to the driveway.</p>
<p>Open Space</p>	<p>A site data table was not provided. However, based on aerial images of the property, the site has very limited open space.</p>
<p>Off-Street Parking</p>	<p>As mentioned previously, the off-street parking adjacent to Simonton Street requires cars to back out into the right of way. This creates a safety hazard and is not consistent with the LDRs related to parking area design. This safety hazard will be augmented by the increased traffic expected as a result of this proposal.</p>
<p>Efficient Internal Traffic Circulation</p>	<p>No changes have been proposed by the applicant. The parking area adjacent to the garage is used by Historic Tours of America and is also the entrance to four residential units on-site. To address the increased internal traffic expected as a result of this proposal, the parking area and driveway should be restriped and improved with special markings and/or signage, in order to reduce conflicts between pedestrians and vehicles.</p>
<p>Infrastructure</p>	<p>No change is proposed. A site data table was not provided, but the site does not appear to meet impervious surface requirements. In particular, the garage and parking area are dominated by impervious surfaces which slope into the roadway. This area is currently used to service vehicles for Historic Tours of America. The additional vehicular use on the site would increase the volume of pollutants in stormwater runoff. Green infrastructure techniques like bioswales are recommended to reduce the flow of stormwater and filter or remove pollutants before it flows into local waterways.</p>
<p>Other site improvement necessary to mitigate against potential adverse impacts</p>	<p>As mentioned previously, no mitigation techniques have been proposed by the applicant. However, the Planning Department recommends improvements to traffic circulation, signage, landscaping, and parking.</p>



122-62(c)3: 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. In addition, the design scheme shall appropriately address off-site impacts 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.

<p align="center">Noise & Fumes</p>	<p>No mitigative techniques have been proposed by the applicant to address the nuisance impacts related to the use of gas-powered golf carts. The Planning Department recommends the applicant utilize electric vehicles. If the Planning Board chooses to approve gas vehicles, the adverse impacts may be partially mitigated through landscaping, buffering, and other site design amenities that help improve air quality, purify stormwater runoff, and buffer noise.</p>
<p align="center">Traffic Circulation & Multimodal Safety</p>	<p>No mitigative techniques have been proposed by the applicant to address the proposal impact to traffic, congestion, and multimodal safety.</p> <p>The site’s vehicular access and circulation is not consistent with Section 108-642, which requires that parking stalls shall be designed to avoid conflict between pedestrian and vehicular movements, and in particular shall not require an automobile to back into a public street in order to exit. The addition of added vehicular traffic to the site may result in additional conflict between pedestrian and vehicular movements.</p> <p>Comprehensive Plan Policy 2-1.1.8: - On-Site Transportation Improvements and Safe Traffic Flow calls on the City to enforce “performance standards which require that all developments provide safe and convenient on-site traffic flow considering motorized and non-motorized vehicle parking and internal circulation needs.” Comprehensive Plan Goal 1-1 directs the City to ensure that development is designed in a way that minimizes threats to health, safety, and welfare which may be caused by incompatible land uses, environmental degradation, hazards and nuisances.”</p> <p>In accordance with those goals and policies, the Planning Department recommends that the applicant address the impacts of the proposed use by enhancing pedestrian and vehicular safety features to prevent conflicts between vehicular, pedestrian and bicycle traffic.</p>

122-62(c)4: Hazardous Waste



<p>Hazardous Waste: The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare.</p>	<p>N/A</p>
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<p align="center">122-62(c)(6)c: Specific Land Use Criteria for Commercial or Mixed-Use Development</p>	
<p align="center">Historic District Guidelines</p>	
<p>Appearance and design</p>	<p>No change proposed. Improved screening of the dumpster is recommended.</p>
<p>Historic Resource Protection</p>	<p>No change proposed.</p>
<p align="center">Site Plan Criteria</p>	
<p>Appearance of site and structures</p>	<p>No change is proposed. However, improvements to the outdoor parking lot area, driveway, garage, and dumpster are recommended to improve the appearance of the site and structures.</p>
<p>Location and screening of mechanical equipment, utility hardware and waste storage areas</p>	<p>The outdoor parking lot contains a front-end loaded dumpster. Section 108-279 provides that such dumpsters must “be screened by vegetation or structural means to shield an unsightly condition.”</p> <p>The dumpster is currently enclosed in a screened chain-link fence directly visible from the right-of-way. The gate to the enclosure has been consistently observed with open gates, as seen below. The Planning Department recommends that the dumpster screening be improved either through a decorative masonry wall enclosure, (i.e., faced with stucco, brick, or other ornamental material) or through landscape screening of the existing enclosure. Additionally, the enclosure should be designed so that the gate faces the interior of the site, or it should be fitted with self-closing hinges so that the gate does not continue to remain open throughout the day.</p>
<p>Refuse containers & compactors; loading docks</p>	<p>N/A</p>



