

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

From: Katie P. Halloran, Planning Director

Meeting Date: November 18th, 2021

Application: **Conditional Use – 1401 Simonton Street (RE# 00036231-000000)** - A request for approval of a conditional use to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourist (HCT) zoning district pursuant to Sections 18-355, 122-62 and 122-898 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.

Applicant: Trepanier & Associates

Property Owner: Santa Maria Resort Condominium Management, LLC

Location: 1401 Simonton Street – (RE# 00036231-000000)



Proposed Scooter Rentals



Background:

This item has been postponed by the applicant from the September and October Planning Board meetings.

The subject parcel is located at 1401 Simonton Street on the corner of Simonton Street and South Street. The main structure is a historically significant contributing structure to the Key West Historic District. The parcel is zoned HNC-1 and is surrounded by HCT zoned properties to the north, south, and west, and Historic Residential Office (HRO) zoned properties to the east, northeast.

The property is operated as the Santa Maria Resort as a 35-unit resort complex and Milagro Restaurant and Bar (formally known as Ambrosia Japanese Restaurant). The 35-unit resort received approval in 2004 through Planning Board Resolution 2004-17, and the Condominium Association submitted documentation to authorize the use of common area for this proposed conditional use. The property has 35 off-street parking spaces, scooter parking, and a bike rack for 18 bicycles. The applicant has proposed to replace an existing scooter parking space and install an electronic scooter docking station near the entrance of the parking area. No regulated vegetation will be impacted by the work.

Process:

Planning Board Meeting:	November 18, 2020
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

The HCT zoning district states in Code Section 122-898(12) that small recreational power-drive equipment rentals (allowed only as an accessory use to a hotel/motel), are conditional uses in this district. This property has a transient use and is eligible for consideration of this electric scooter rental use. This application will be reviewed per criteria in Section 122-62 and Section 18-355 and 18-358, related to traffic impacts on level of service.

Conditional use criteria in Section 122-62 (immediately below) is utilized to review the proposed application below:

Characteristics of use described:

(1) Scale and intensity

- a. Floor Area Ratio:
 - i. The proposed conditional use will not affect the Floor Area Ratio of the site.
- b. Traffic Generation:

All new recreational rental vehicle permits are required to complete a traffic impact analysis to demonstrate that the operation will not degrade the traffic level of service (City Code Section 18-358). The applicant’s traffic engineer must substantiate the following per Code Section 18-358, “. . . a traffic impact analysis to demonstrate that the size, location and operation of the facility does not degrade the existing traffic level of service (LOS) of city streets, corridors and intersections . . .”. A Traffic Statement dated April 8, 2021, states that given that these electric kick scooters operate as bicycles, they do not consume roadway capacity, and given these operational characteristics will not have an effect on level of service. Staff agrees that the proposed scooters will not degrade existing LOS, but will utilize facilities also shared by bicycles and pedestrians. Area intersection safety will become increasingly important as the numbers of bicycle, pedestrian, and scooter riders increase.
- c. Square feet of enclosed building for each specific use:
 - i. No enclosed buildings are being proposed.
- d. Proposed Employment:
 - i. It is unclear if employees will be hired for the proposed conditional use.
- e. Proposed number and type of service vehicles:
 - i. No service vehicles proposed.
- f. Off-street parking needs:
 - i. Per code, one parking space is required per three scooter rentals. The applicant has applied for 12 scooter rentals which would result in the need for 4 off-street parking spaces.

(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 specified.
- 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. No vegetation will be removed.
- d. Landscaped berms
 - i. None proposed.
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
 - i. None proposed. Staff notes that given all proposed scooters will be electric, there will be no noise or odor normally associated with gas powered recreational vehicles with this business.

Criteria for conditional use review and approval

(1) Land Use Compatibility:

- a. The applicant proposes to install 12 electronic scooters and a scooter docking station at the property. The City Code allows recreational rentals (if accessory to a hotel/motel use) as a conditional use in the HCT zoning district. This property includes a transient condominium use and the conditional use is compatible with tourism oriented properties. It is noted that there are surrounding mixed use streets with residences, and Staff encourage the applicant to collaborate with neighbors to ensure any unanticipated nuisances are addressed on a timely basis.

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

- a. The size and shape of the site will remain the same as it is in its current state. The total square footage of rental equipment is proposed to be about 45 sqft and will be near the South Street frontage.

(3) Proper use of mitigative techniques

- a. Mitigation for the scooter rentals was not mentioned in the application. The docking station proposed has a 48" electronic screen display. The electronic screen should not be visible from the right-of-way given the location within the Key West Historic District or should be an analog display.

