

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 18, 2021

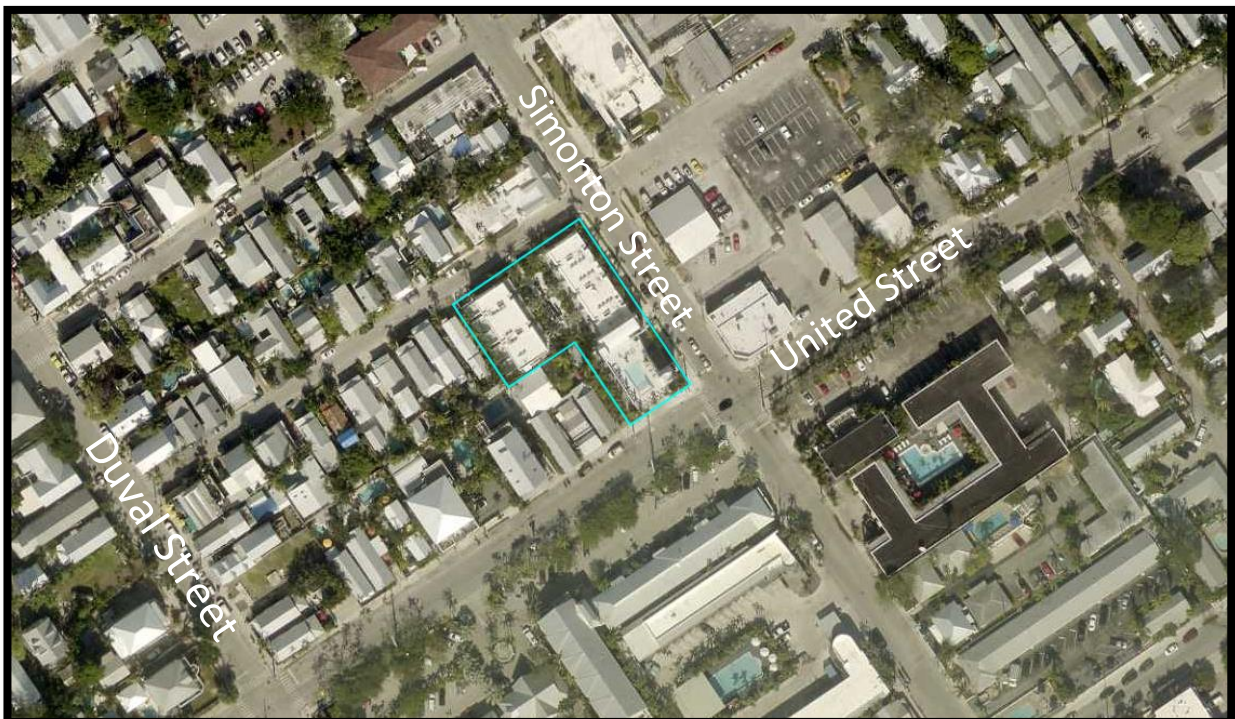
Application: **Variance - 1220 Simonton Street (RE# 00028730-000000)** - A request for approval of a variance to conform with parking deficiencies, variance to off-street required parking, and a variance to minimum side setbacks for an accessory structure to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Sections 90-395, 108-572, 108-575(5), and 122-810(c) 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 and minimum setbacks for an accessory structure.

Applicant: Trepanier & Associates

Property Owner: 1220 Simonton Street LLC

Location: 1220 Simonton Street (RE# 00028730-000000)



Background:

The subject parcel is located at 1220 Simonton Street (formerly addressed 1212 Simonton Street) on the corner of Simonton Street and United Street. The structure is not a historically significant contributing structure to the Key West Historic District. The parcel is zoned HNC-1 and is surrounded by HNC-1 zoned properties to the north, east, and west, and Historic Commercial Tourist (HCT) zoned properties to the south.