Commercial & manufacturing activities in enclosed buildings	No change proposed.
Signs	No signage has been proposed. The Planning Department recommend “Active Driveway” signage at the driveway, as well as wayfinding signage for customers picking up and dropping off carts from the garage/parking lot area.
Pedestrian sidewalks	The Planning Department recommends improvements to the sidewalk area adjacent to the driveway to mitigate the potential for increased vehicular-pedestrian conflict result from increased traffic generation.
Storage Areas	N/A
Traffic Impacts	
Internal circulation system design and access/egress considerations	The applicant has not proposed any improvements to the internal circulation system and ingress/egress considerations. However, the Planning Department recommends the applicant restripe the parking lot to facilitate safe and efficient circulations as well as provide improvements to the driveway to increase pedestrian safety.
Separation of vehicles, bicycles and pedestrians; pedestrian access	The Planning Department recommends the applicant improve the driveway and pedestrian sidewalk area to improve pedestrian safety at the driveway, and to encourage pedestrians to follow the brick pathway adjacent to the storefronts, rather than walk behind parked vehicles on Simonton. These recommendations include adding detectable warnings and signage at the driveway, and providing hardscaping improvements to guide pedestrians along the appropriate pathway.
Driveway and curb cut approvals	See above.
Special criteria applicable to development adjacent to US-1	N/A



Open Space, Screening & Buffers	
Open space, landscaping, and removal of exotic vegetation	Landscape improvements are recommended to improve screening, buffering, and site appearance.
Required screening	This proposal does not require a development plan so no additional screening is required. However, the Planning Department recommends improved screening for the existing dumpster.
Required buffer yards	This proposal does not require a development plan so no buffer yards are required.
Required Mitigation	
Landscaping	The Planning Department recommends landscaping improvements to mitigate the increase in noise, fumes, and runoff expected from the increased traffic.
Buffering	The Planning Department recommends landscape buffering at the entrance of the parking lot area.
Other site design amenities	The operation allows for after-hours drop offs of golf carts. The Planning Department recommends that the applicant provide a designated after-hours drop off location on the site that does not take up existing required parking and otherwise meets LDR requirements.

PLANNING ANALYSIS:

The intent of a Conditional Use permit is to allow uses to occur that would otherwise have been prohibited, if the proposed use and site characteristics are designed such that adverse impacts are avoided. Section 122-62 directs staff and the Planning Board to consider whether the size, shape, and configuration of the site is sufficient to accommodate the improvements necessary to mitigate adverse impacts.

Section 122-26 also requires the applicant to demonstrate that conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to the general health,



safety, and welfare. Among other criteria, Section 122-62 also provides that a conditional use application shall demonstrate compliance with all city laws and ordinances.

The exiting site plan is out of compliance with regard to circulation, landscaping, and parking area regulations. Additionally, the applicant has not provided any mitigative strategies to address noise, fumes, congestion, and multimodal safety concerns that would be generated by 50 gas-powered recreational vehicles.

The Planning Department cannot recommend approval of the requested conditional use as proposed however, the Planning Department could recommend approval of modified proposals if the applicant is able to construct the site improvements that demonstrate compliance with Section 122-62 and if modified proposals are not averse to the public interest. This would involve site improvements that bring the site closer to compliance with the LDRs, and would be focused on enhancing safety, circulation, landscaping and screening. If the site is not sufficient to accommodate these improvements, then the site does not meet the conditional use criteria required by Code.

RECOMMENDATION:

The Planning Department recommends denial of the conditional use request as proposed. Conditional approval as provided below would be supported only if all of the following conditions are met; the Planning Department would withdraw support if any of the conditions are not required for approval.

Option 1. Deny the request.

Option 2.

