



THE CITY OF KEY WEST PLANNING
BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Scarlet R. Hammons, AICP CTP, The Corradino Group

Meeting Date: April 21, 2022

Agenda Item: **Transfer of a Transient Unit License** – A request to transfer one (1) transient unit license from 921 Center Street #3 (RE# 00017720-000300) the sender site, to a property located at 314 Duval Street (RE# 00004420-000000) the receiver site. The sender site is located within the Historic Neighborhood Commercial Truman/Simonton (HNC-1) zoning district and the receiver site is located within the Historic Residential Commercial Core - 1 (HRCC-1) zoning district, pursuant to Sections 122-807, 122-687, and Article V, Division 6, Transient Units of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request for the transfer of one transient license to convert one existing non-transient unit to a transient unit at 314 Duval Street located within the Historic Residential Commercial Core - 1 zoning district.

**Property Owners/
Applicants:** Jens & Inger Nielsen and Fred W. Tillman Living Trust 6/18/08

Location: 921 Center Street #3 (RE# 00017720-000300) and 314 Duval Street (RE# 00004420-000000)

Zoning: Historic Neighborhood Commercial Truman/Simonton (HNC-1) and Historic Residential Commercial Core – 1 (HRCC-1)





Street View of Both Sender and Receiver Sites

Background/Request:

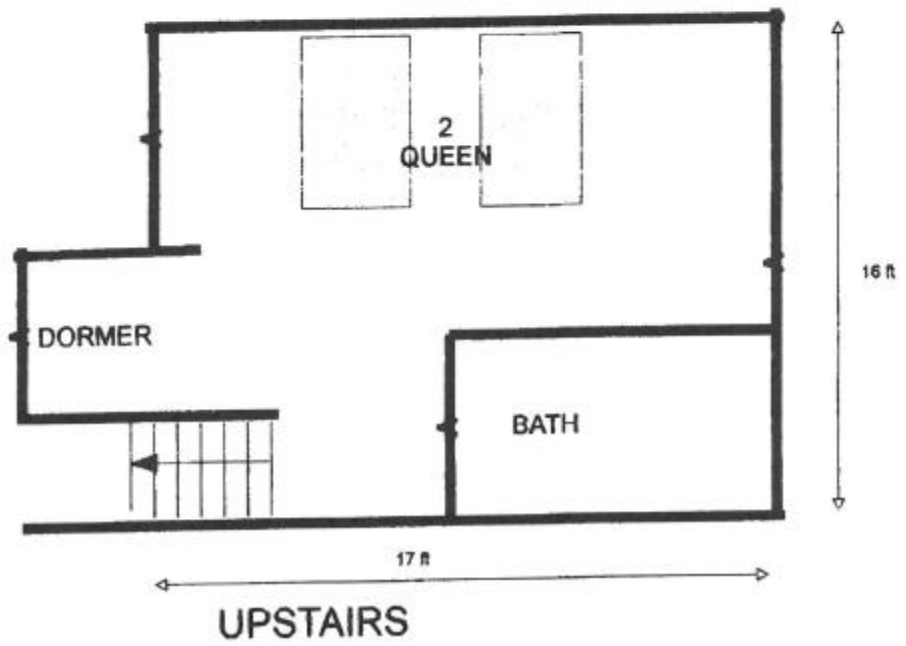
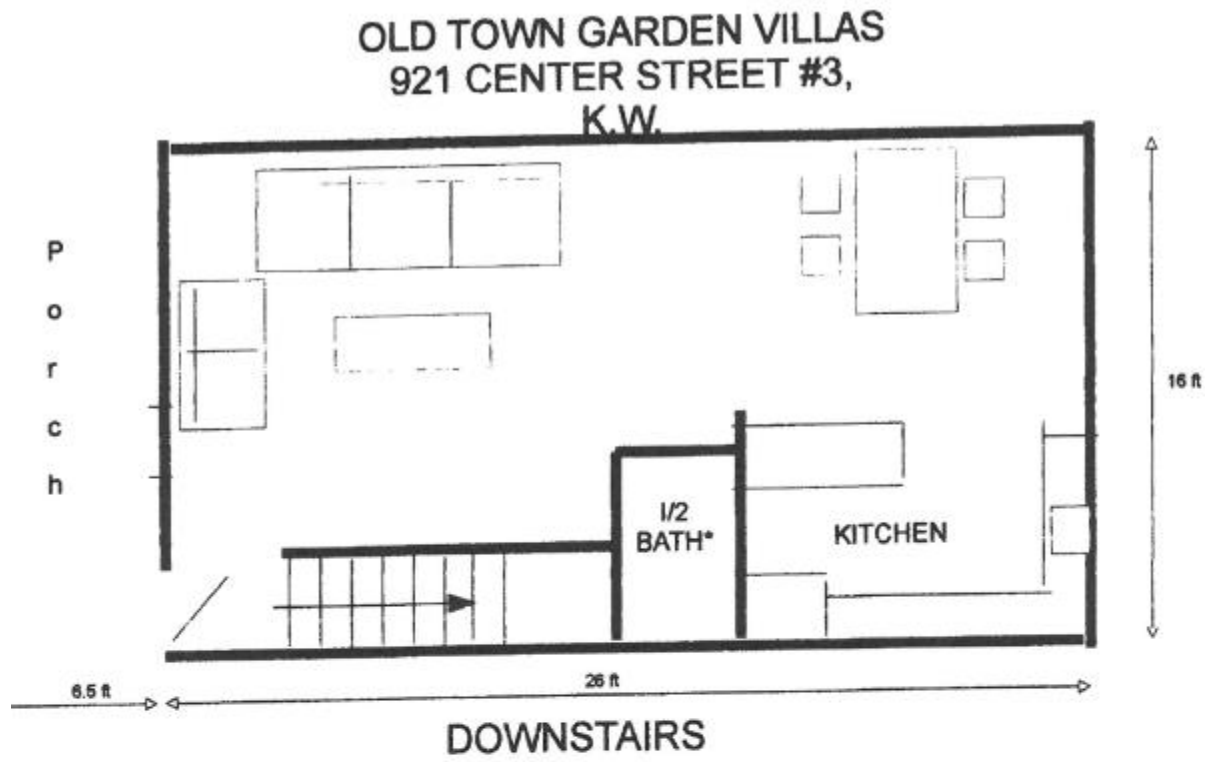
Sender Site:

921 Center Street #3 – One transient license currently is held by the owners of the existing condominium unit #3 in the “Old Town Garden Villas” who wish to transfer the license and convert the unit to a permanent residential dwelling. The existing building is residential and is more compatible with permanent residential uses, than with transient uses. Center Street is a mixed use street with some remaining non-transient residences and many transient rental properties. The overall density at “Old Town Garden Villas” consists of a total of 12 units on 0.3 acres, which exceeds the allowable density of 4 units (16 units per acre) in the HNC-1 zoning district.

Receiver Site:

314 Duval Street #5 – The property receiving the one transient license is currently operating with a mix of uses, including a restaurant with 150 seats and 9 non-transient rental units. The property received a Lawful Unit Determination in 2017, stating that 9 non-transient units existed. All 9 of the units have current business tax receipts with the City. The applicant is requesting to convert unit #5 into a 1,010 square foot transient unit, while the remaining 8 units would continue to operate as non-transient rentals. The existing mix of uses and zoning at the receiver site on Duval Street, the City’s main tourist corridor, are better suited for the transient rental unit that is proposed for this property.

Sender Unit Plan (688 S.F.), submitted by the applicant



Process:

Planning Board Meeting: April 21, 2022
Local Appeal Period: 10 days
DEO Review Period: Up to 45 days

Staff Analysis- Evaluation:

Section 122-1336 of the Land Development Regulations describes the purpose of the transient unit and/or transient license transfer. Transfers are to reduce noncomplying density, remove legal nonconforming transient units, encourage permanent residential housing, and allow for redevelopment without increasing population density, in addition to other goals.

The applicant's proposed transfer of one transient license from the 921 Center Street does not reduce noncomplying density. It would function to convert one transient unit to a non-transient unit on Center Street. There is no net impact on permanent residential housing, given one permanent housing unit on Duval will be extinguished while one formerly transient unit on Center Street will be established. This transfer would allow for a transient unit at the receiver site of approximately the same size. The receiver property is located in the HRCC-1 zoning district which allows transient use. The sender site zoning district, Historic Neighborhood Commercial Truman/Simonton (HNC-1), also allows for transient rentals (Code Section 122-807).

The transient license transfer of one transient license from the 921 Center Street to 314 Duval Street shall be reviewed by the criteria listed in Section 122-1339.

(a) A business tax receipt for transient use of a unit may itself be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit. In addition, licenses may be transferred from the HNC-1 and HNC-3 zoning districts. A transfer of a license under this section shall not result in a loss of affordable housing at the receiver site.

While transient uses are allowed in the HNC-1 zoning district, Section 122-1339 also specifically allows licenses to be transferred from the HNC-1 zoning district; this transfer complies. The subject receiver site, 314 Duval Street, is located in the HRCC-1 zoning district that allows transient lodging as a permitted use. The Transient Rental Transfer Location map show Duval Street in the "Permitted" area. The transfer of the license from 921 Center Street would not result in the loss of affordable housing at the receiver site, as it is not a deed restricted unit.

IN COMPLIANCE

(b) Where a license alone is transferred, the planning board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants.

The receiver site is suitable for transient use due to both the zoning district and with the current use as a restaurant and multi-family residential. The unit at 921 Center Street is a 688 S.F. two-level townhouse consisting of one-bedroom with one and a half bathrooms. The proposed unit to be converted to a 1,010 S.F. transient rental at 314 Duval Street also would consist of one bedroom and two bathrooms. The room configurations of both sites would maintain approximately the same number of occupants.

IN COMPLIANCE

Recommendation:

The proposed transfer of one transient license to the receiver site of 314 Duval Street is subject to Section 122-1339. The proposal meets the required criteria in order for the transfer to be approved. The Planning Department recommends the request for a transfer of one transient license be **Approved**.

The Planning Department requests the following conditions of approval:

1. The applicant at 314 Duval Street shall add one transient business tax receipt for a total of 1 transient and 8 non-transient receipts.
2. The applicant at 314 Duval Street will convert unit #5, and no other unit to a transient unit.
3. Per Section 122-1336, an inspection will be scheduled to demonstrate that the transient use at the sender site has been extinguished. No future transient license shall be permitted at 921 Center Street Unit #3. The inspection shall occur prior to the issuance of a Certificate of Occupancy and prior to a transient medallion issuance for 314 Duval Street Unit #5.