

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Nicholas Perez-Alvarez, Stantec

Meeting Date: March 27, 2025

Agenda Item: **Transfer of Transient Unit & License – 1220 Royal Street (RE# 00029370-000000) to 510 Amelia Street (RE# 00027820-000000) – A** request for a transfer of one transient unit and license from a property located at 1220 Royal Street in the Historic Medium Density Residential (HMDR) zoning district to property located at 510 Amelia Street in the Historic Residential Commercial Core – 3 (HRCC-3) zoning district, pursuant to Section 122-1338 of the Land Development Regulations of the City of Key West, Florida.

Request: A request to transfer one transient unit and license from a 3 unit, 4,278 sq. ft. property located at 1220 Royal Street, to a 3,463 sq. ft. property located at 510 Amelia Street containing an existing 1,416 sq. ft. one story residential home.

Applicant: Trepanier & Associates Inc

Sender Site 1220 Royal Street

Sender Site Property Owner Lagotta Bachman Living Trust (6/15/2012) c/o Lagotta Geraldine

Receiver Site 510 Amelia Street

Receiver Site Property Owner Elba Cecilia Canalejo

Sender Site: 1220 Royal Street



Background

Sender Site:

The sender site is located at 1220 Royal Street in the HMDR zoning district, where transient use is not permitted. The sender site is immediately adjacent to residential dwellings to the north and south.

The sender site is currently licensed for three units: two non-transient rental units and one transient rental unit. The application proposes to transfer the transient unit and license from the sender site to the receiver site at 510 Amelia Street.

Receiver Site:

510 Amelia Street is located in the Historic Residential Commercial Core-3 zoning district, where transient rentals are a permitted use. The sender site will no longer operate as a transient unit upon the approved transfer of transient license ("TULT") to the receiver site. This unit is proposed to be incorporated into the existing adjacent non-transient unit.

The maximum density for 510 Amelia Street is 22 units per acre. With a lot size 3,463 sf and a maximum density of 22 units per acre, the maximum number of dwelling units permitted

on the site is 1 unit. By transferring one transient unit and license to the site, the site will be associated with 2 BPAS-recognized units.

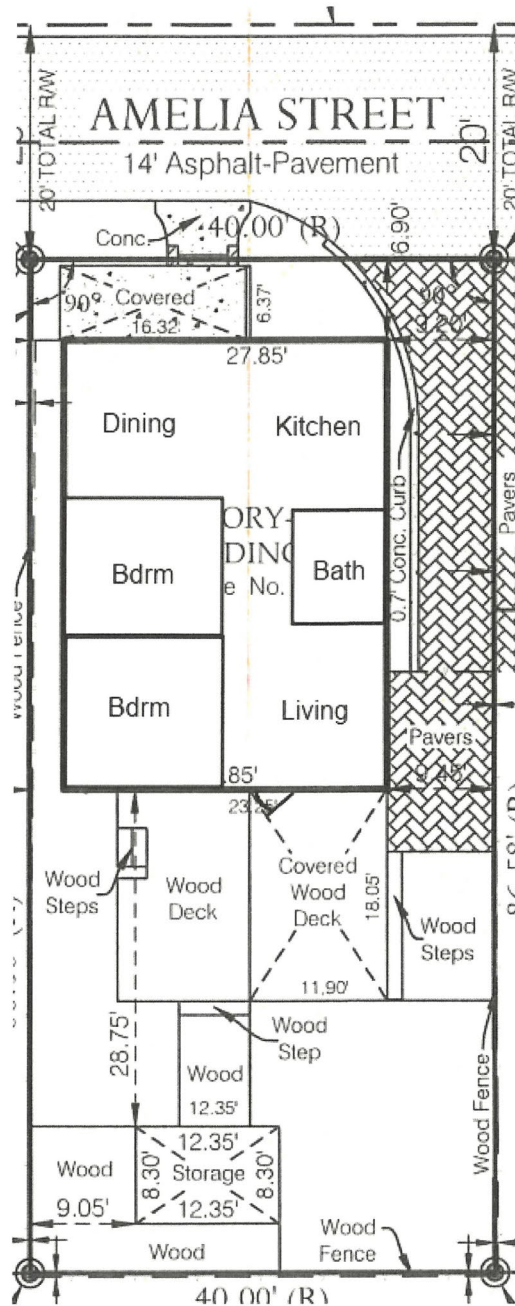
In these situations, the Planning Department advises that the applicant release the second BPAS-recognized unit back to the City's BPAS pool so that it can be re-allocated; Section 122-1338 states that transferred transient units shall not operate to increase the density of the receiver site above the maximum-allowed density. Additionally, per Section 122-1336, the purpose of transient transfer provisions is, in part, to "encourage permanent residential housing by relocating transient licenses." By returning the BPAS unit for re-allocation, this transfer could result in the development of an additional permanent dwelling unit in the City.

The applicant has declined to voluntarily release the second unit.

Receiver Site: 510 Amelia Street



Receiver Site Floorplan



Development Review Committee

This item was presented to the DRC on February 27, 2025. Utilities staff advised that the existing BPAS-recognized dwelling unit at the receiver site be returned to the City for re-allocation, and that a renovation CO would be required for the sender site.

Staff Analysis – Code Criteria

Section 122-1338 provides ten review criteria for the transfer of transient units and licenses:

- (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.

Complies

- (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.

Complies

- (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.

Complies

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

The receiver site will not have more than one dwelling unit that is physically developed. However, it will have one more BPAS-recognized unit attached to the site than is permitted for development.

- (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.

Does not comply. The proposed receiver site has three rooms, excluding bathrooms and non-habitable space.

- (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.

Complies

- (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.

Complies

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

Complies

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

None required – complies.

- (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.

Complies

RECOMMENDATION

The Planning Department has reviewed the proposed transfer of one transient unit and license from 1220 Royal Street to 510 Amelia Street pursuant to the requirements of Section 122-1338. If the Planning Board determines that special conditions exist at the receiver site that warrant more than two rooms pursuant to Section 122-1338(5), Planning Staff recommends the request for a transfer of one transient license be approved with the conditions as detailed below.

Conditions:

1. The receiver site unit shall be consistent with the attached floor plan. Future alterations to the structure shall not result in additional rooms or an increase in habitable space.

2. The existing non-transient BPAS-recognized unit at 510 Amelia Street shall be relinquished to the City's beneficial use pool within 90 days after the purchase of the transient unit recorded through a notarized waiver and release.