

THE CITY OF KEY WEST PLANNING
BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner I

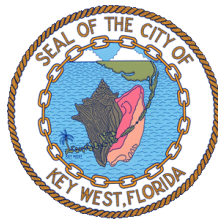
Meeting Date: January 18th, 2024

Agenda Item: Transfer of a Transient Unit License – 921 Windsor Lane (RE: 00020110-000103)– A request to transfer one (1) transient unit and license from a sender site located at 1004 Eaton St (RE: 00005290-000000) in the Historic Medium Density Residential (HMDR) Zoning District, to a receiver site located at 921 Windsor Lane (RE: 00020110-000103) in the Historic Neighborhood Commercial–1 (HNC-1) Zoning District, pursuant Chapter 122 (Zoning), Article V (Supplementary District Regulations), Division 6 (Transient Units) and Chapter 122 (Zoning), Article IV (Districts), Division 8 (Historic Neighborhood Commercial Districts) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request to transfer one transient unit and license from an 8 unit, 4,020 square-foot unit located at 1004 Eaton St, to a vacant 3,564 square-foot lot located at 921 Windsor Lane.

Property Owners: Sender Site: Key Endeavors LLC – Purchase Date: 4/30/2021
Receiver Site: 921 Windsor Lane LLC – Purchase Date: 10/11/2018

Applicant: Owen Trepanier & Associates Inc

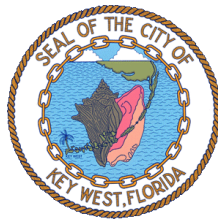


Sender Site – 1004 Eaton Street:

- The sender site is located at 1004 Eaton Street in the HMDR zoning district, where transient use is not permitted. The sender site is immediately adjacent to a restaurant to the west, and a non-transient residential dwelling to the east.
- The sender site holds 8 transient units and licenses. It has operated, until recently, as an 8-unit guesthouse.
- In June of 2023, the City received a building permit application to remodel the sender site from a guesthouse into a single-family home with a guest cottage, both proposed to be rented transiently.
- The Planning Department provided a memorandum recommending that the property owner not sell or transfer licenses from 1004 Eaton Street to result in future rental activity that would be non-compliant with respect to the Code’s definition of “family” per Section 86-9, which is defined as a not-for-profit housekeeping unit for a group of related persons, or up to four unrelated persons.



- As part of this application, the sender site applicant proposes one five-bedroom unit and one two-bedroom unit. The applicant does not propose to utilize the remaining transient unit and license at this time.
- An additional three transient units and licenses are proposed to be transferred to additional receiver sites under two separate applications.



Existing vs. Proposed Uses of Sender Site Units

| Transient Unit | Existing No. of Rooms | Proposed No. of Rooms | Receiver Site |
|----------------|-----------------------|-----------------------|--------------------|
| 1 | 1 | 4 | 921 Windsor Ln |
| 2 | 1 | 4 | 610 Duval St |
| 3 | 1 | 4 | 610 Duval St |
| 4 | 2 | 6 | 1004 Eaton St |
| 5 | 1 | 3 | 1004 Eaton St |
| 6 | 1 | 0 | 1004 Eaton St |
| 7 | 1 | 3 | 1128-1130 Duval St |
| 8 | 1 | 3 | 1128-1130 Duval St |
| Total: | 9 | 27 | |

The table above illustrates a 300% increase in the total number of rooms associated with the transfer of the five transient units and licenses from 1004 Eaton Street.

It includes the three transient transfer applications on the January 2023 Planning Board agenda. The sender site proposes to maintain, but not utilize, an additional transient unit and license. The future transfer of that unit may result in additional/expanded transient use beyond what is currently proposed.

