



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

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Melissa Paul-Leto, Planner I

**Meeting Date:** June 18, 2020

**Agenda Item:** **Transient Unit & Transient License Transfer – One Unit & License in unassigned status to 601 Duval Street (Unit 202) (RE# 00012290-000000)** - A request to transfer one transient unit & transient license in unassigned status to property located within the Historic Residential Commercial Core Duval Street Gulf side (HRCC-1) zoning district pursuant to Section 122-1338 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Sender and Receiver Site Data Table:**

	<b>Sender Site</b>	<b>Receiver Site</b>
<b>License Owner:</b>	The Studios of Key West, Inc.	KW Zion LLC
<b>Property Owner:</b>	Not applicable (Unassigned)	KW Zion LLC
<b>Agent:</b>	Susan M. Cardenas of Oropeza, Stones, & Cardenas	Susan M. Cardenas of Oropeza, Stones, & Cardenas
<b>Location:</b>	Not applicable (Unassigned)	601 Duval Street/504-506 Southard Street, Unit 202
<b>Real Estate Number:</b>	Not applicable (Unassigned)	00012290-000000
<b>Zoning District:</b>	Not applicable (Unassigned)	HRCC-1
<b>Existing Use:</b>	Not applicable (Unassigned)	One non-transient residential apartment
<b>Proposed Use:</b>	Not applicable (Unassigned)	One transient residential apartment

**Proposed Receiver Site:**



Images of a portion of the Transient Rental Transfer Location map and the Official Zoning Map of the City of Key West with the subject property indicated as a permitted area for transfer and within the HRCC-1 zoning district.

