

**RESOLUTION NUMBER 2009-024**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A TRANSIENT RESIDENTIAL BUSINESS TAX RECEIPT TRANSFER FROM PROPERTY LOCATED AT 409 WILLIAM STREET (RE# 00005880-000000) TO PROPERTY LOCATED AT 519 DUVAL STREET (RE#00009690-000000) & 522 BAHAMA STREET (RE#00009740-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sections 122-1336 through 122-1339 of the Code of Ordinances provide for the transfer of transient residential units and related transient business tax receipts; and

**WHEREAS**, Section 122-1339 (a) of the Code of Ordinances allows a transient business tax receipt to be transferred from an area where transient residential uses are prohibited to a receiver site allowing that use without the accompanying transfer of the residential unit; and

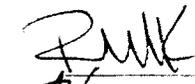
**WHEREAS**, Section 122-1339 (b) requires that the planning board consider the relative size of the unit from which the license is transferred and the room configuration of both sites to maintain approximately the same or less net number of occupants; and

**WHEREAS**, the transient residential use at the sender site is a legal non-conforming use and a permitted use at the receiving site; and

**WHEREAS**, both sender and receiver sites are of the same relative size; now therefore,

**BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

 Chairman  
 Planning Director

Please see attached plans.

**Section 2.** That a transfer of a transient residential business tax receipt, pursuant to Section 122-1339 of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: ALLOWING A TRANSFER OF SIX TRANSIENT RESIDENTIAL BUSINESS TAX RECEIPTS FROM PROPERTY LOCATED AT 409 WILLIAM STREET (RE#00005880-000000) TO PROPERTY LOCATED AT 519 DUVAL STREET (RE#00009690-000000) & 522 BAHAMA STREET (RE#00009740-000000) with the following conditions per attached plans:

- No tenant, guest, owner, visitor, licensee, or occupant of the Receiver Sites units, or either of them, shall park in the parking lot owned by Mulberg, Ltd. (or its successors and assigns, collectively "Mulberg"), which parking lot is located at 518 Bahama Street, to the north of the Receiver Site, without the express written consent of Mulberg. This condition shall run with the land and otherwise be enforceable in accordance with Section 122-63(f) of the City of Key West Land Development Regulations. This condition shall be liberally construed against the owner(s) of the Receiver Sites to effectuate its purpose, i.e. to prevent tenants, guests, owners, visitors, licensees, and/or occupants from parking in the Mulberg lot.
- The applicant will advise the occupants of premises in writing that this is a residential neighborhood.
- Applicant will use their best efforts to contain noise on the property.

**Section 3.** Full, complete, and final application for all licenses and permits required for which this resolution is wholly or partly necessary, shall be submitted in their entirety within 12 months after the date hereof.

**Section 4.** This transfer of a transient residential business tax receipt does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 5.** This Resolution shall go into effect immediately upon its passage and adoption

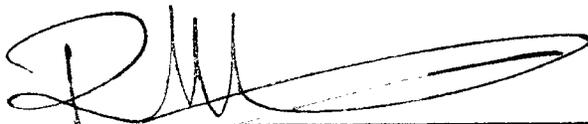
 Chairman  
 Planning Director

and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 18th day of June, 2009.

Authenticated by the Chairman of the Planning Board and the Planning Director.

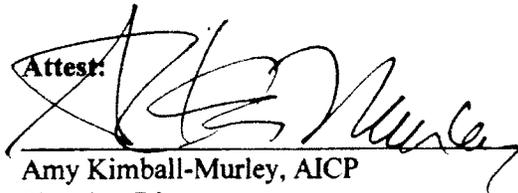


Richard Klitenick, Chairman

JUNE 23, 2009

Date

Attest:



Amy Kimball-Murley, AICP  
Planning Director

June 23 2009

Date



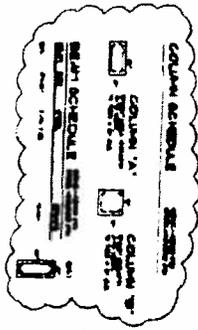
Richard Klitenick, Chairman  
Amy Kimball-Murley, Planning Director

Filed with the Clerk:

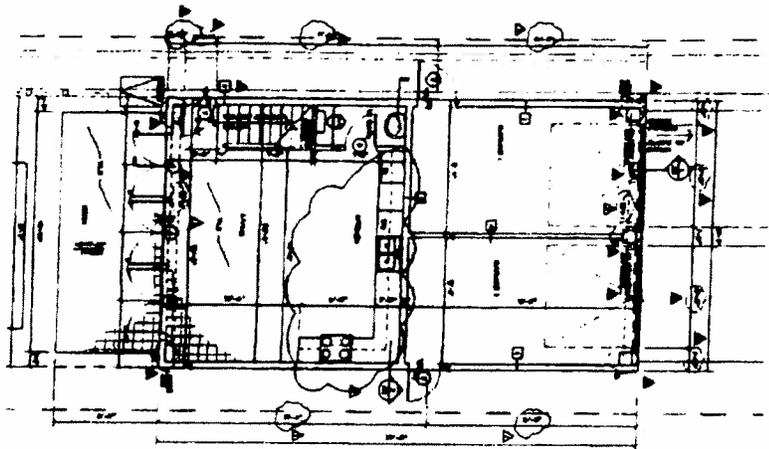
Cheryl Smith  
Cheryl Smith, City Clerk

6-23-09  
Date

RMK Chairman  
Alley Planning Director



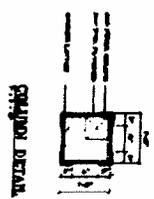
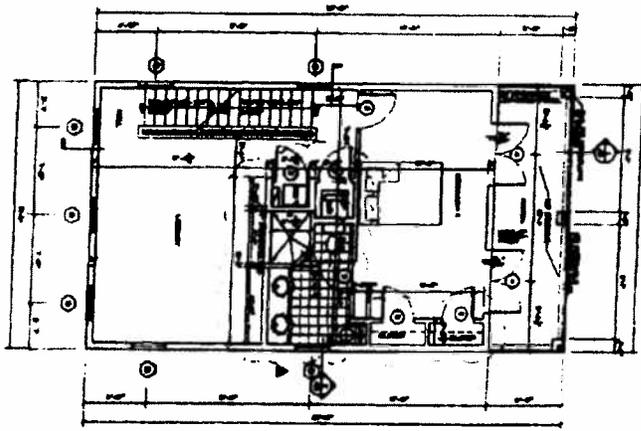
Floor Plan



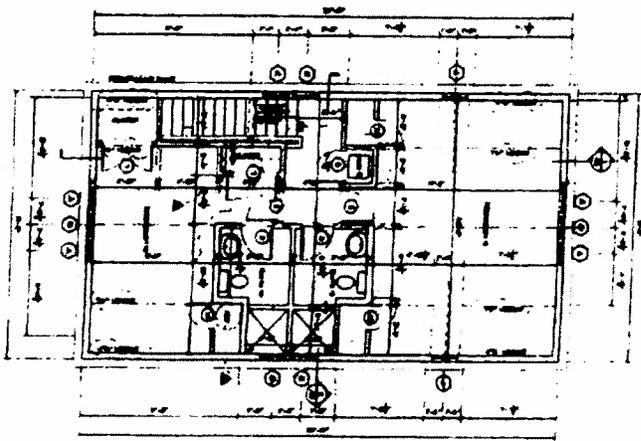
Notes:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.