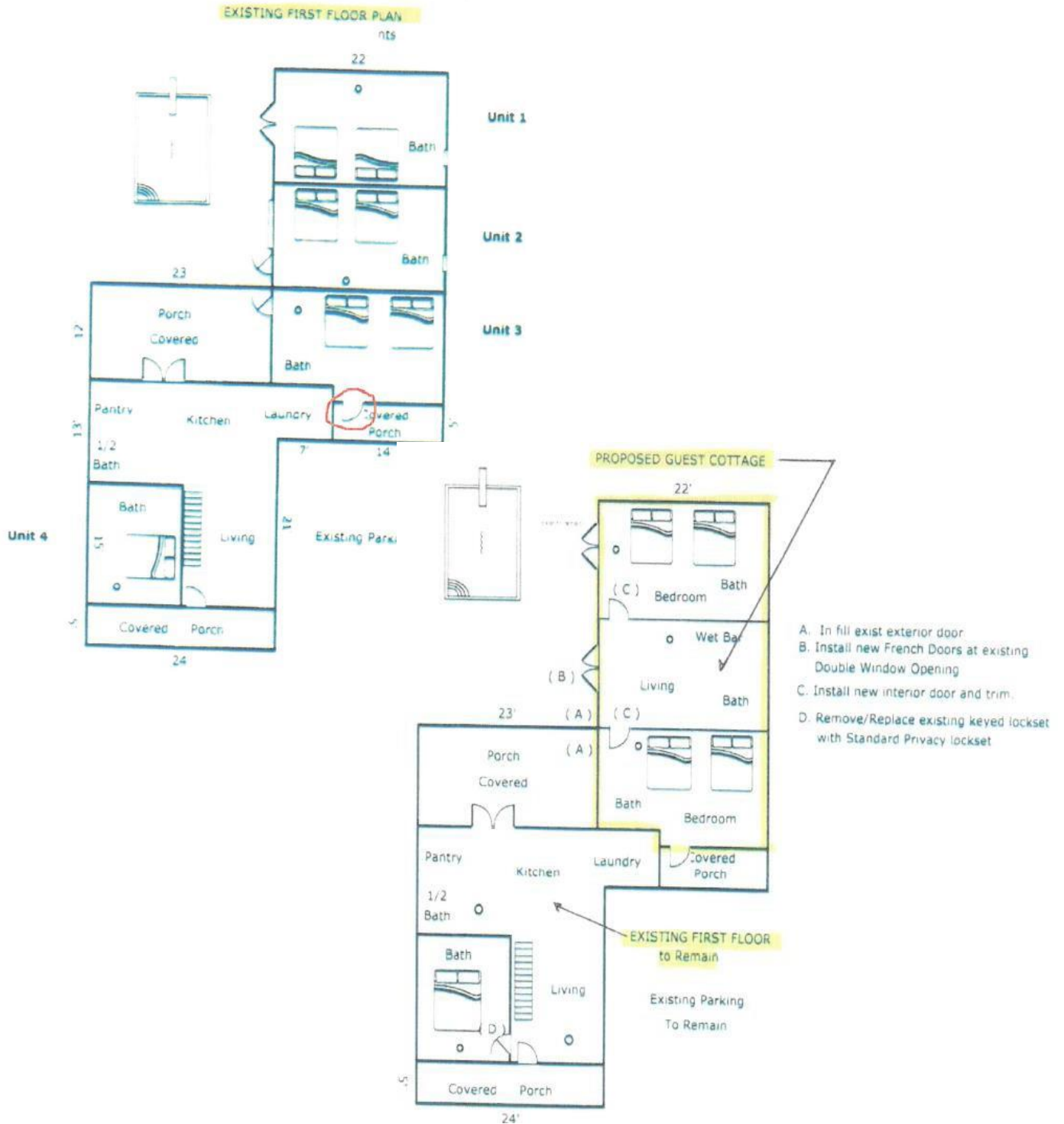
The number of rooms is calculated in accordance with Sections 122-1338(5) and (6), which stipulate that:

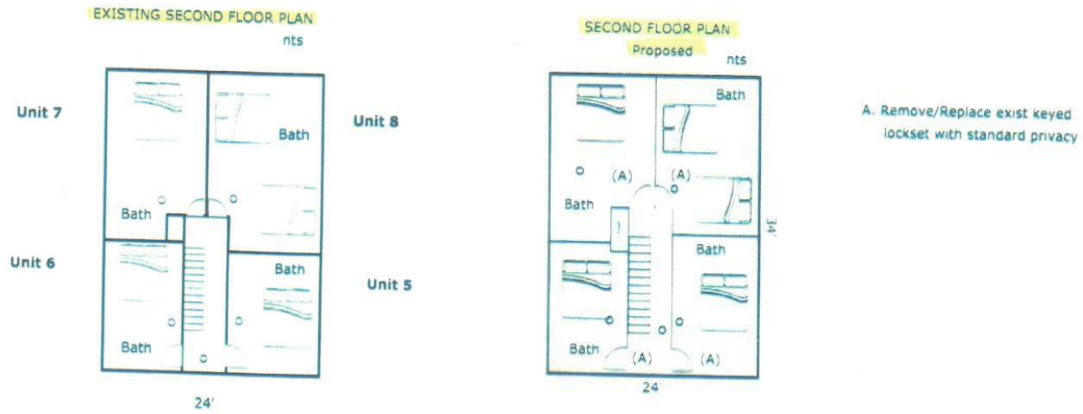
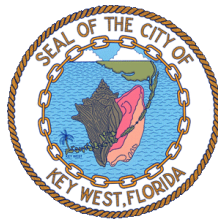
- The receiver site may not include more than two rooms excluding bathrooms and porches unless special circumstances exist.
- The sender site may not remodel or combine remaining transient units to increase the existing number of rooms.

