

THE CITY OF KEY WEST PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Jordan Mannix-Lachner, Planner I

Meeting Date: January 18, 2023

Agenda Item: **Transfer of a Transient Unit and License** – A request to transfer two transient units and licenses from a sender site located at 1004 Eaton Street (RE# 00005290-000000) in the Historic Medium Density Residential district to a receiver site located at 1128-1130 Duval Street (RE# 00027950-000000) in the Historic Residential Commercial Core – 3 zoning district, pursuant to Section 122-1338, 122-1339, and 122-747 of the Land Development Regulations of the Code of Ordinance of Key West, Florida.

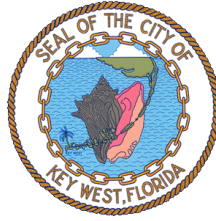
Request: A request to transfer two transient units and licenses from a guest house at 1004 Eaton Street to a mixed-use building at 1128-1130 Duval Street.

Property Owners: Sender Site: Key Endeavors, LLC
Receiver Site: Green Pineapple Holdings, LLC

Applicant: Owen Trepanier, Trepanier & Associates, Inc.

Sender Site Location: 1104 Eaton Street, HMDR Zoning District

Receiver Site Location: 1128-1130 Duval Street, HRCC-3 Zoning District

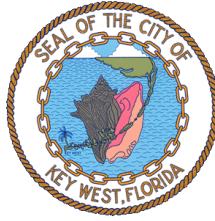


Sender Site – 1004 Eaton Street:

- 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 license. 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 recommended 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	

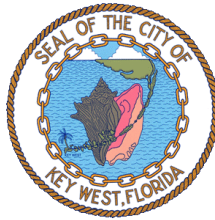
The table above illustrates a 300% increase in the total number of rooms associated with the transfer of the five transient units and licenses from 1004 Eaton Street.

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.

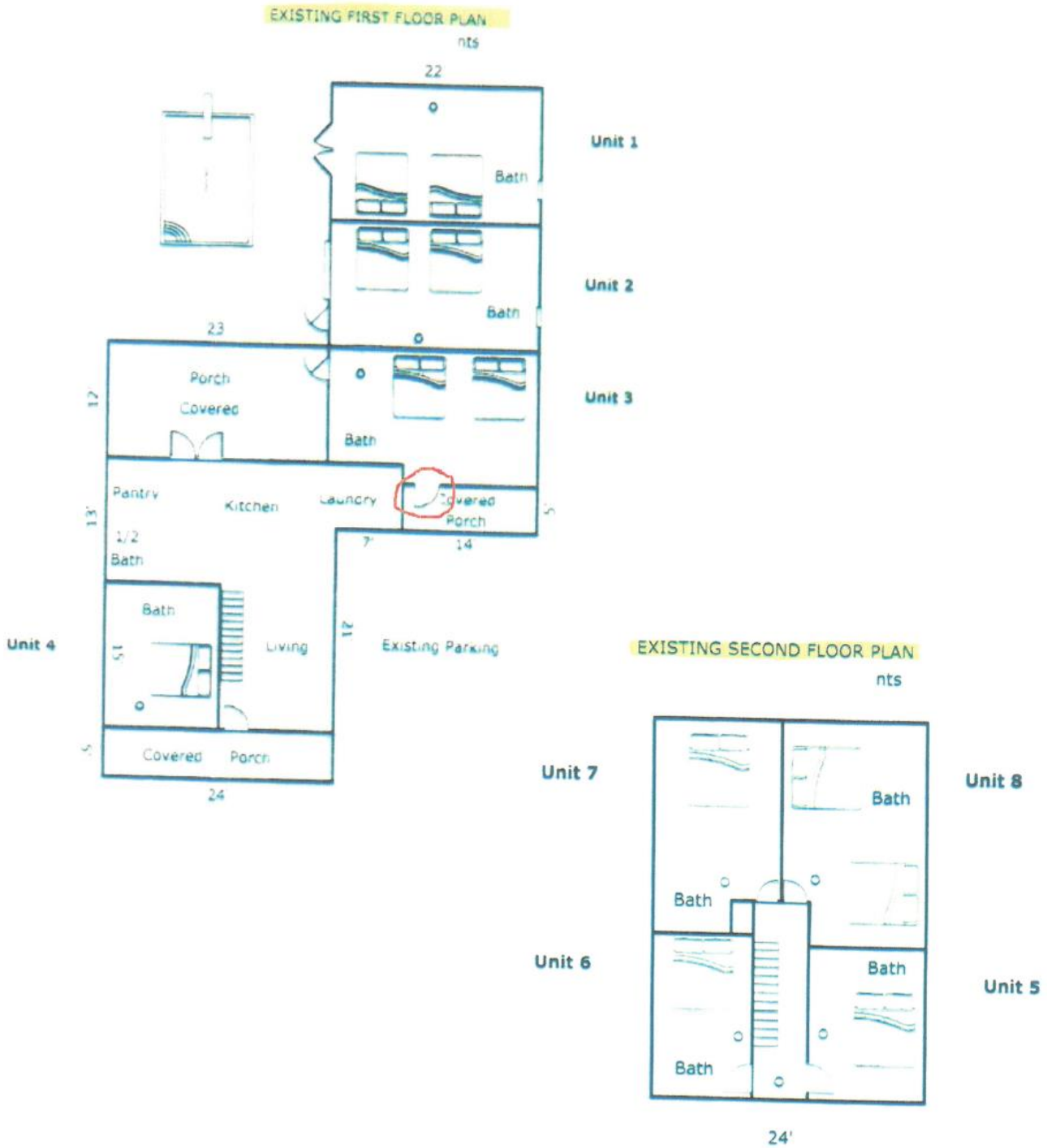
The number of rooms is calculated in accordance with Sections 122-1338(5) and (6), which stipulate that:

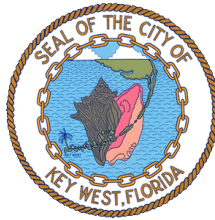
- The receiver site may not include more than two rooms excluding bathrooms and porches unless special circumstances exist.
- The sender site may not remodel or combine remaining transient units to increase the existing number of rooms.

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

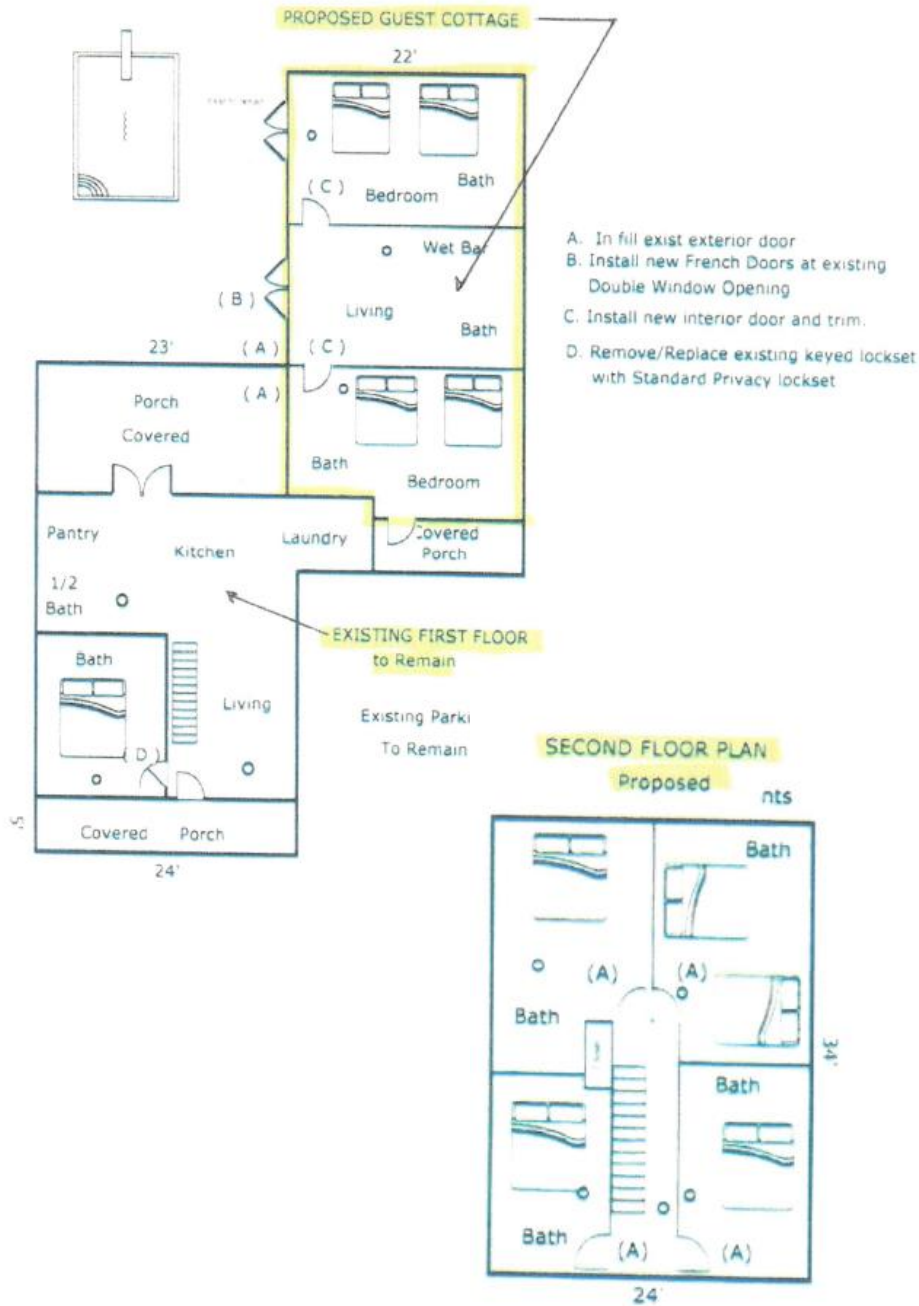


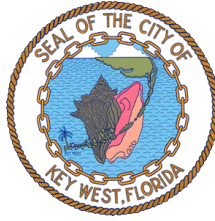
Sender site: Existing floor plans:





Sender site: Proposed floor plans:



