



THE CITY OF KEY WEST
PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Jim Singelyn, Acting Planning Director

From: Ben Gagnon, Planner II

Meeting Date: September 18, 2025

Agenda Item: **Transfer of Transient Unit and License – 525 Simonton Street (RE#00009240-000000) / 117 Duval Street (RE#00000530-000000)** – A request to transfer one transient unit and license from a sender site located at 525 Simonton Street in the Historic Neighborhood Commercial (HNC-1) zoning district to a receiver site located at 117 Duval Street in the Historic Residential Commercial Core (HRCC-1) zoning district, pursuant to Section 122-1338, 122-1339, and 122-687 of the Land Development Regulations of the Code of Ordinance of Key West, Florida.

Request: A request to transfer one transient unit and license from a residential house at 525 Simonton Street to a mixed-use building at 117 Duval Street.

Property Owners: Sender Site: Simonton MVI, LLC
Receiver Site: 117 Duval LLC

Applicant: Sender Site: Greg Oropeza
Receiver Site: Greg Oropeza

Sender Site 525 Simonton Street, HNC-1 Zoning District

Receiver Site 117 Duval Street, HRCC-1 Zoning District

Background:

The sender site is a multi-family property located in the Historic Neighborhood Commercial Zoning District (HNC-1). The site consists of a primary three-story home, with seven bedrooms, six on the first two floors and one on the third floor. The pool house in the rear of the property has four bedrooms but is not in question for this transfer.

Prior to 2022 the primary house was recognized for having two units, on the third floor was a three-bedroom apartment. In 2022 there was an interior conversion to remove two of the bedrooms and place the associated unit and license in 'no use' status with the City. This 'hanging' license and unit is what is proposed to be transferred to the sender site. Now the primary house is considered a single-family unit with seven bedrooms. Staff cannot confirm if the third floor 'wet bar' is compliant with code.

License #2022-000509 contains two transient rental units for 525 Simonton, License #2022-000510 lists the associated medallion numbers of #406 and #408 and finally License #2023-000393 has one listed as "TRANSIENT NO USE PERMITTED".

The receiver site is a two-story building with retail on the first floor and two recognized dwelling units on the second floor on a 6,102 square foot parcel. It is in the Historic Residential Commercial Core (HRCC-1) zoning district, where transient use is permitted. The receiver site is immediately adjacent to retail establishments on all sides.

The applicant proposes establishing two, three-bedroom units at the receiver site, each with an open kitchen/living area. The applicant proposes using one of their existing non-transient units and adding the proposed new transient unit and license. The existing non-transient is proposed to be held onto; however, Planning Staff would prefer the unit to be returned to the City's pool.

The receiver site has the density for 3 units.

Transient lodging is permitted at both the sender and receiver site locations.

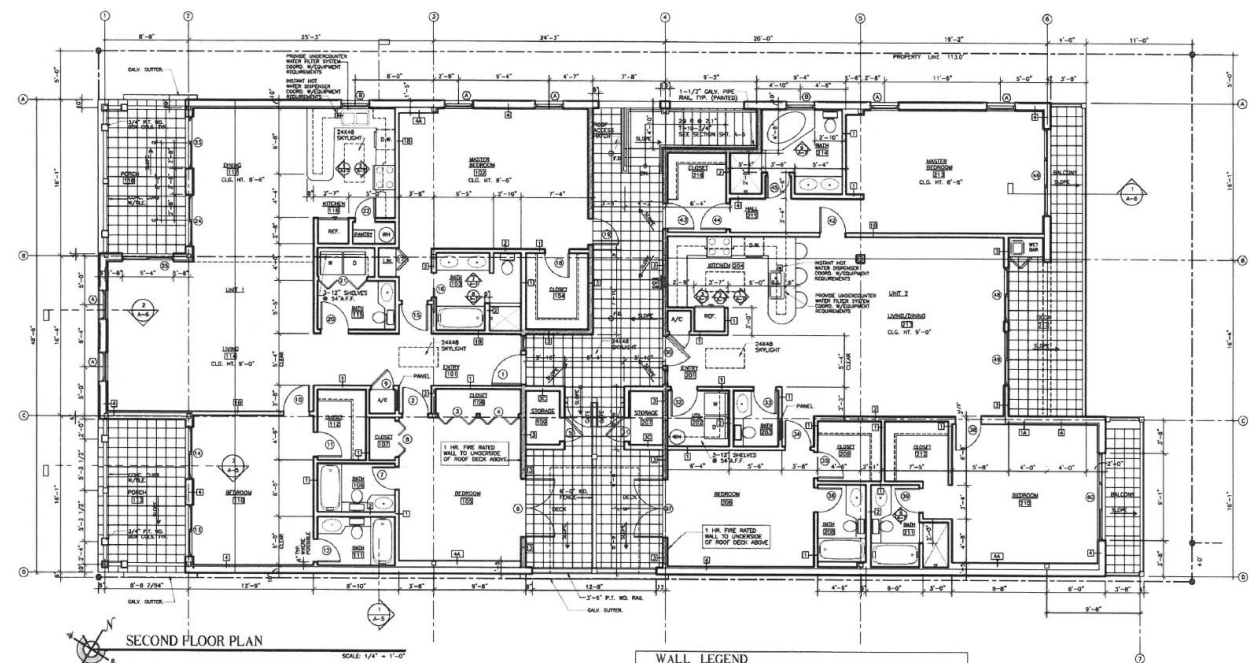
Sender Site:



Receiver Site – 117 Duval Street



Receiver site floor plans:



Development Review Committee

Fire Department Comments:

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

Process:

DRC Meeting:	July 24, 2025
Planning Board Meeting:	September 18, 2025
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 **inconsistent** with Section 122-1336 in that it would not:

- *“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.”*
- A non-transient will be removed at 117 Duval and no additional non transient is created at 525 Simonton.

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 three bedrooms and one common area/kitchen in each unit. Staff have 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. The 2022 conversion technically increased the number of rooms at the sender site – adding a whole additional floor to the transient license.

Recommendation:

The proposed transfer of one transient unit and license from 525 Simonton Street to 117 Duval Street is subject to Section 122-1338: Transfer of transient units. Based on a full failure to comply with subsections 5 and 6, the reduction of onsite permanent housing at 117 Duval Street, and failure to align with the purpose of section 122-1336, staff could not find that the project meets the necessary criteria.

Based on the criteria of Section 122-1338 outlined above, the Planning Department recommends the request for a transfer of one transient unit and license be **DENIED**. Should the board approve, staff recommends the following **conditions below**:

Conditions:

1. Layout of units and licenses at the sender site shall maintain consistency with those submitted with the application and in the staff report.
2. Floor plans of both units at the receiver site shall maintain consistency with those submitted with the application and in the staff report.
3. The applicant shall comply with the requirements of Section 122-1371: Transient living accommodations in residential dwellings; regulations.
4. If the transferee does not complete the purchase and sale of the transient licenses subject to this resolution within 90 days of the effective date of this resolution, the transfer and resolution shall be null and void and of no force or effect.