The applicant proposes to reduce the number of active transient units and licenses from eight to two, while retaining the same number of rooms.



Sender site floor plans (Existing on the left, proposed on the right):





Receiver Site: 921 Windsor Lane



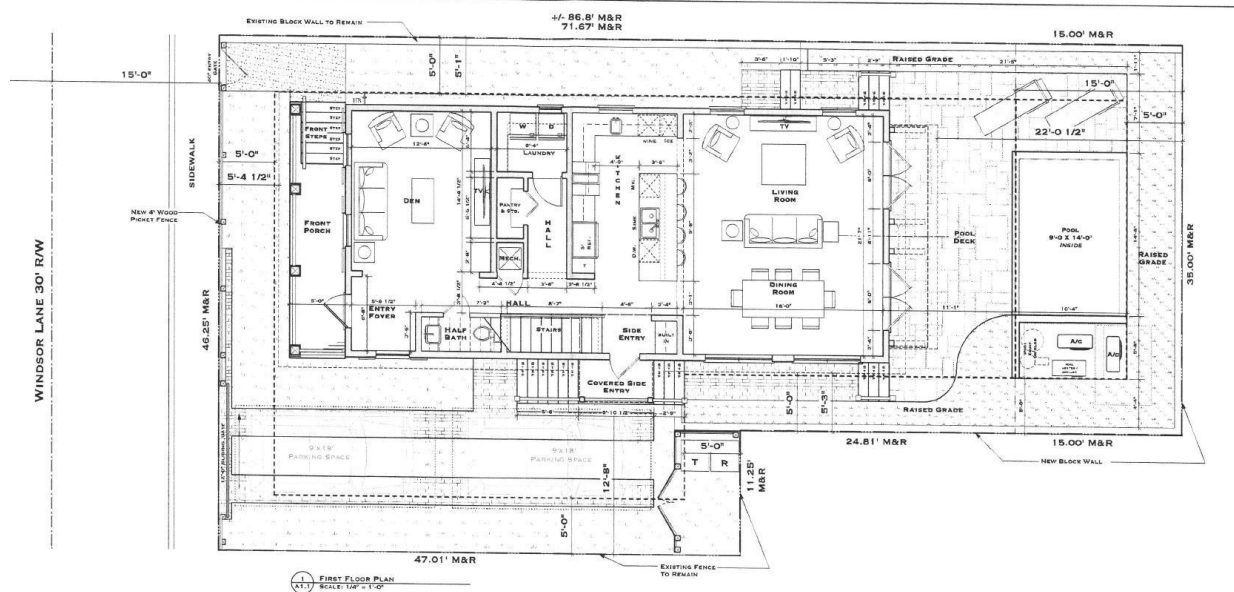
- 921 Windsor Lane, is a vacant lot, zoned Historic Neighborhood Commercial-1 (HNC-1), which does allow for the operation of transient rentals.
- The property has the density for 1.30 units.

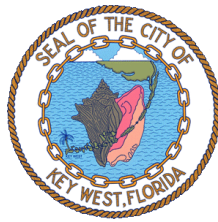


| | Existing | Proposed |
|----------------------------|------------|----------|
| Density | 1.30 Units | |
| Non-Transient Units | 0 | 0 |
| Transient Units | 0 | 1 Unit |
| Rooms, Excluding Bathrooms | 0 | 3 |

