



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 16, 2025

Agenda Item: **Transfer of Transient Unit & License – 1004 Eaton Street (RE# 00005290-000000) to 217 Eanes Lane (RE# 00017980-000000)** – 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 217 Eanes Lane 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 1,200 square-foot residential unit located at 217 Eanes Lane.

Property Owners: Sender Site: Key Endeavors LLC – Purchase Date: 4/30/2021
Receiver Site: Claude John Gardner Jr. – Purchase Date: 7/9/2024

Applicant: Oropeza, Stones & Cardenas, PLLC



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.
 - LIC2024-218 is in 'no use*' status, however the licensee name is 921 Windsor Lane LLC for a pending transfer to 921 Windsor Lane, approved last year by the Planning Board through resolution 2024-001.
 - LIC2024-504 is for four (4) more 'no use' transient units.
 - LIC2021-517 is for the two (2) transient guesthouse units currently utilized at 1004 Eaton Street.
 - *'No Use' status means the license is not currently tied to an active unit.*
- 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.
- The sender site functions as a one five-bedroom unit and one two-bedroom unit.



Receiver Site: 217 Eanes Lane



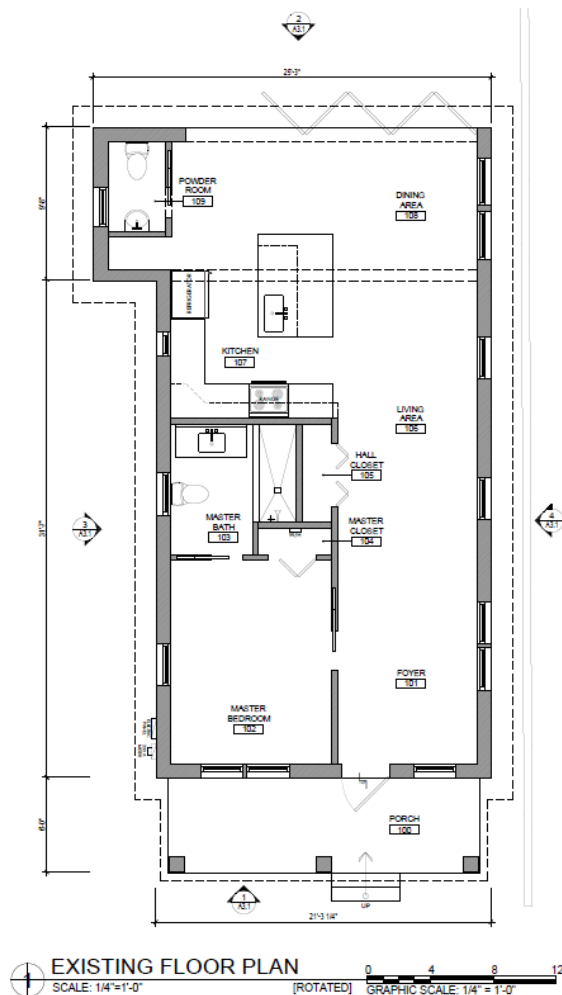
- 217 Eanes Lane, is an existing residential non transient property, zoned Historic Residential Commercial Core-3 (HRCC-3), which does allow for the operation of transient rentals.

	Existing	Proposed
Density	1.30 Units	
Non-Transient Units	1	0
Transient Units	0	1 Unit
Rooms, Excluding Bathrooms	2	No Change



Receiver site floor plan

First Floor:



Development Review Committee:

This item was presented to the DRC on November 21st. There were no notable concerns with the project that are applicable as the project has abandoned the plans for any exterior and interior renovations and will continue with the TULT from the sender into the existing receiver site with no further proposed changes.

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 122-1338 – Transfer of transient units.

(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.

Complies

(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.

Complies

(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.

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.

Staff found the project complies with the applicable sections to a reasonable degree under Section 122-1338.

Recommendation:

The proposed transfer of one transient unit and license from 1004 Eaton St to 217 Eanes 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 proposed development shall be consistent with the existing floor plans dated November 21, 2024 by A2O Architecture.