

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, Planner II

Meeting Date: September 16th, 2021

Application: **Transient License Transfer** – One (1) transient license in Unassigned Status to 504-506 Catherine Street (RE# 00028500-000000) – A request to transfer one (1) transient license in unassigned status, associated with The Ambrosia House at 425 Frances St., to a property located at 504-506 Catherine Street within the Historic Residential Commercial Core (HRCC-3) zoning district pursuant to Sections 122-747 and 122-1339 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The transfer of one (1) transient license in unassigned status to a two-unit structure located at 504 Catherine St. located in the HRCC-3 zoning district.

Applicant: Susan M. Cardenas, ESQ.

Property Owner: Michael A. Mele

Location: 504-506 Catherine Street (RE# 00028500-000000)



Background:

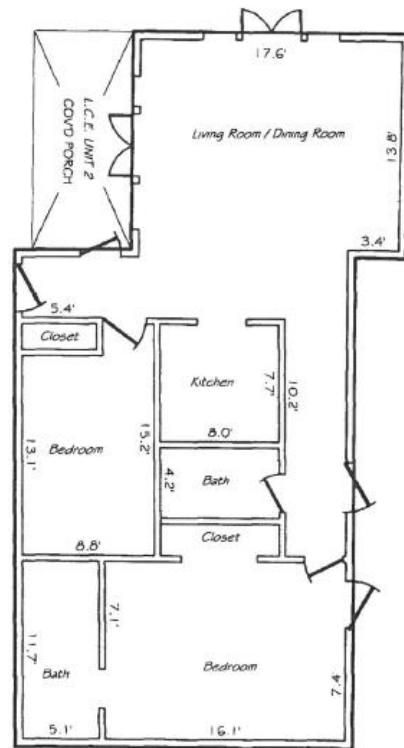
Sender Site:

425 Frances Street – One transient license – Unassigned Status: 425 Frances, also known as The Ambrosia House, was a guest house consisting of three transient units. The transient units were put into unassigned status and the property now is a single property consisting of three separate non-transient rental units. The applicant bought one of the unassigned transient units from 425 Frances, Unit #3. Unit #3 was a two-bedroom unit , as can be seen in the submitted site plans.

AMBROSIA HOUSE CONDOMINIUM

UNIT #2 - LAYOUT

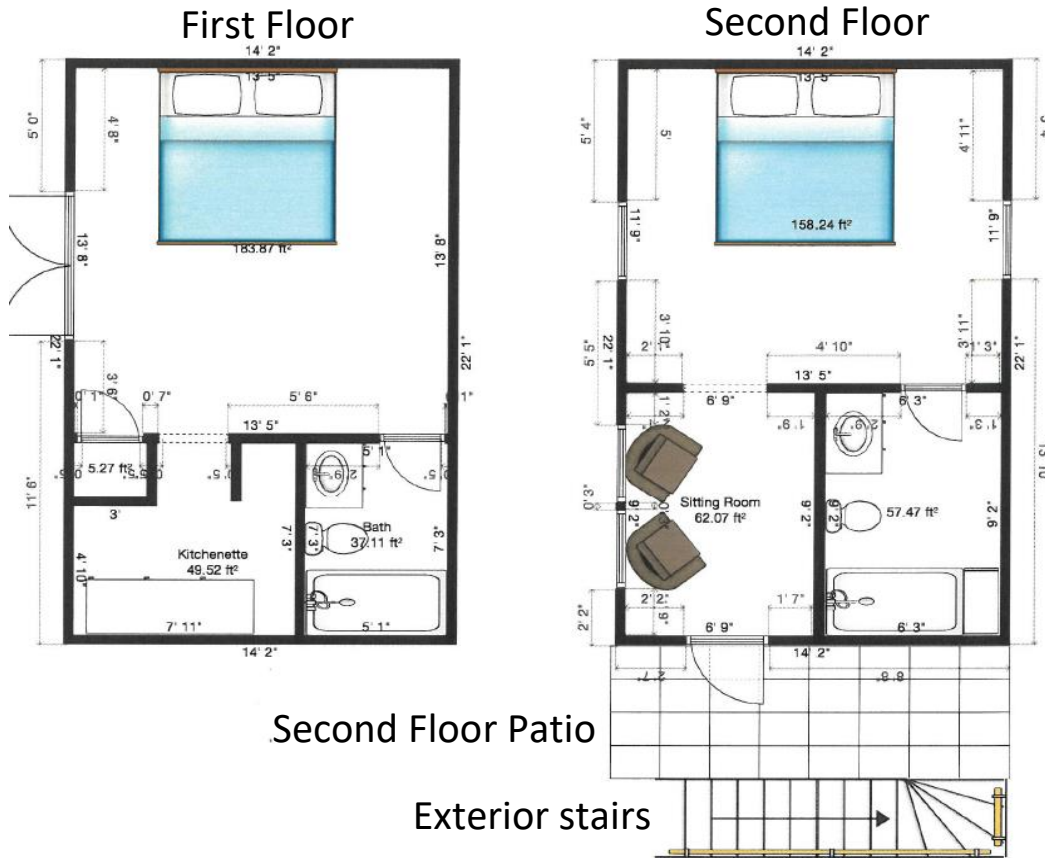
Ambrosia House Unit #2 – two-bedroom, two-bathroom,