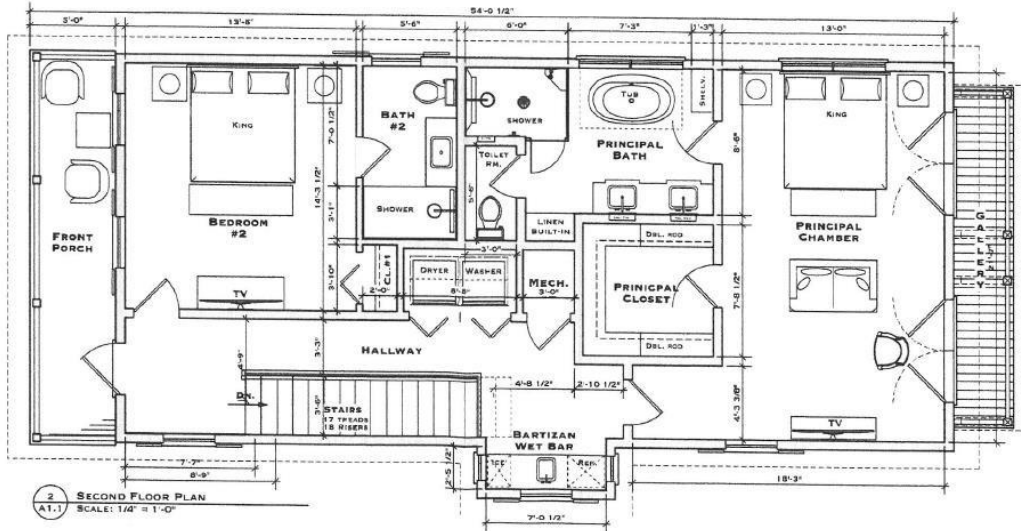
Receiver site floor plan

First Floor:





Second Floor



Development Review Committee:

This item was presented to the DRC on November 30th. Committee members raised the following concerns:

Utilities

Please provide a stormwater management plan that retains the equivalent of 297 cubic feet of surface water runoff onsite.

HARC

Will require HARC review.

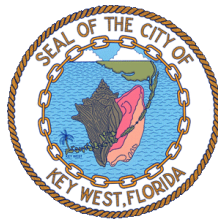
Staff Analysis – Code Criteria

In a cover memo to the owners of the sender site, 1004 Eaton, dated July 23, 2023, it was determined by Planning staff that “In its proposed configuration, it would be unlawful to sell or transfer transient units or licenses to result in less than two transient units and two transient licenses at 1004 Eaton St. The current proposal would result in 2 remaining units and licenses.

The transfer of transient rental units is governed by Chapter 122 (Zoning), Article V (Supplementary District Regulations), Division 6 (Transient Units) and Division 7 (Transient Living Accommodations in Residential Dwellings).

Sec. 122-1336. - Purpose.

The purpose of this division 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 rate of growth ordinance ("ROGO") that limits the allowable number of residential and transient units. This division is only for the purpose of the transfer of transient units and shall not be construed to create new residential or transient units.

The subject proposal would reduce noncomplying uses by transferring a transient license and unit from a district that prohibits transient use to a district that permits transient use. *However, the subject site would be increasing the population required for evacuation as the sender site will still house the same number of residents as the bedrooms are not decreasing, meanwhile the receiver site will now also house more people.*

Sec 122-1338 – Transfer of transient units.

Staff found the project does not comply with Sec. 122-1338(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 applicant is proposing to transfer one transient unit and license from 1004 Eaton Street to 921 Windsor Lane with four rooms including two bedrooms. The proposed floor plans (shown below) include more than two (2) rooms in violation of Section 122-1338 (5). The applicant has stated that the plan is in compliance as it includes no more than two (2) "bedrooms." However, the code does not refer to "bedrooms" but, rather, "rooms."

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.***

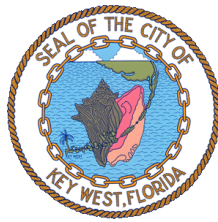
The sender site interior is being remodeled such that the remaining two units will go from one room each to 5 rooms in the front unit and 3 in the back unit, inconsistent with Section 122-1338 (6) of the City Code.

Recommendation:

The proposed transfer of one transient unit and license from 1004 Eaton St to 921 Windsor Lane is subject to Section 122-1338: Transfer of transient units. Based on the criteria of Section 122-1338 outlined above, the Planning Department recommends the request for a transfer of one transient license be **APPROVED with conditions as detailed below:**

Conditions:

1. The applicant shall comply with the requirements of Section 122-1371: Transient living accommodations in residential dwellings; regulations.



2. The sender site must maintain compliance with Section 122-1338(6), or the units and licenses must be transferred from a sender site that does comply with Section 122-1338(6).

- 3 . The applicant shall submit revised floor plans for 921 Windsor Lane to the Planning Director for review and approval consistent with all applicable standards associated with Chapter 122, Article 5, Division 6 (Transient Units), specifically to modify the floor plan to include not more than two rooms total, including bedrooms. Or, the transient unit/license from 1004 Eaton shall include more rooms to reflect the proposed layout at 921 Windsor Lane.