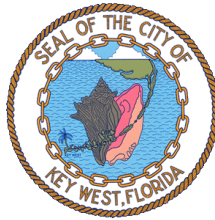


Receiver Site – 1128-1130 Duval Street

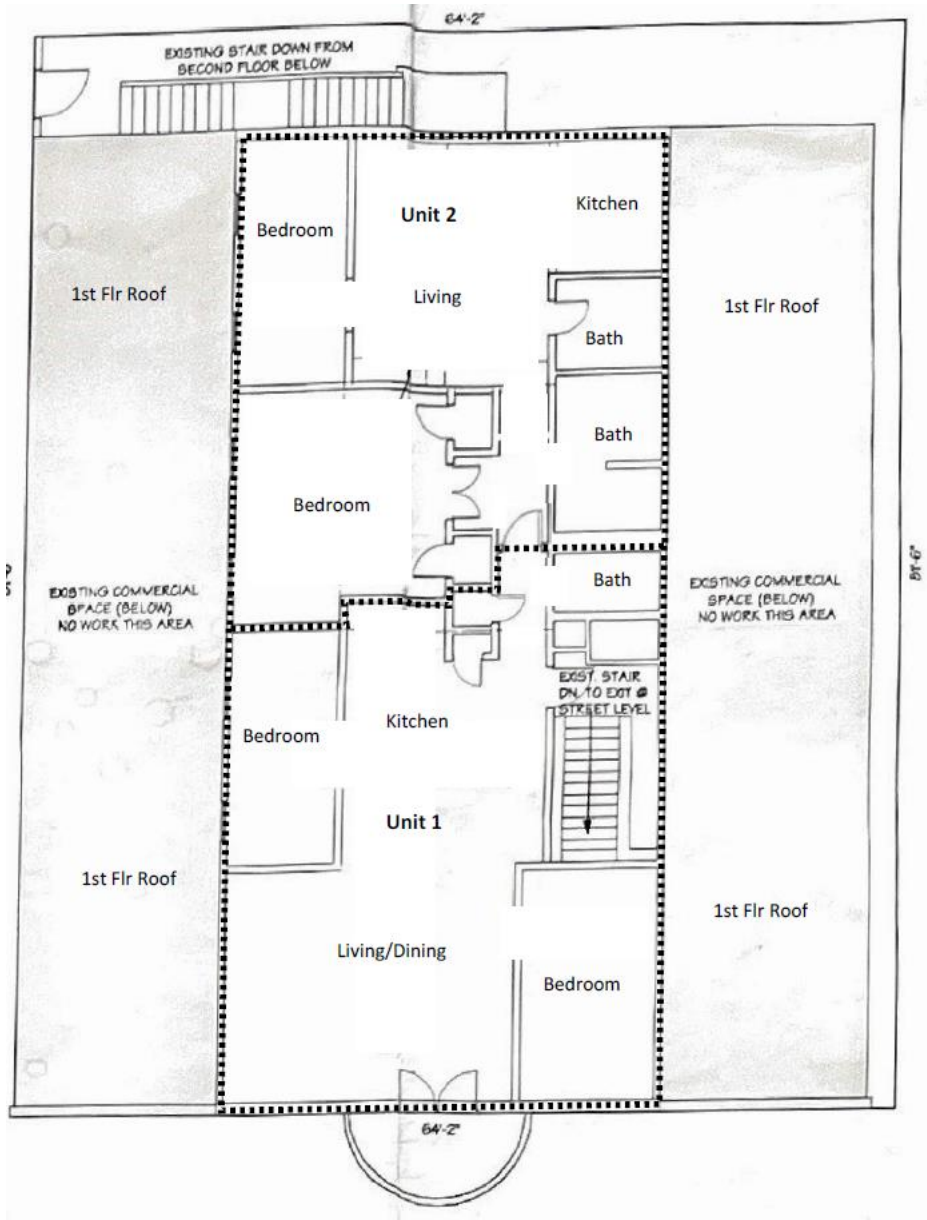


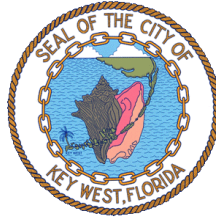
- The receiver site is a two-story building with retail on the first floor and a recognized dwelling unit on the second floor.
- It is located in the Historic Neighborhood Commercial Core – 3 zoning district, where transient use is permitted. The receiver site is immediately adjacent to a retail establishment to the north, and a retail establishment to the south.
- The applicant proposes to transfer two transient units and licenses. The applicant proposes to establish two, two-bedroom units at the receiver site, each with an open kitchen/living area for a total of three rooms per unit.
- The receiver site’s density is 2.6 units. The applicant proposes to utilize two transient units, and maintain the rights to the existing non-transient unit, although it will not be utilized at this time.

	Existing	Proposed
Density	2.6 units	
Non-Transient Units	1	1 (not utilized under proposed floor plans)
Transient Units	0	2 units
Rooms, Excluding Bathrooms	6	Unit 1: 3 Unit 2: 3 Total: 6



Receiver site floor plans:





Development Review Committee

Utilities Comments:

- **Parking Spaces:** Parking spaces back out onto the right-of-way where there is an existing wall/fence. To protect the existing wall/fence, please install bollard or equal.
- **Stormwater Management:** Swale adjacent to the existing tree may be adjusted to prevent impact to tree roots.
- **Sanitary Sewer:** Please coordinate sanitary sewer lateral location and connection to the public sewer system through the Utilities Department.
- **Solid Waste:** Locate solid waste on-site or seek an easement from the City.
 - **Applicant's response:** Solid waste receptacles will be stored on-site.

HARC Comments:

- **Solid Waste:** Store solid waste receptacles on property, or provide screening/buffering.
 - **Applicant's response:** Solid waste receptacles will be stored on-site.

Fire Department Comments:

- **Life safety:** Property must meet all life safety requirements for transient dwellings.

Process:

DRC Meeting:	November 30, 2023
Planning Board Meeting:	January 18, 2023
Local Appeal Period:	10 days
DEO Review Period:	Up to 45 days