(4) Hazardous waste

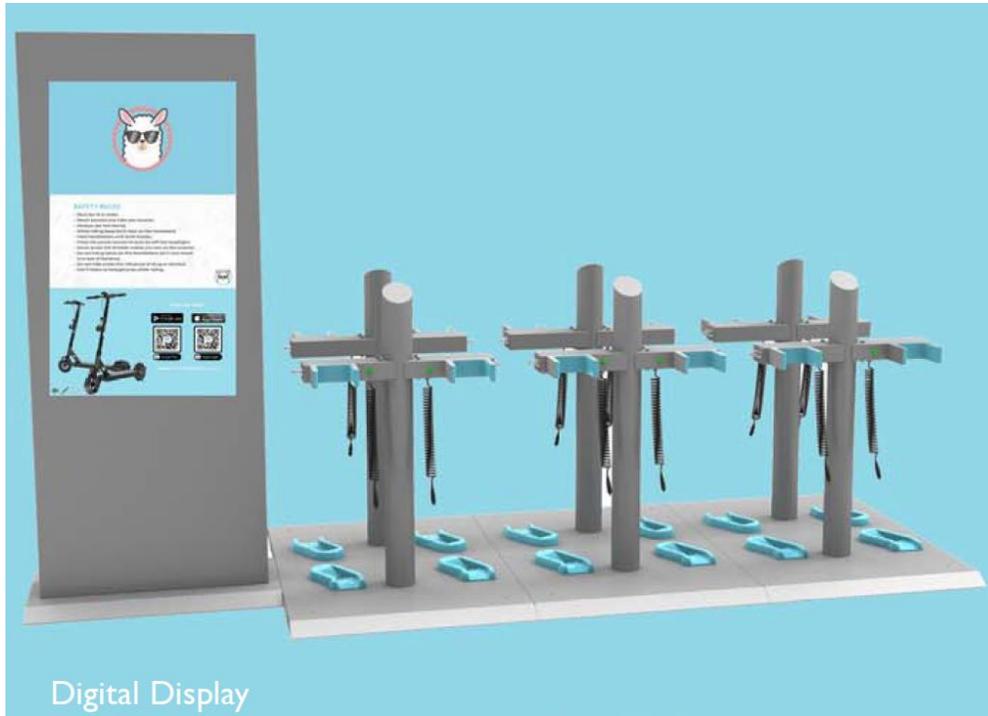
- a. The applicant has stated that no hazardous waste will be produced on the property.

(5) Compliance with applicable laws and ordinances

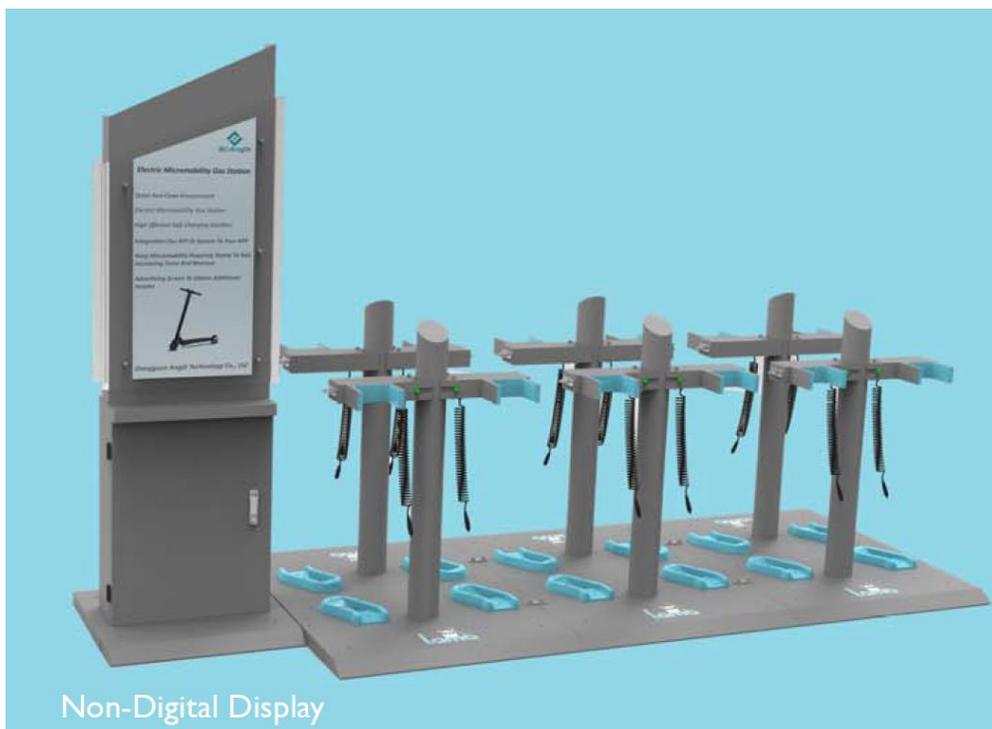
- a. The applicant would be required to receive a variance for parking requirements prior to receiving approval for the proposed conditional use.

(6) Additional criteria applicable to specific land uses

- a. The conditional use is requested for 1401 Simonton St. in the Key West Historic District. The property is currently noncomplying with city code for parking.
- b. The two possible docking station configurations are below; the electronic display docking station has a 43" screen.



Digital Display



Non-Digital Display

- c. Given there are some letters of opposition to these multiple electric scooter applications, staff recommends including a geo-fencing condition for this property as well to ensure residential quality of life on Elizabeth Street. Staff recognizes that electric scooters provide an alternative mode of transportation that is clean, quiet, and odor free, and therefore provides a better option than other gas powered recreational vehicles.

The applicant has applied to maintain all current off-street parking and bicycle parking as part of this variance application, except for one scooter parking spot. The applicant is proposing to place the scooter docking station near the entrance of the property. 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 be on the business premises.

Recommendation:

The Planning Department recommends **APPROVAL WITH 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. The approval is for a twelve 12-scooter docking station with all electric scooters.
3. Ridership and associated scooter rental data will be shared with the City of Key West upon request.
4. The electronic display attached to the scooter docking station should not be visible from the right of way or analog signage shall be utilized.
5. Geo-fencing technology shall be activated to prohibit rental scooter use on Elizabeth Street.