Receiver Site:

There are two structures at 504-506 Catherine Street, a large one-story structure addressed as 506 Catherine, and a smaller two-story structure addressed as 504 Catherine Unit #1 and 504 Catherine Unit #2. The parcel is assessed for five units, per the Monroe County Tax Collector. The parcel of 504 Catherine has an active license for two non-transient rental units, one non-transient rental license for 504 Catherine Unit #1 and one non-transient rental license for 504 Catherine Unit #2. The property located at 504 Catherine is located in the "Permitted" transient rental transfer area. Parcels located in HRCC-3 are permitted by right to have hotels, motels, and transient lodging. The property's size of 3,456 sqft and zoning allows 1.75 dwelling units on the property. City Code considers a transient unit is any room accommodating beds which can be locked and keyed from the exterior of the premises for overnight lodging or for a longer period of time. The City Codes definition for dwelling, transient living accommodation includes a single habitable unit that is intended to be occupied for *living, sleeping and sanitation* by one family at a time.

504 Catherine street is a 2-story structure that has two separate units, one on the top floor, and one on the bottom floor. The units are not accessible to each other from internal means but are connected by an exterior set of stairs on the front of the structure. Both units have accommodations for sleeping, living, and sanitation.



Business Tax Recipient for 504 Catherine St.

CITY OF KEY WEST, FLORIDA
Business Tax Receipt

This Document is a business tax receipt
Holder must meet all City zoning and use provisions.
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name	MELE, MICHAEL
Location Addr	504 CATHERINE ST
Lic NBR/Class	LIC2021-000373 PROPERTY RENTAL
Issued Date	5/12/2021 Expiration Date: September 30, 2021
NON TRANSIENT RESIDENTIAL	
Comments:	TWO NON-TRANSIENT RENTAL UNITS
Restrictions:	

This document must be prominently displayed.

MELE, MICHAEL
C/O RENT KEY WEST VACATIONS
1075 DUVAL ST STE C11
KEY WEST , FL 33040

MELE, MICHAEL

Process:

DRC Meeting:	July 29 th , 2021
Planning Board Meeting:	September 16 th , 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