Staff Analysis – Code Criteria

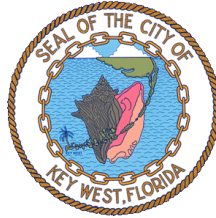
Section 122-1336: Staff has reviewed the proposal for conformance with Section 122-1336, which outlines the purpose of transient transfer provisions in the LDRs.

The subject request is **consistent** with Section 122-1336 in that it would:

- Remove legal nonconforming transient uses from districts that now prohibit them.
- Reduce noncomplying density at the sender site.

The subject request is **inconsistent** with Section 122-1336 in that it would not:

- Encourage permanent residential housing.
- Allow for redevelopment without increasing the population requiring evacuation during emergencies or increasing the need for other public services.



Section 122-1338: Staff has reviewed the proposal for conformance with Section 122-1338, which outlines criteria for the transfer of transient units and licenses.

- The request complies with subsections (1) through (4), and (7) through (10).
- The request does not comply with subsection (5), which provides that “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.” Both units at the receiver site are proposed to have two bedrooms and one common area/kitchen in each unit. Staff has not received any information related to special conditions at the receiver site.
- The request does not comply with subsection (6), which provides that any remodeled or combined transient units at the sender site may not increase the number of rooms. Each unit at the sender site currently contains one room, excluding bathrooms. The remaining transient units at the sender site are proposed as follows:
 - Unit 1 is proposed as a single-family dwelling utilized for transient purposes. It is proposed to include six rooms.
 - Unit 2 is proposed as a “guest cottage” with three rooms.
 - While the number of rooms is proposed to remain the same, the number of units and licenses is proposed to decrease by six.

Recommendation:

The proposed transfer of two transient units and license from 1004 Eaton Street to 1128-1130 Duval Street 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 pursuant to the conditions 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. Transferred units/licenses from 1004 Eaton shall include the same number of total rooms from sender site to the receiver site.