



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: May 18, 2023

Agenda Item: **Conditional Use Amendment - 112 Fitzpatrick Street (RE# 00000650-000000)** - A request for an amendment to a conditional use approval for a recreational rental vehicle operation, to allow for vehicle type exchanges for an overall reduction in vehicles at a property located at 112 Fitzpatrick Street in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Sections 122-62, 122-63(e), and 122-688 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting an amendment to the previous conditional use permit to exchange seven (7) autocycles for seven (7) golf carts, and to exchange ten (10) scooters for three (3) additional golf carts. The total request is for approval to rent ten (10) golf carts and ten (10) scooters.

Applicant: Wilfredo Duran of Island Safari Rentals, Inc., DBA Bone Island Rentals

Property Owners: 105 Whitehead Street Corporation

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

Zoning: Historic Residential Commercial Core (HRCC-1)

Background:

The applicant operates an existing recreational rental vehicle company at the subject property, located at 112 Fitzpatrick Street within the HRCC-1 zoning district in the Historic Commercial Pedestrian Oriented Area. The entire parcel is 6,975 square feet and stretches from Whitehead to Fitzpatrick Streets, although the applicant only leases and operates an approximately 1,080 square foot area. 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 approximately 1991, when it was licensed for the rental of 45 scooters. The property has changed operators several times but has maintained the recreational rental vehicle use.



Planning Summary:

A conditional use approval was granted in 2010 by Planning Board Resolution 2010-014, authorizing the rental of forty-five (45) scooters and two (2) electric golf carts. The conditional use approval was amended in 2021, when the property was leased by a different company. Planning Board Resolution 2021-026 approved the exchange of vehicle types, resulting in approval for the rental of a total of twenty (20) scooters and seven (7) autocycles. The autocycles are no longer available for rental. The scooters are currently licenses and available for rental.

The conditions of the Planning Board Resolution 2021-026 are listed below.

- 1) This approval allows for the rental of seven 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 20.
- 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.

The Planning Board's approval was based on an exchange ratio of four scooters per autocycle, which was recommended by the Planning Department. The exchange ratio was based on the comparative fuel efficiency/engine specifications of scooters versus autocycles.



Street view.

Request:

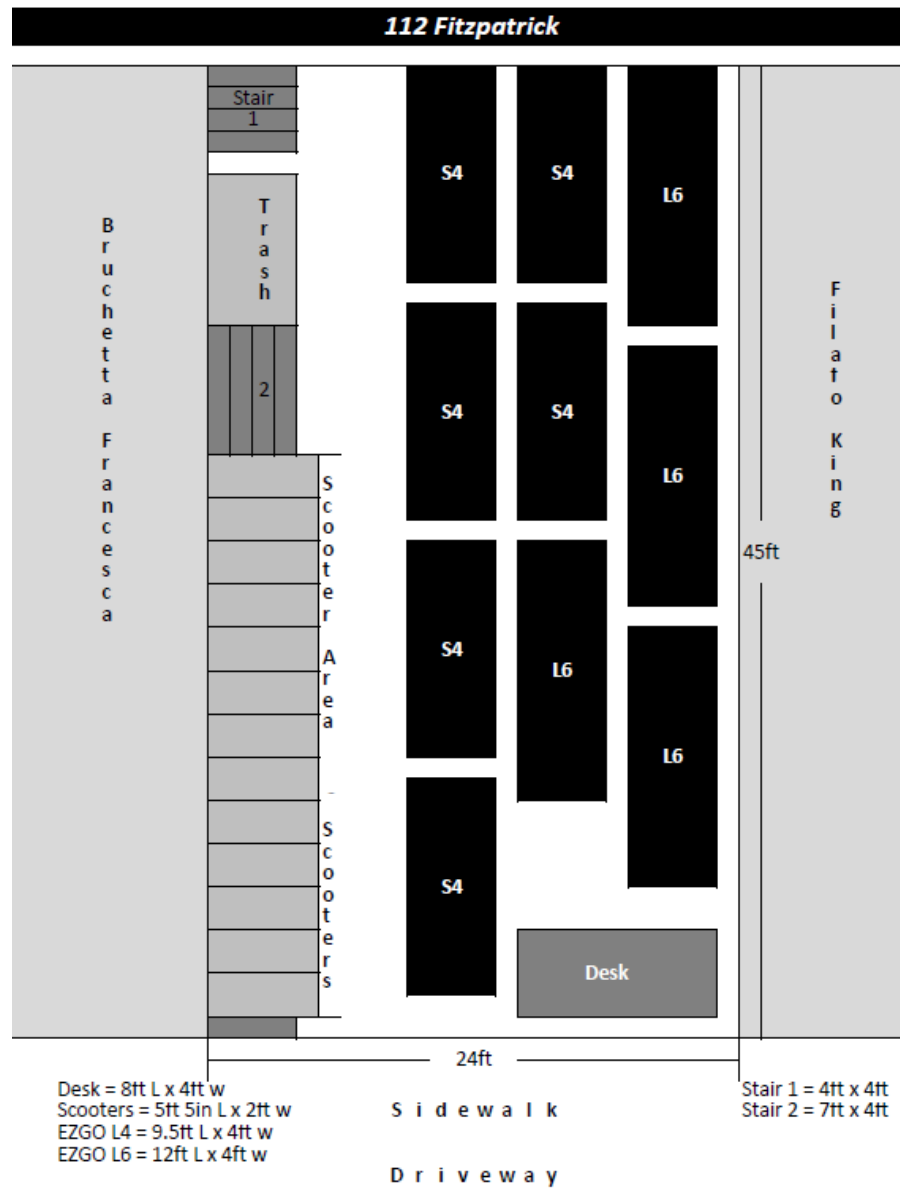
The applicant is requesting an amendment to the previous conditional use permit to exchange seven (7) autocycles for seven (7) golf carts, and to exchange ten (10) scooters for three (3) golf carts. The total request is for approval to rent ten (10) golf carts and ten (10) scooters, for an overall reduction of seven (7) vehicles.