Approval of 25 additional electric golf carts, in accordance with the following conditions:

1. Vehicles shall be stored consistent with the attached plans by A2O Architecture, dated June 16, 2023.
2. 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.
3. The applicant shall meet all of the licensing requirements of Chapter 18, Article VII of the Code of Ordinances.
4. The 51 currently approved carts shall remain electric-powered carts.
5. Vehicles that are returned after hours shall not be parked in any of the existing off-street spaces on Simonton Street that are required to accommodate parking requirements for the existing on-site uses. The applicant shall advise customers of an appropriate after-hours drop off location that does not utilize the existing off-street parking spaces.
6. The site's existing off-street parking spaces on Simonton Street shall be maintained and used for automobile parking only, and not for sales activity in accordance with Section 108-609 of the Land Development Regulations.
7. Garage-stored vehicles must depart a designated area in the garage/outdoor parking area. They shall not be transported to and from the showroom on the roadway.



8. The additional on-site traffic and circulation impacts shall be mitigated in the parking lot area through improvements that improve compliance with City site plan and parking area regulations. Improvements shall be approved by the City Engineer and the Historic Preservation Planner as necessary. Required improvements shall include:
 - a. "Active Driveway" signage shall be installed on either side of the parking lot driveway.
 - b. The applicant shall install detectable warnings and marked pedestrian crossings at the driveway in order to reduce conflicts between vehicular and pedestrian traffic.
 - c. Landscaping shall be planted/replanted in the existing planters adjacent to the driveway entrance, to the extent permitted by existing RPDA and other utility assemblies.
 - d. The parking area shall be re-striped, including designated walkway from residential units to the sidewalk.
 - e. A staging area shall be designated for the pick-up and drop-off of vehicles stored in the garage. The staging area shall include striping and signage indicating the pick-up area.
 - f. The existing dumpster enclosure consists of a chain link fence with opaque screening. However, the enclosure has consistently been with open gates, leaving the dumpster in full view from public streets and adjacent properties, which violates the intent of Section 108-280. Within sixty (60) days of final approval of this conditional use permit, the existing enclosure shall be adapted to ensure the gate closes properly, and the gate shall remain closed when the dumpster is not actively being used.

Option 3. Approval of 50 electric vehicles, with the following conditions: Each of the conditions listed in Option 2 shall apply, and additional conditions shall include:

1. During the annual conditional use inspection, the applicant shall provide records of the daily number of rentals to ensure that the traffic generation does not exceed the 3% threshold identified in Section 18-358. The records shall be exported directly from the applicant's reservation management system and shall be provided to the City Planning Department. The records shall include high and low traffic season. If the City Planner finds that trip generation exceeds the 3% threshold, the applicant shall pay for a traffic study which includes recommended capital improvements. The applicant shall be required to return to the Planning Board to amend the Conditional Use approval, and to gain approval for an appropriate capital improvement or mitigation strategy pursuant to Section 18-358.
2. The applicant shall mitigate safety risks associated with increased traffic by bringing the site's off-street parking into compliance with Section 108-642. This shall be accomplished by converting the off-street parking adjacent to the Simonton Street roadway into parallel parking stalls, and by relocating remaining required parking spaces to the garage or parking lot. The design shall comply with Section 108-642, which requires that parking stalls shall be designed:
 - a. So that no automobile shall back into a public street in order to exit a parking stall;
 - b. To avoid conflict between pedestrian and vehicular movements
 - c. To avoid conflict with access into or egress from the site; and
 - d. To remain consistent with the landscape requirements of the Land Development Regulations.
3. The additional on-site traffic and circulation impacts shall be mitigated in the parking lot area through improvements that bring the site into compliance with the LDRs. Improvements shall be



approved by the City Engineer and the Historic Preservation Planner as necessary. Required improvements shall include:

Pedestrian and Vehicular Circulation

- a. A turnout shall be constructed at the parking lot driveway in accordance with FDOT Index 515.
- b. Throughout the site, driveways, bicycle ways and pedestrian ways shall be clearly identified, designed, and marked, where appropriate, to achieve safe and convenient circulation for motorized vehicles, bicyclists and pedestrians. This may be accomplished through curbs, pavement markings, planting areas, fences or similar features designed to promote vehicle, bicycle and pedestrian safety.

Landscaping and Screening

- c. At least twenty (20) percent of the outdoor parking lot shall be landscaped, in accordance with Section 108-414.
- d. The parking area shall be re-striped in accordance with Chapter 08, Article VIII, Division 2, Subdivisions II through III. This site plan shall include a designated walkway from residential units to the sidewalk, as was required in City Commission Resolution 02-389.