

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



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner I

Through: Patrick Wright, Planning Director

Meeting Date: June 20, 2019

Agenda Item: **Amendment to a Conditional Use – 150 Simonton Street (RE # 00000290-000000)** - A request to amend an existing conditional use for recreational rental vehicles in order to decrease scooter count by ten (10) units and increase electric car count by ten (10) units on property located in the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 18-355, 122-62 and 122-688 (17) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

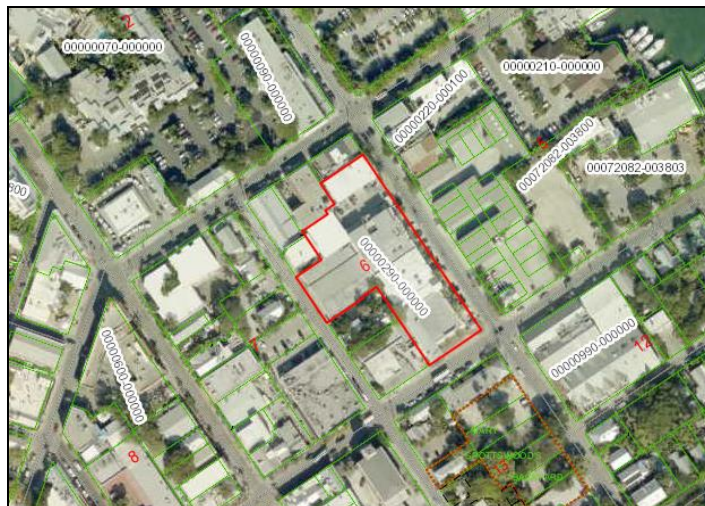
Request: To allow a recreational rental vehicle establishment to decrease scooter count by ten (10) units and increase electric car count by ten (10) units.

Applicant: Oropeza, Stones & Cardenas, PLLC

Property Owner: Historic Tours of America, Inc./ Hydro-Thunder of Key West, Inc.

Location: 150 Simonton Street (RE # 00000290-000000)

Zoning: Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1)



Background:

The subject property is in the 100 block of Simonton bound by Greene and Front Street. The property is immediately surrounded by the Historic Residential Commercial Core – Duval Street Gulfside zoning district. The entire property is approximately 57,670 square feet. The existing and proposed commercial space contains 4,623 square feet of commercial floor area.

This location was approved for a Conditional Use on December 15, 2016 per Resolution No. 2016-60 to allow the relocation of recreational rental vehicle use. The subject property known as Hydro-Thunder currently has licenses for forty-one (41) electric cars and forty-six (46) scooters. The applicant is proposing a modification to the existing fleet of recreational rental vehicles. The number of electric cars will increase by ten (10) units from forty-one (41) to fifty-one (51) while the number of scooters is proposed to decrease by ten (10) units from forty-six (46) to thirty-six (36). The total number of vehicles of eighty-seven (87) at this location will remain unchanged. Some of the vehicles will be intermittently stored at the 600 Front Street location.

Surrounding Zoning and Uses:

North: HRCC-1, Restaurant/Bar use

South: HRCC-1, Commercial Uses, restaurant and retail uses

East: HRCC-1, Residential Use

West: HRCC-1, Commercial Uses, restaurant and commercial retail

Process:

Development Review Committee:	May 23, 2019
Planning Board:	June 20, 2019
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 averse to the public’s interest.”

(b) Characteristics of use

The proposed amendment is to allow a recreational rental vehicle establishment to decrease scooter count by ten (10) units and increase electric car count by ten (10) units. The property is in the HRCC-1 zoning district which is defined as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations.

(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.

b. Traffic generation:

The property is in the historic commercial pedestrian-oriented area. The applicant has provided a traffic statement from a licensed traffic engineer analyzing the conditions of the new location. Given that the number of recreational rental vehicle will not change or increase, the traffic engineer, Karl B. Peterson states that it is evident that the traffic impacts associated with the proposed change in the fleet mix will be negligible. Staff concurs with the engineer's report that the impacts are negligible.

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

The entire commercial floor area containing, 4,623 sq. ft. of floor area, is classified as the small recreational power-driven equipment rental use. As depicted on the plans approved per Resolution No. 2016-60 there is a showroom area, workshop and sales area.

d. Proposed employment:

No change in employees

e. Proposed number and type of service vehicles:

There will be no change in the amount of eighty-seven (87) recreational rental 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.

(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
No changes proposed.

b. Setbacks from adjacent properties
No changes proposed.

c. Screening and buffers
No changes proposed.

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.

(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 in the HRCC-1 zoning district. Per Section 122-686 the intent of the HRCC-1 zoning district defined as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. Small recreational power-driven equipment rentals are a conditional use in the HRCC-1 zoning district.

(2) Enough 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 adverse impacts anticipated.

(4) Hazardous waste

None expected or proposed.

(5) Compliance with applicable laws and ordinances

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 use 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 conditional use and site improvements/renovations shall match approved plans dated July 14, 2016 by A20 Architecture.
2. Per the Building Official's request, a shock proof system is required to be installed for the existing electric charging stations.

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.