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Second Floor Plan



Third Floor Plan



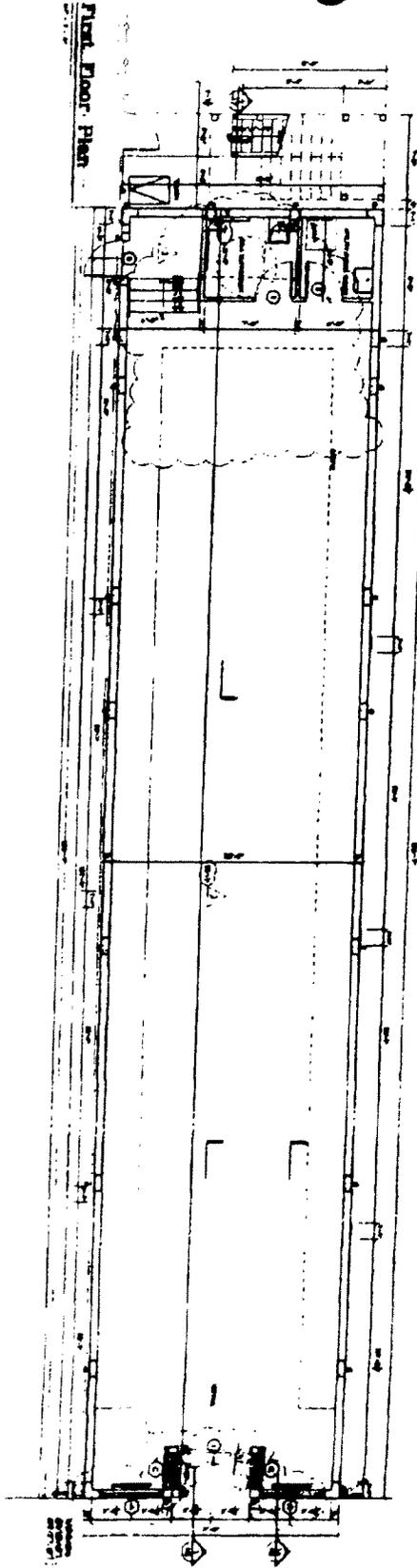
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Acton*

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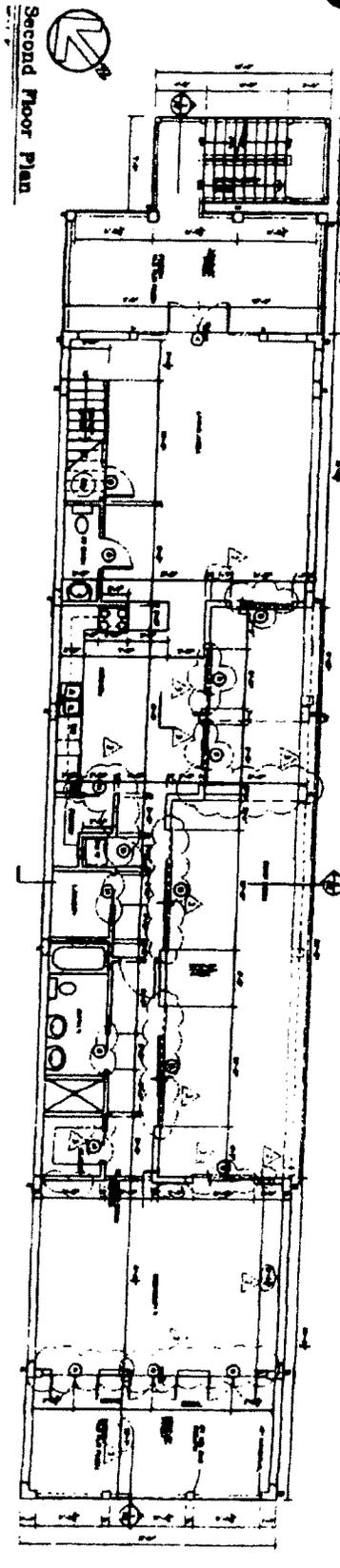
THOMAS E. POPE, P.A. ARCHITECT  
7009 Shrimp Road, Key West, FL (305) 298 3811

