



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: February 20, 2025

Agenda Item: **Transfer of Transient Unit & License – 1004 Eaton Street (RE# 00005290-000000) to 512 Amelia Street (RE# 00027810-000000)**  
– A request for a transfer of one transient unit and license from a property located at 1004 Eaton Street in the Historic Medium Density Residential (HMDR) zoning district to property located at 512 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 an 8 unit, 4,020 square- foot property located at 1004 Eaton St, to an approximately 3,463 square-foot property located at 512 Amelia Street containing an existing 1,500 square foot one story residential home.

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Property Owners: Sender Site: Key Endeavors LLC  
Receiver Site: 512 Amelia LLC

Applicant: Trepanier & Associates



### Sender Site – 1004 Eaton Street:



### **Summary**

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 operated, until recently, as an 8-unit guesthouse. Several of the transient units and licenses associated with the original 8 guesthouse units have been transferred off-site through other transient unit and license transfers ("TULTs.") The sender site has been converted such that there now exists one five-bedroom transient unit and one two-bedroom transient unit.

This application proposes to transfer a remaining (currently unused) transient unit and license from the sender site to the receiver site at 512 Amelia Street. 512 Amelia Street is located in the Historic Residential Commercial Core-3 zoning district, where transient rentals are a permitted use.

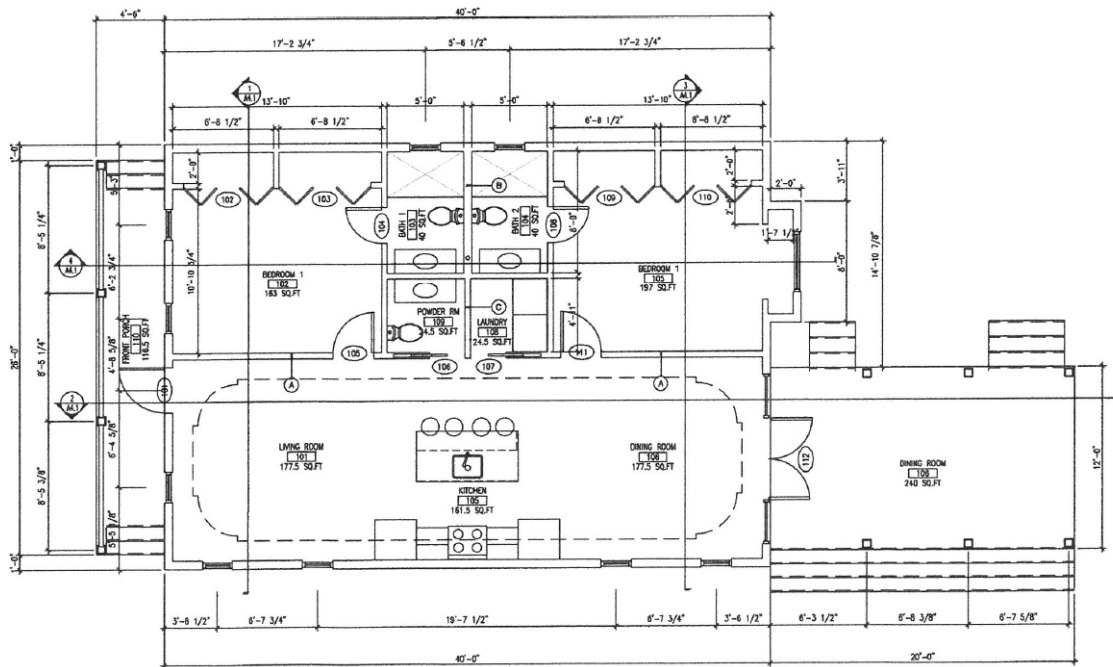
The maximum density for 512 Amelia Street is 22 units per acre. With a total site area of 3,463, the maximum number of dwelling units permitted on the site is 1 unit. The site currently contains one unit, recognized under the Building Permit Allocation System. The applicant proposes to transfer both a transient license and transient dwelling unit to the site. This would result in a site where there is only one physically existing dwelling unit, but two units that are recognized by BPAS. The second BPAS-recognized unit could not be utilized because of the density restrictions. 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. The applicant has declined to voluntarily release the second unit.



Receiver Site: 512 Amelia Street



Receiver site floor plan



1 FIRST FLOOR PLAN - SITE PLAN  
2.1 SCALE: 1/4"=1'-0"



### **Development Review Committee:**

This item was presented to the DRC on January 23<sup>rd</sup>. Planning Staff along with Matt Wilman, of the Utilities Department, advised that the existing BPAS-recognized dwelling unit be returned to the City for re-allocation.

### **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 1 more BPAS-recognized units 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.*

**The receiver site has more than two rooms, excluding bathrooms.**



*(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.*

**Does not comply.** At the sender site, the remaining transient units were remodeled to increase from one room each, to one 5-bedroom unit and one 2-bedroom unit.

*(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.**

*(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 proposed transfer of one transient unit and license from 1004 Eaton St to 512 Amelia 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 with conditions as detailed below:**

Conditions:

1. The proposed development shall be consistent with the existing floor plans dated April 3, 2017 by William Shepler & Associates Architecture.
2. The existing non transient unit at 512 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 document through the Planning Department.