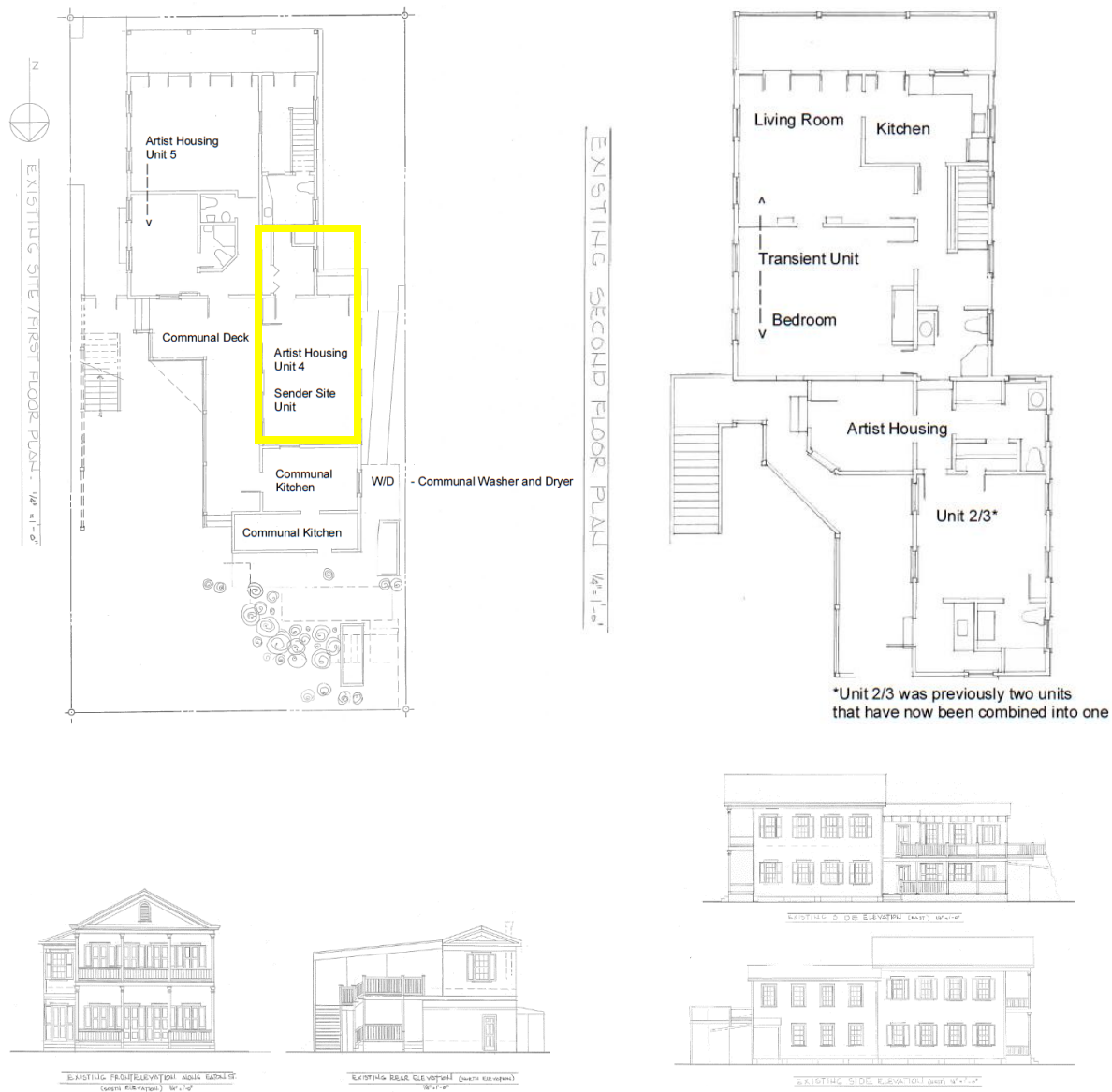


Image of an aerial of the subject property and neighboring properties.

## **Background:**

The sender site for this transient unit and transient license request is located at 529 Eaton Street known as the, "Carriage Trade House Inn". The Studios of Key West purchased the Carriage Trade House Inn on April of 2019. The property had one transient unit and was approved in 2019 for three additional transient units through the lawful unit determination process. After receiving the additional three transient units the property's representative submitted documentation to the City's licensing department in order to change the existing transient unit from "no use permitted" to "active" status. The remaining three transient units per the representative's request were placed in "unassigned" status. These unassigned units are licensed under The Studios of Key West Inc, license numbers 2019-000977, 2019-000978, and 2019-000979. As of today, the licensing department recognizes one transient unit for 529 Eaton street and three unassigned units. Per the executive director of The Studios of Key west, Jed Dodds the unassigned transient unit which they seek to transfer is one of the three transient units in unassigned status and is a one-bedroom, one-bathroom unit on the first floor of the building. The unit if transferred will be converted to artist housing at no charge to the occupants.

Existing / Sender Site 529 Eaton Street:





The applicant is proposing to transfer the one transient unit and transient license from unassigned status to a receiver site at 601 Duval Street (504-506 Southard Street), Unit 202. Unit 202 is an apartment with one-bedroom, one bathroom that includes a full kitchen and living room. (see floor plan below).

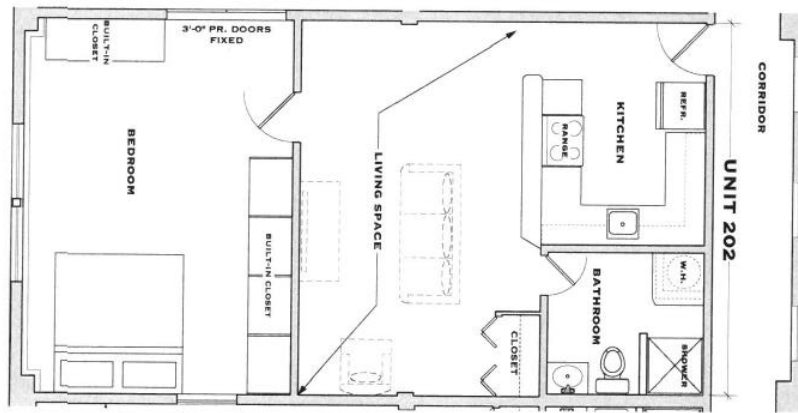


Image of the floor plans for Unit 202.



Staircase entrance to unit



Kitchen



Bedroom



Living Room



Bathroom

### **Relevant Code Sections:**

The purpose of City Code Chapter 122, Article V, Division 6 “Transient Units” outlined in Section 122-1336 is to:

- Provide for the transfer of existing transient units and transient licenses in order to reduce noncomplying density, structures and uses;
- Remove legal nonconforming transient uses from zoning districts that now prohibit them;
- Encourage permanent residential housing by relocating transient licenses;
- Provide for the conversion of transient units to single-family dwellings by the transfer of units;
- Allow for redevelopment without increasing the population requiring evacuation during emergencies or increasing other public services;
- Protect environmentally sensitive lands; and
- Encourage redevelopment under the existing Building Permit Allocation System (BPAS) that limits the allowable number of residential and transient units.

### **Analysis:**

The proposed transient unit & transient license transfer involves the transfer of one transient unit and transient license to a receiver site. The proposed receiver site is 601 Duval Street Unit 202. The receiver site is located on the second floor within a mixed-use two-story building. The two-story structure is on the corner of Duval and Southard Streets. An art gallery facing Duval Street, and a restaurant facing Southard Street encompass the first floor. The second floor consists of a total of four (4) residential units of which three are transient and one is non-transient. The non-transient unit is the subject receiver site for this request. The applicant’s request is to revert the non-transient unit to the City’s beneficial use pool.