522 Bahama  
519 Duval Street Key West, FL

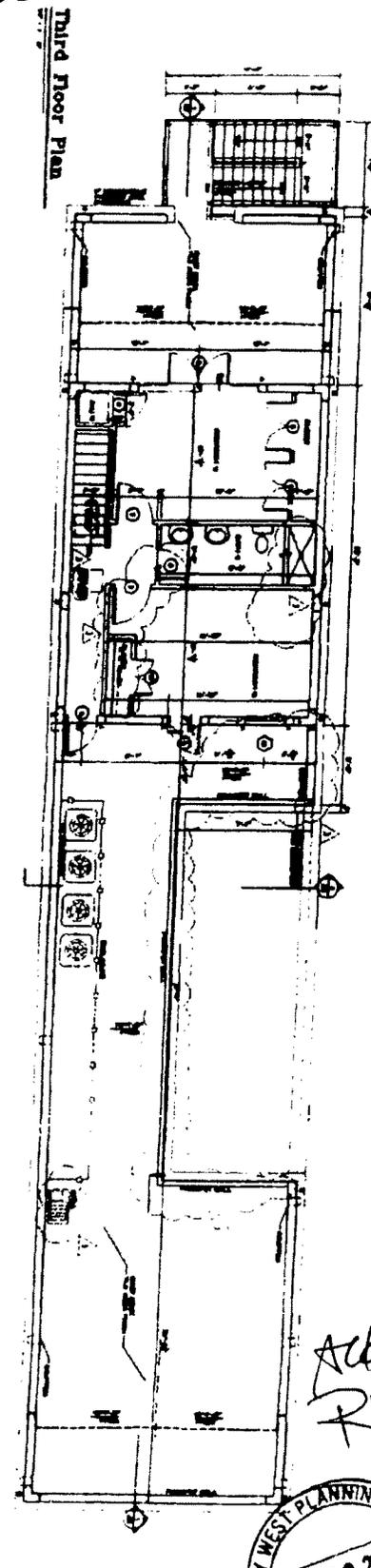




First Floor Plan



Second Floor Plan



Third Floor Plan

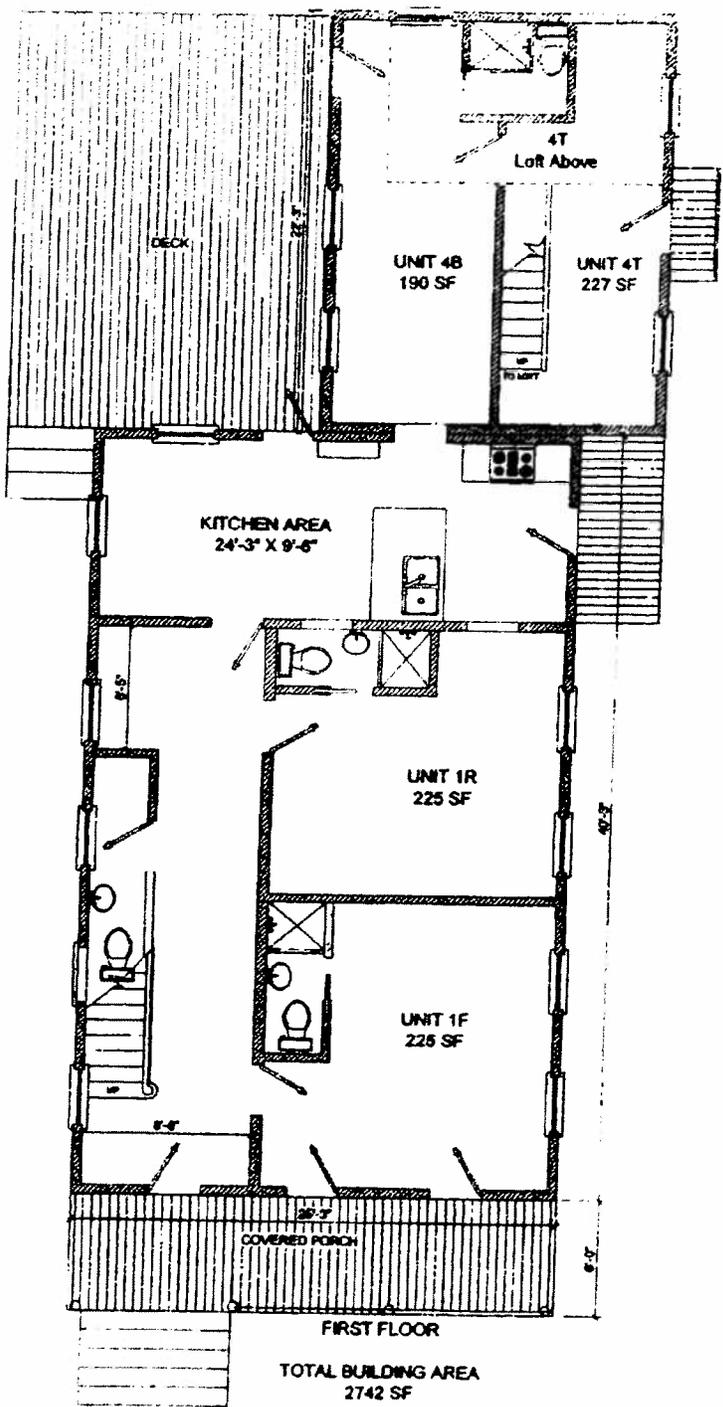
*Actual  
RUMK*

**A1**

**THOMAS E. POPE, P.A. ARCHITECT**  
7000 Shrimp Road, Key West, FL (305) 298 3811

519 Duval  
519 Duval Street Key West, FL

KEY WEST PLANNING DEPT  
MAY 28 2009  
MONROE



ACK  
RUK

Drawing accuracy is +/- 3 inches but measurements and building layout are not warranted and must be verified