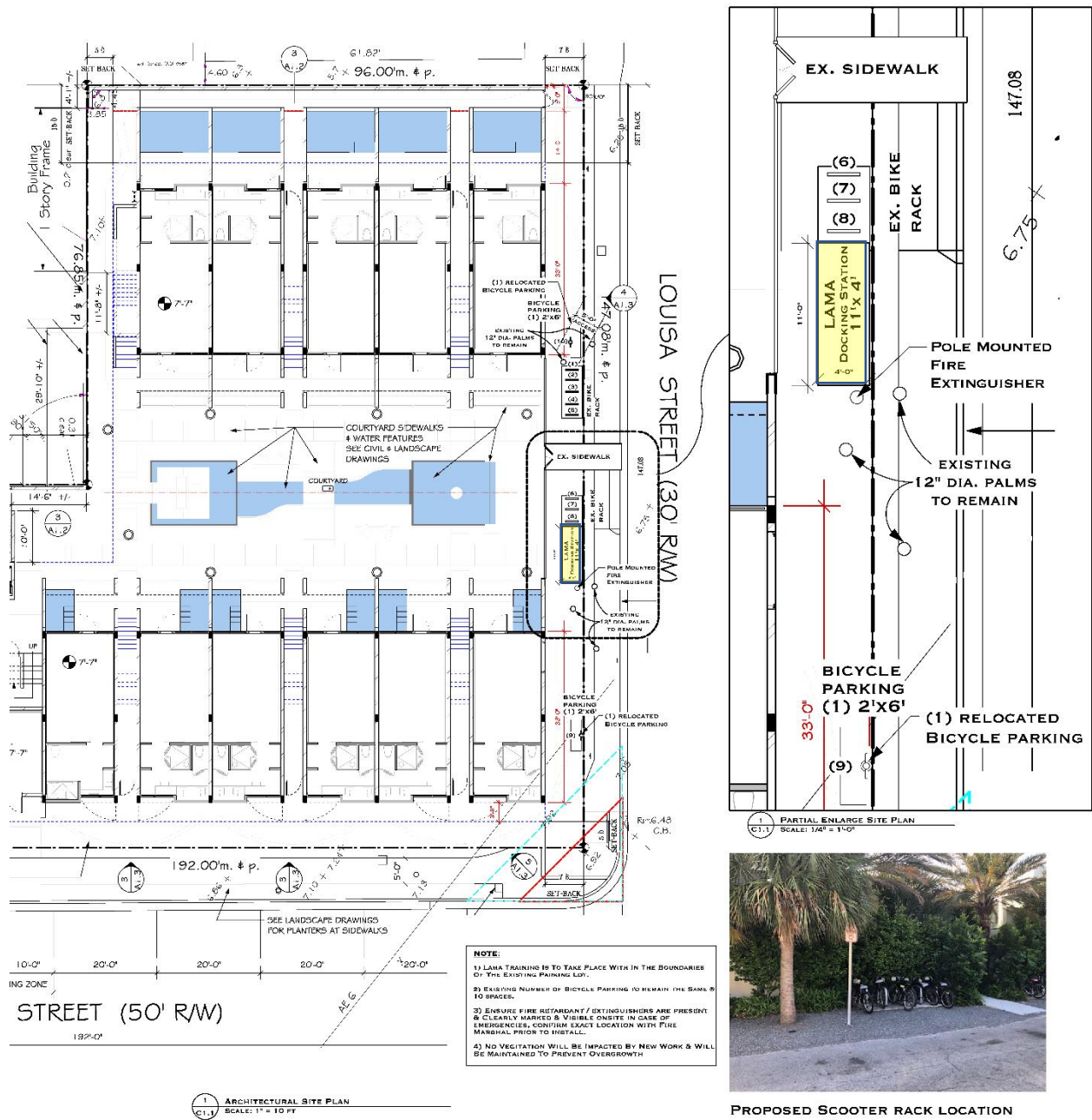
The property is operated as the H2O Suites and was approved for a major development plan in 2015 for a 22-room motel with one additional non-transient residential unit. The property has 12 off-street parking spaces and a bike rack for ten bicycles. The applicant has applied to install an electronic scooter docking station where some of the current bike parking is currently on Louisa Street. The applicant has requested to relocate some of the bike parking so that no bike parking on the site is removed.