City Code Section 122-1338. Transfer of transient units.

- (1) The unit being transferred must currently be counted as a unit for purposes of calculating evacuation time under the hurricane model set forth in the comprehensive plan and must have been obtained in accordance with all applicable regulations, including building permits, at the time of approval or have been otherwise validly obtained if unbuilt at the time of transfer. A transfer pursuant to this division shall not cause a net increase of units in the city.

Yes, the sender unit is from a lawful unit determination that was granted in 2019, unassigned transient rental license #2019-000977.

- (2) Transient use must be an allowed zoning use on the receiver site, unless the units are to be converted into non-transient units as contemplated by subsection (3) of this section. Further, no transient unit shall be recognized for transfer purposes, regardless of whether it will be used transiently or non-transiently, unless accompanied by a business tax receipt duly issued pursuant to section 66-109(10). When units are transferred for non-transient use, the licenses will be extinguished.

Transient use is allowed, the license is unassigned currently.

- (3) Transient units may be converted to residential units at the appropriate exchange rate as determined by the comprehensive plan so as not to increase hurricane evacuation time. Where a residential unit is created by the transfer of a transient unit and the new residential unit is 600 square feet or less, the transient unit may be transferred at its .58 ROGO unit equivalency into a residential unit with transient use prohibited.

N/A, transient use is not being converted to a non-transient residential unit.

- (4) The transferred units shall not operate to increase density of the receiver site above the maximum allowed density.

2.58 is the maximum allowed density, however the applicant is reverting the non-transient unit back to the City's beneficial use pool.

- (5) Unless the planning board determines that special conditions exist at the receiver site that warrant otherwise, the transient unit may not include more than two rooms, excluding bathrooms, and excluding porches and decks that are clearly not enclosed or habitable.

The receiver site's transient unit will have two rooms not including the bathroom.

- (6) At the sender site, any remaining transient units that are remodeled or combined may not increase the existing number of rooms, excluding bathrooms. All such units shall not have "lockout" capacity.

The sender site at The Studios of Key West did not increase in the number of rooms or create a lockout capacity.

- (7) There shall be no transfer of units into a "V" zone as depicted on the most current flood insurance rate map, if the transfer would produce new construction.

There are no proposed construction or redevelopment currently. In addition, the properties are located within the X-zone (an area of minimal flood hazard).

- (8) Existing nonconforming buildings may receive units providing their nonconforming aspects are not increased.

The receiver site would be nonconforming to density with the transfer of this transient unit and license. However, the property is reverting to the City's beneficial use pool.

- (9) Development plans for both sites shall be processed as provided in the LDRs, according to the magnitude and type of development.

There will be no developments regarding both sites.

- (10) No building permit shall be granted for the receiver site until the city has verified that the transient use at the sender site unit(s) has been extinguished. A person or entity who has lawfully terminated or extinguished legal transient units existing as of January 1, 1999, may preserve the right to transfer the units and then transfer such units pursuant to this section, provided the transient licenses have been maintained. Furthermore, the city shall conduct on-site inspections at both the sender site and receiver site to verify that the terms of this ordinance are being met in the proposed transfer application.

This application involves the transfer of an unassigned unit and license. The Studios of Key West has not been utilizing this license.

City Code Section 122-1340. Development review committee and planning board review.

The development review committee (DRC) shall review each application for transfer. The planning board will receive comments from the DRC and the recommendation of the planning department and may deny an application on the grounds of inconsistency with the purpose of the ordinance or a violation of the specific provisions of the ordinance. When approving an application, the planning board may impose conditions, including but not limited to physical modifications and the filing of deed restrictions, in order to assure the continuation of permanent residential housing, the preservation of community character and that the transfer advances the purposes of this division. The decision of the planning board shall be final.

**Recommendation:**

Based on the above analysis of the standards for considering transfers of transient units and transient business tax receipts in Section 122-1338 and 122-1339 of the LDRs, the Planning Department recommends the request to transfer one transient unit and associated business tax receipt from unassigned status to 601 Duval Street Unit 202 be **approved** with the following conditions:

1. The one existing non-transient residential unit at 601 Duval Street Unit 202 will be recaptured by the City through a waiver and release of building permit allocation and shall be recorded and dedicated for beneficial use only, pursuant to Section 122-999.
2. All requirements of City Code Section 122-1371 shall be met for the transient use of the residential dwelling units at 601 Duval Street Unit 202.
3. The unit proposed to be used on a transient basis shall comply with all applicable codes and requirements of the Building Department, Fire Department, and all other regulatory agencies. Neither unit may undergo a renovation or remodel that would increase the number of bedrooms.