RESOLUTION NUMBER 2009-044

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A TRANSFER OF FOUR TRANSIENT UNITS AND ASSOCIATED TRANSIENT BUSINESS TAX RECEIPTS, THREE FROM PROPERTY LOCATED AT 807-811 WASHINGTON STREET (RE# 00037820-000000, 00037850-000000, 000378400-000000) AND ONE FROM PROPERTY LOCATED AT 1111 DUVAL STREET (RE# 00027670-000100) TO PROPERTY LOCATED AT 512-524 EATON STREET (RE#00006500-000000 & 00006500-000100), 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 units and 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 uses are prohibited to a receiver site without the accompanying transfer of the 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 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

Section 2. That a transfer of a transient 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 FOUR TRANSIENT UNITS AT 0.58 ESFU AND ASSOCIATED BUSINESS TAX RECEIPTS, THREE FROM PROPERTY LOCATED AT 807-811 WASHINGTON STREET (RE# 00037820-000000, 00037850-000000, 000378400-000000) AND ONE FROM PROPERTY LOCATED AT 1111 DUVAL STREET (RE# 00027670-000100)) TO PROPERTY LOCATED AT 512-524 EATON STREET (RE#00006500-000000 & 00006500-000100), PER THE ATTACHED PLANS with the following conditions:

- That the Major Development Plan enabling these uses is approved and remains in effect; and
- That the variances to dimensional requirements for the Major Development Plan are approved and remain in effect; and
- Only four transient units are allowed through this transfer. Lock-outs are specifically prohibited.

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 its entirety within 12 months after the date hereof.

Section 4. This transfer of a transient 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 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

_____ Chairman

_____ Planning Director

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 10th day of November, 2009. Authenticated by the Chairman of the Planning Board and the Planning Director.

11/23/09

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

11/23/09

Amy Kimball-Murley, AICP
Planning Director

Date

Filed with the Clerk:

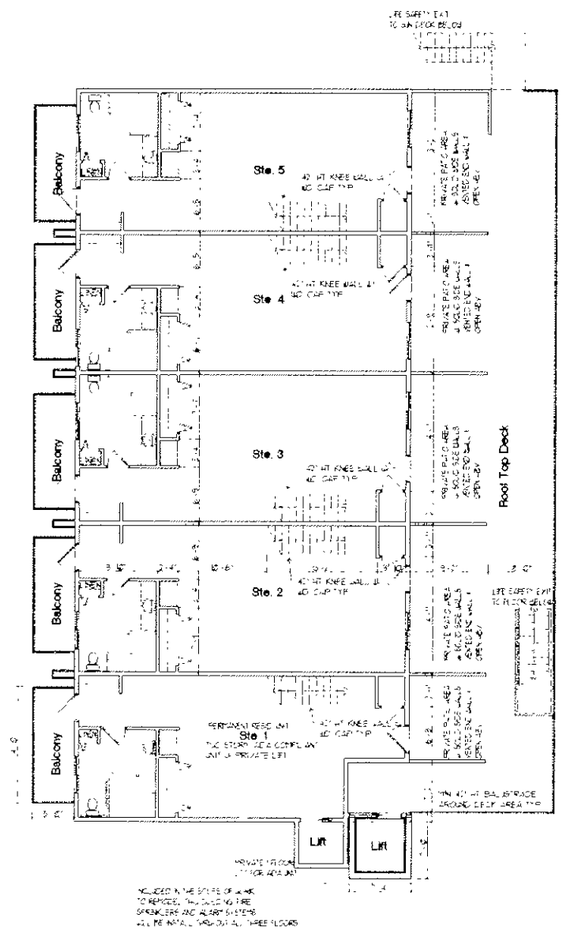
11-23-09

Cheryl Smith, City Clerk

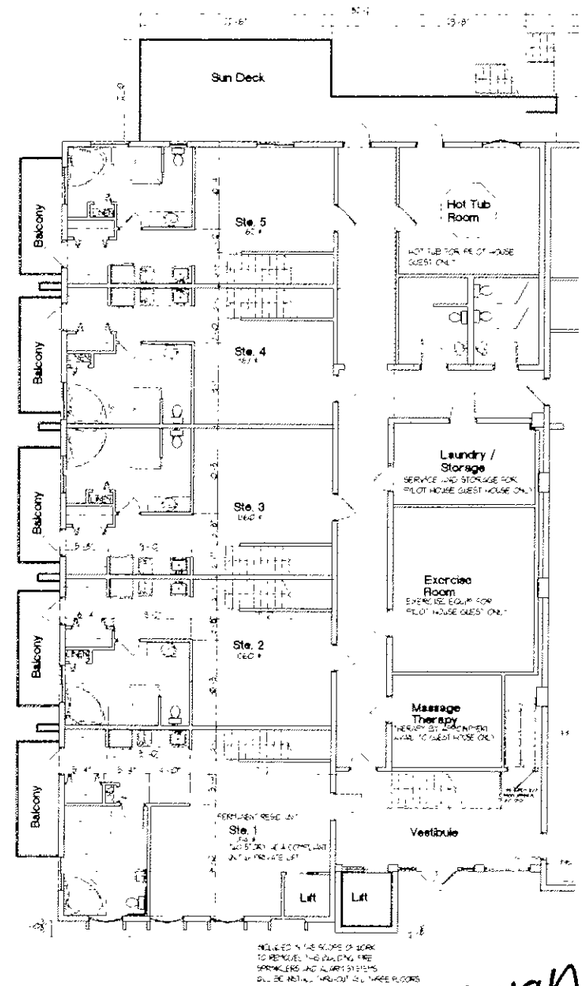
Date

_____ Chairman

_____Planning Director



PROPOSED THIRD FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

Adam Rink

C. DAVIS CONSTRUCTION, INC.

EATON STREET LOFTS
Owner: Lynn Kephart
512-524 Eaton St.
Key West, FL 33040

DEMO PLAN

A-0.3