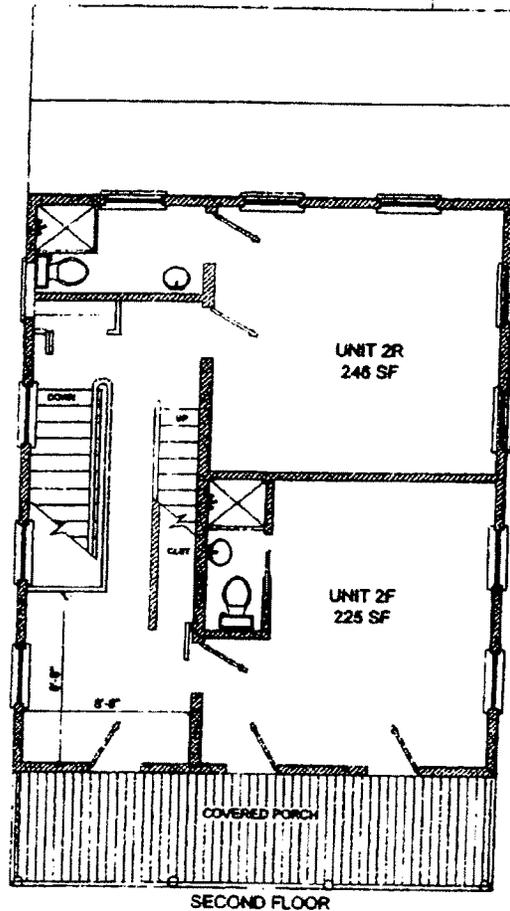
Bascom Grooms Real Estate

**Whispers Bed and Breakfast**  
Key West, FL

Bascom Grooms  
305-295-7511

Drawn by  
Dimensions Plus  
305-294-8914

Page 1 of 3



Allen  
Runk

Drawing accuracy is +/- 3 inches but measurements and building layout are not warranted and must be verified



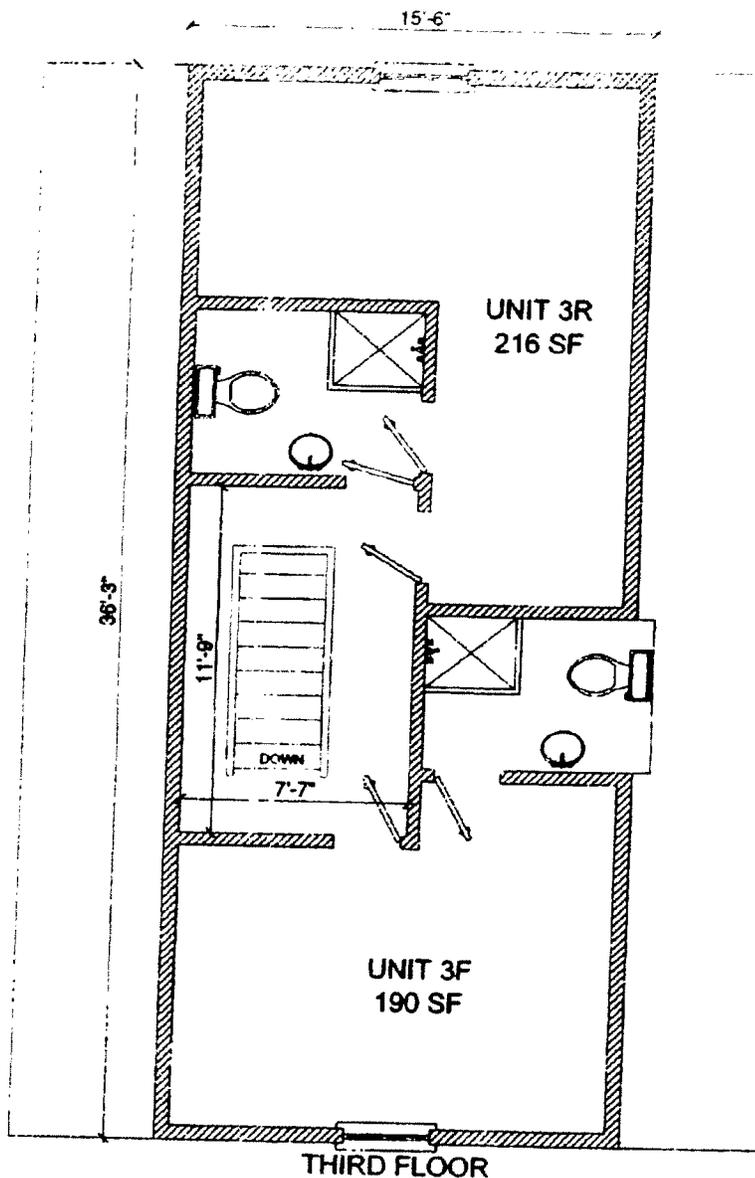
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*Alan  
Runk*