There are currently 12 off-street parking spaces on the property, code requires one off-street space per rental unit. 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 23 off-street spaces for the rental units and an additional 4 off-street spaces for the proposed scooters, a total of 27 off-street parking spaces.

Proposed Development:

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HNC-1			
Size of Site	20,840 sqft			
Height	40'2"	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% -- 10,420 sqft	48.2% -- 10,045 sqft	48.4% -- 10,089 sqft	n/a
Impervious Surface	60% -- 12,504 sqft	56.1% -- 11,687 sqft	56.3% -- 11,727 sqft	n/a
Open Space	20% -- 4,168 sqft	22.3% -- 4,649 sqft	22.2% -- 4,629 sqft	n/a
Acc. Structure Setback	5'	n/a	0'	5'
Parking	1 per motel unit 1 per motel manager 1 per 3 scooter rentals 27 off-street spaces in total	12 spaces	12 spaces	15 off-street parking spaces
Bicycle Parking	9 spaces	10 spaces	n/a	n/a

Proposed site plans for 1220 Simonton St., cropped to docking station area (see yellow shading)



Process:

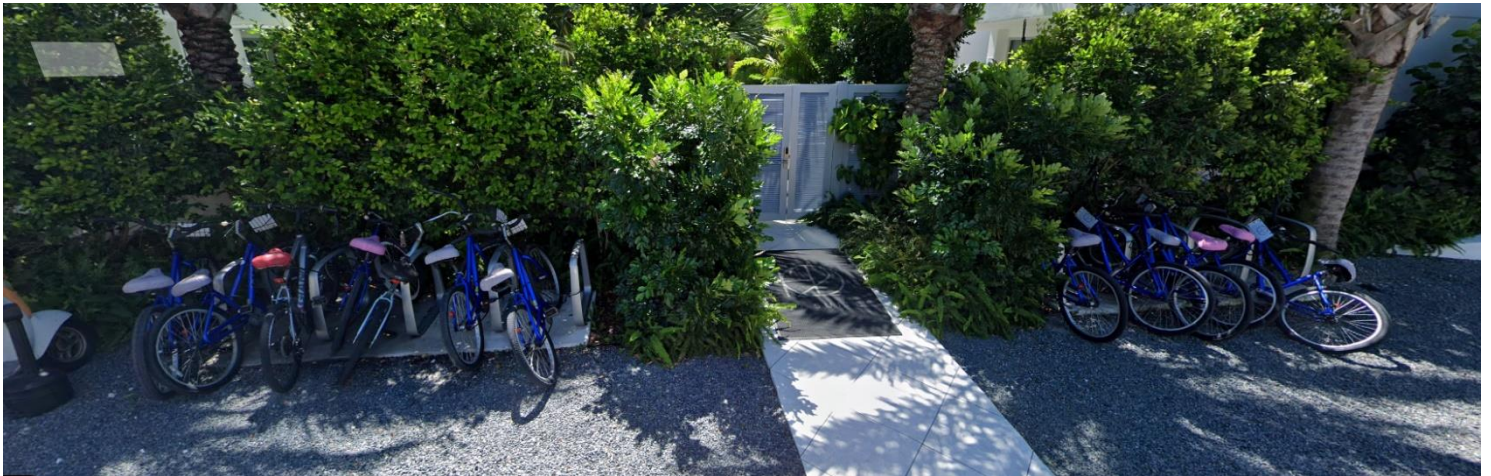
Planning Board Meeting:	Sept. 16 th , 2020
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

The applicant has requested to maintain all landscaping and bicycle parking as part of this variance application. The applicant is proposing to place the scooter docking station on zero-lot-line, outside the hotel walls abutting Louisa Street. 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 in the hotel parking garage off United Street.