The applicant's current request amounts to an exchange ratio of 3.3 scooters per golf cart, and a 1:1 exchange ratio of autocycles to golf carts. To compare the current request to the previous approval, the Planning Department has identified the following information:

While low speed golf carts are not required to report fuel economy specification in miles-per-gallon, the proposed golf carts have 429 CC engines with speeds up to 19 MPH. The autocycles have 1,400 CC engines capable of speeds of up to 60 MPH. The scooters have 50 CC engines with speeds of 30 MPH. An engine's CC is an indicator of the engine's power and the amount of fuel it should be expected to consume.

The existing approval is for a fleet with a total engine capacity of 10,800 CC. The request is for a fleet with a total engine capacity of 4,290 CC. Therefore, the request for an exchange of one autocycle per golf cart, and 3.3 scooters per golf cart, is consistent with the Planning Department's previous recommendations for Planning Board Resolution 2021-026. Additionally, there will be no fueling, maintenance, or cleaning of vehicles on-site.

Proposed site plan:



S4 indicates four-seater golf carts. L6 indicates 6-seater golf carts.

Surrounding Zoning and Uses:

North: HRCC-1. Restaurant.

South: HRCC-1. Various retail shops.

East: HRCC-1. Commercial retail plaza.

West: Historic Planned Redevelopment (HRDP). Key West Museum of Art & History at the Custom House.

Process:

Development Review Committee: March 23, 2023

Planning Board: May 18, 2023

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 a 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

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR): Permitted: 1.0 (912 sq. ft)
Proposed: 0.04 (36 sq. ft)

b. Traffic generation: The proposal is to decrease the overall number of rentable vehicles by seven vehicles. The Planning Department anticipates this will result in a decreased number of vehicle trips to the site.

b. Square feet of enclosed space for each specific use: No enclosed buildings are being proposed.

d. Proposed employment: 2 employees.

e. Proposed number and type of service vehicles: No service vehicles proposed.

f. Off-street parking needs: The subject property is located in the Historic Commercial Pedestrian Oriented Area. No additional floor area or intensity is proposed. Pursuant to Section 108-573, the proposed modification would not trigger parking requirements.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

- a. Utilities:** The property has adequate utilities to support the proposed use.
- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94:** None identified.
- c. Roadway or signalization improvements, or other similar improvements:** None identified.
- d. Accessory structures or facilities:** None identified.
- e. Other unique facilities/structures proposed as part of site improvements:** The ticket booth shall comply with Sec. 102-282. - *Outdoor display of goods:* Merchandising may not be mounted or displayed on the exterior surface of the front facade. Where vending booths or carts are otherwise appropriate, they are to be set back at least five feet from the front property line and may not exceed 64 square feet, including overhang. The proportion of the total frontage occupied by vending booths or carts shall not exceed 15 percent.

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

- a. Open space:** None. **Interior Space:** N/A
- b. Setbacks from adjacent properties:** None.
- c. Screening and buffers:** None.
- d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:** None
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts:**

(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:

Land use compatibility: Section 122-686 defines HRCC-1 as a vibrant tourist commercial entertainment center that contains the most intense activity center in the historic commercial core. The rental of recreational vehicles is a conditionally-permitted use. The proposed modification would continue the approved conditional use.

- (1) **Enough site size, adequate site specifications and infrastructure to accommodate the proposed use:** The size and shape of the site will remain as it currently exists. The applicant has provided a site plan illustrating how the rental vehicle operation will be accommodated.
- (2) **Proper use of mitigative techniques:** The applicant will not conduct any vehicles service or cleaning on-site.
- (3) **Hazardous waste:** None anticipated.
- (4) **Compliance with applicable laws and ordinances:** The use will comply with all applicable laws and regulations.
- (5) **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:** The site is not located in a conservation area.
 - b. **Residential development:** No residential development is proposed.
 - c. **Commercial or mixed-use development:** The proposed use is compatible with similar uses within this zoning district as well as district regulations.
 - d. **Development within or adjacent to historic district:** The conditional use application is within the historic district.
 - e. **Public facilities or institutional development:** No development of public facilities or institutions are proposed.
 - f. **Commercial structures use and related activities within tidal waters:** The site is not located within tidal waters.
 - g. **Adult entertainment establishments:** No adult entertainment is proposed.

RECOMMENDATION:

The applicant's request would result in an overall reduction in recreational rental vehicles, and an overall decrease in the fuel consumption of the fleet, which is consistent Comprehensive Plan Policy 2-1.1.12: - *Reduction of Greenhouse Gas Emissions*. 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) This approval allows for the rental of ten (10) golf carts and ten (10) scooters 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 10.
- 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.
- 8) The sales booth is to be set back at least five feet from the front property line and may not exceed 64 square feet, including overhang. The proportion of the total frontage occupied by the sales booth shall not exceed 15 percent.