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Bascom Grooms Real Estate

**Whispers Bed and Breakfast  
Key West, FL**

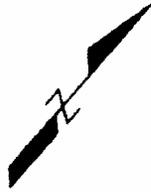
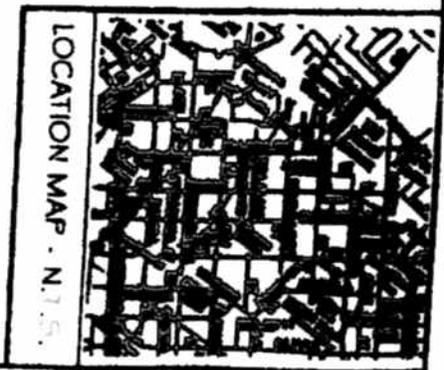
**Bascom Grooms  
305-295-7511**

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409 William St.

# MAP OF BOUNDARY SURVEY PART OF LOT 3, SQUARE 34 WILLIAM A. WHITEHEAD'S MAP OF KEY WEST

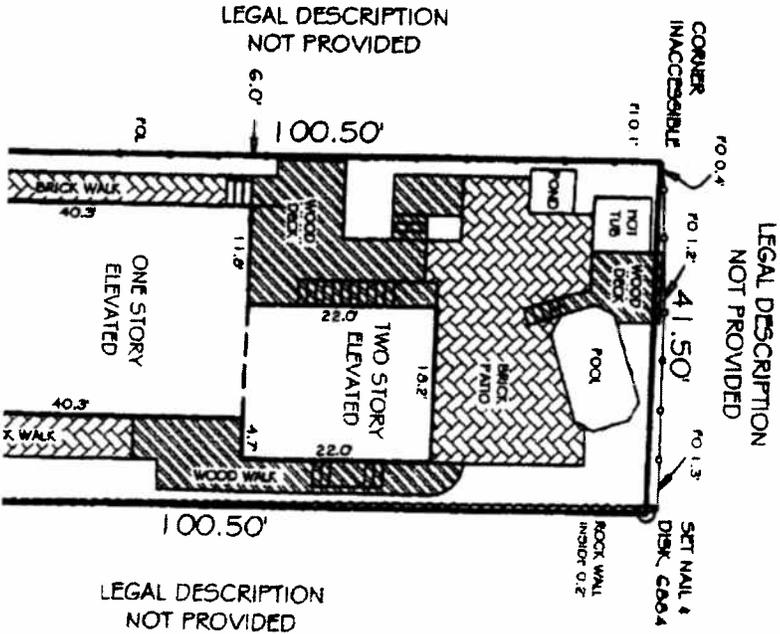


SCALE: 1" = 20'

BEARING BASE:  
DERIVED FROM PLAT

ALL ANGLES DEPICTED  
ARE 90 DEGREES UNLESS  
OTHERWISE INDICATED

ADDRESS:  
409 WILLIAM STREET  
KEY WEST, FL  
33040



*Rulk  
Alban*