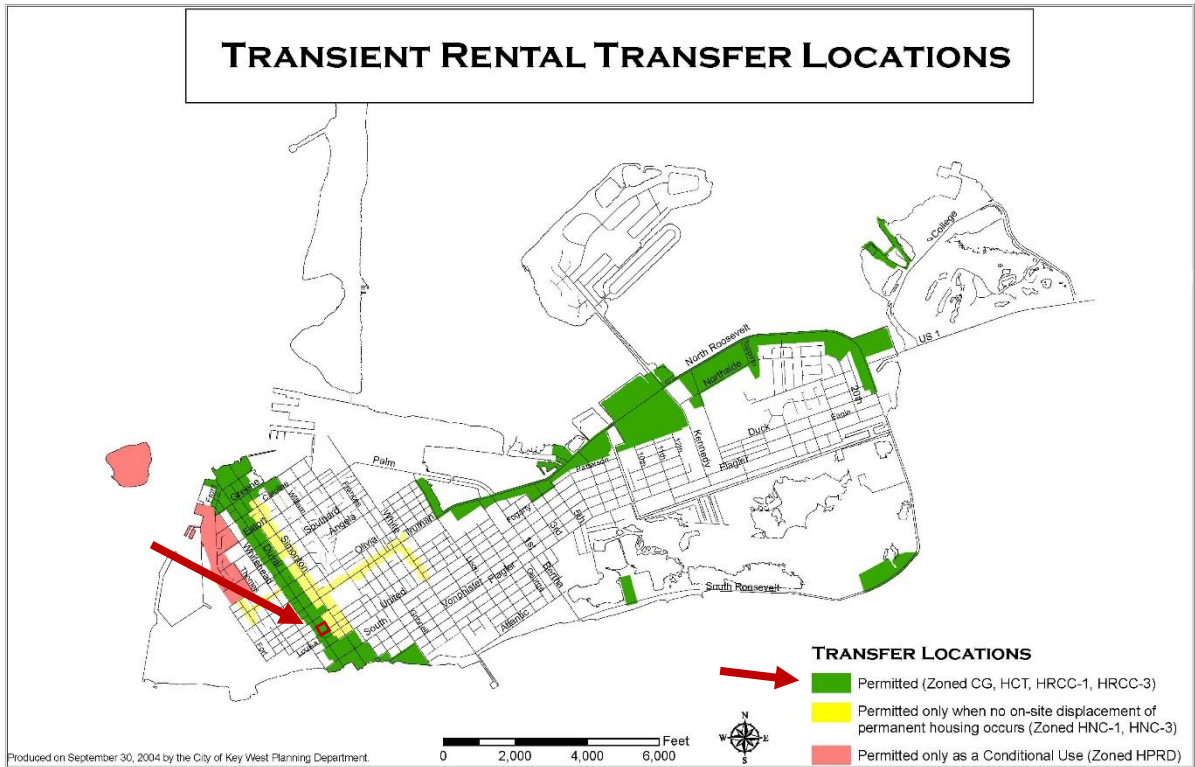
The subject receiver parcel is located in the HRCC-3 zoning district, which allows for transient lodging as a permitted use. The transient license transfer from unassigned status at 425 Frances to 504 Catherine shall be reviewed by the criteria listed in Section 122-1339.

City Code Section 122-1339 governs the transfer of transient licenses.

- (a) A business tax receipt for transient use of a unit may itself be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit. In addition, licenses may be transferred from the HNC-1 and HNC-3 zoning districts. A transfer of a license under this section shall not result in a loss of affordable housing at the receiver site.
1. The receiver site is currently being licensed as two separate non-transient units; the transfer of the transient license would not result in a loss of affordable housing.

IN COMPLIANCE

- (b) Where a license alone is transferred, the planning board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants.
1. 504 Catherine Street is a single structure addressed as two separate units, Unit #1 and Unit #2. The size of the structure is about 623 sqft in total, 311 sqft per unit. The sender site at the Ambrosia House at 425 Frances is a single unit with a single transient license. City records indicate that the 504 Catherine St. structure is addressed as two separate units. The two units at 504 Catherine have no internal connections and are accessed by separate keyed and locked doors. Without an internal connection, and given the City Records, the two units are, per City Code, separate units. Per code each potential transient unit must obtain a separate transient license to operate as a transient rental. Currently, the applicant has only proposed to transfer one transient license and therefore is not in compliance. If approved as proposed, the City would effectively be allowing the replacement of two non-transient residential rental units with a single transient license. The loss of a rental unit is not appropriate, especially in light of the City's current housing situation, deficient of small affordable rental units for locals near employment areas.



Recommendation:

The proposed transfer of a transient license to the sender site of 504 Catherine is subject to Section 122-1339. The proposal does not meet all the required criteria in order for a transient transfer to be approved. Section 122-1339 states transient license transfers should consider unit size and room configuration. The applicant has proposed the transfer of one transient license to two currently non-transient units. In order to receive approval, the applicant would need to propose a transfer of two transient licenses to the two addressed units at 504 Catherine Street.

Based on a review of the application according to the criteria established by the Comprehensive Plan and the Land Development Regulations and the absence of Special Conditions, the Planning Department recommends the request for a transfer of a transient license be **DENIED**. If the Planning Board approves the application, the Planning Department requests the following conditions of approval:

- 1) The configuration of the structure at 504 Catherine be code compliant as a single habitable unit, or the applicant provide a second transient license, each license may be for a single transient unit.
- 2) An inspection be scheduled prior to issuance of a Certificate of Occupancy for the receiver site.
- 3) A property manager be available on a 24/7 basis for surrounding property owners, this information shall be clearly marked on the property and able to be read without stepping foot on the property.