The former non-contributing hotel and commercial building on this site were demolished, and a Major Development Plan application was submitted and approved for construction of this hotel (City Commission Resolution 15-091). At that time, a parking variance was not required to reflect the currently existing twelve off-street parking spaces. However, City Code (Section 108-575(5)) requires that parking deficits be considered, "Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use."

Per the 2015 Major Development Plan Resolution, in order to construct the existing 22-unit motel, the applicant was required to construct a sidewalk on the Louisa Street side of the property. The applicant has constructed ten bicycle parking spaces in this area and installed landscaping but has not yet constructed the sidewalk as depicted on the plans dated 2/18/2015 by Peter M. Pike. The applicant has stated they are prepared to construct the sidewalk.



Additionally, there is a large loading zone in front of the motel on Simonton Street (as seen below) that could potentially be reduced in length to allow for additional on-street parking. Although the addition of on-street parking is unrelated to parking variance calculations, it may assist to minimize any impact from this proposed parking variance.



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 1220 Simonton is larger than the code required minimum lot size, the parcel is 20,840 sq.ft. and the minimum size for lots in HNC-1 is 4,000 sq.ft. There are no special conditions peculiar to this property, structure or building.

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 by the applicant through approval of Resolution 15-091. The applicant has proposed to place an electric scooter rental station on zero-lot-line abutting Louisa Street outside the walls of the hotel complex. The applicant has stated that scooter rental training would occur within the hotel parking garage.

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 setbacks and minimum parking standards in order to ensure life safety, general welfare, health standards, and aesthetics. The proposed scooter dock would be abutting the property line and City ROW. The applicant has stated they are prepared to construct or fund the construction of the Louisa Street sidewalk that was anticipated in Resolution 15-091. The sidewalk would allow for clear pedestrian passage in this area.

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 1220 Simonton is larger than the zoning district's requirements. The motel was approved for construction in 2015; the applicant is proposing an additional use which requires four additional off-street parking spaces per Code Section 108-572(10). 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.

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.

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.*

Parking is an issue in the Simonton/Duval/United Street area. A lack of parking results in drivers, including residents, to circle their homes or desired location in search of on-street parking, which would be considered a nuisance by some local residents. This request, however, is for a small carbon free electric scooter business which may be accessed in many instances by pedestrians and hotel guests that are not in need of off-street parking.

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 not received any public comment for the variance request as of the date of this report.

Recommendation:

The proposed variance at 1220 Simonton is for 15 off-street parking spaces and to allow an accessory structure within five feet of the property boundaries. It should be noted that the parking variance for the specific electric vehicle scooter business request, is limited to 4 spaces. City Code prescribes the additional consideration of on-site parking deficiencies; the existing hotel has 12 spaces for 22 rooms. The scooter rental is proposed to be for hotel-guests and the general public and to be located outside the walls of the hotel. The scooter docking station is proposed at the zero-lot-line.

With the lack of parking in this immediate area, drivers search for space, which may cause additional congestion or interactions between drivers, pedestrians, and scooter clients. This request, however, is for a small carbon free electric scooter business which may be accessed in many instances by pedestrians and hotel guests that are not in need of off-street parking.

Staff finds that the variance to the minimum required accessory structure setbacks and 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.
2. Landscaping pruning to provide access to existing and proposed bicycle parking spaces.
3. The applicant must continue to adhere to all conditions of approval from City Commission Resolution 15-091 for the 2015 Major Development Plan. The applicant shall commence construction on the Louisa Street sidewalk, as anticipated in the approved site plan associated with Resolution 15-091, dated 2/18/2015, by Peter M. Pike; or shall fund the project to the City

Engineer's specifications. Sidewalk work or reimbursement for same shall be initiated prior to January 2023, and shall be complete by December 2023.

4. The loading zone in front of the hotel shall be reduced in length to allow for 1-2 additional street parking spaces.
5. The Louisa Street right-of-way shall not to be used for scooter training.