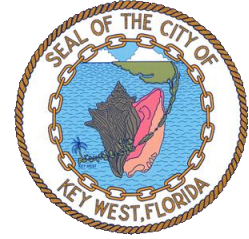


**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

From: Melissa Paul-Leto, Planner Analyst

Through: Thaddeus Cohen, Planning Director

Meeting Date: January 21, 2016

Agenda Item: **Variance Extension – 3930 South Roosevelt Boulevard (RE # 00066180-000400; AK # 8781644)** – A request for an extension to variances granted in Resolution No. 2014-07 located within the High Density Residential (HDR) Zoning District pursuant to Section 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

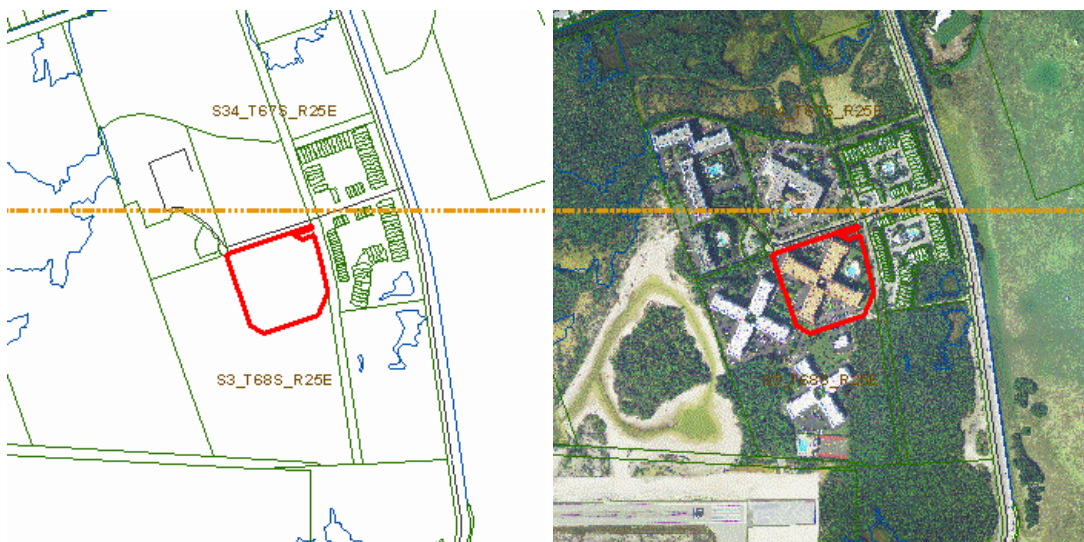
Request: A 1st time request for an extension to variances granted for minimum open space and maximum impervious surface ratio requirements in order to construct a community and fitness center building.

Applicant: Gregory Oropeza, Smith | Oropeza, P.L.

Property Owner: Las Salinas Condominium Association, Inc.

Location: 3930 South Roosevelt Boulevard (RE # 00066180-000400, AK # 8781644)

Zoning: High Density Residential (HDR)



Background:

The property, which is located near the corner of Seaside Drive and South Roosevelt Boulevard, is comprised of the 216-unit Las Salinas Condominium. The above location was granted variances to maximum impervious surface and minimum open space by the Planning Board on January 23, 2014 through Resolution No. 2014-07. The variances granted became effective in October of 2014 concurrent with the expiration date of the DEO appeal period.

The applicant submitted on November 16, 2015, a request for a 12 month extension to the variances granted. This one-year extension to the expiration of the variances approval will allow the necessary time needed to complete the bidding and construction process.

City Actions:

Development Review Committee Meeting:	November 15, 2013
Planning Board Meeting:	January 23, 2014 Resolution No.2014-07
Planning Board Meeting:	January 21, 2016

Factors for review of the Extension include the following:

- 1. The applicant submitted the request for the Extension prior to the variance approval expiration.**
The applicant submitted a request for the Variance Extension on November 16, 2015, prior to the expiration of the Variance approval.
- 2. The applicant has submitted reasonable cause for the Extension.**
The applicant has requested the extension in order to complete bidding and construction process.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for Variance Extension be approved without modification to original conditions.

SMITH | OROPEZA | HAWKS
ATTORNEYS AT LAW

VIA HAND DELIVERY

November 16, 2015

Thaddeus Cohen, Planning Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

RE: REQUEST FOR EXTENSION: Community and Fitness Center Addition at Las Salinas Condominium – 3930 South Roosevelt Boulevard, Key West, Florida 33040

Dear Mr. Cohen,

On January 27, 2014 Las Salinas Condominium Association (“Las Salinas”) obtained a variance pursuant to Planning Board Resolution #2015-07 for relief from the requirements related to open space and impervious surface ratio, a copy of the resolution is attached hereto (“Variance”). Due to delays in final project design and the construction bidding process which must be followed by the Association, the Association has not been able to initiate the work in the allotted period of time permitted by the Variance.

The Association respectfully requests a one (1) year extension to the current Variance to allow the necessary time needed to complete the bidding and construction process. It is noteworthy that another reason for the delay was due to construction efforts and finances being devoted to the replacement of the fire pump which services the four surrounding residential developments; which sits on Las Salinas property and is maintained by Las Salinas. Through great efforts made by Las Salinas the pump replacement has been completed and finances as well as construction efforts can now shift to completion of the work authorized by the Variance.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely,



Gregory S. Oropeza, Esq.
For the Firm

**PLANNING BOARD
RESOLUTION NO. 2014-07**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS VARIANCES TO MINIMUM OPEN SPACE RATIO AND MAXIMUM IMPERVIOUS SURFACE RATIO ON PROPERTY LOCATED AT 3930 SOUTH ROOSEVELT BOULEVARD (RE # 00066180-000400, AK # 8781644) IN THE HIGH DENSITY RESIDENTIAL (HDR) ZONING DISTRICT PURSUANT TO SECTIONS 108-346(B) AND 122-330(4)B. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA


WHEREAS, the applicant proposes to construct a new 1,501 square foot community center building on property located at 3930 South Roosevelt Boulevard (RE # 00066180-000400, AK # 8781644); and


WHEREAS, the property is currently nonconforming to the maximum density, maximum height, maximum impervious surface ratio, minimum side setback, minimum rear setback and minimum street side setback within the High Density Residential (HDR) Zoning District, as well as the minimum open space ratio for residential uses; and

WHEREAS, Section 108-346(b) of the City of Key West (the "City") Land Development Regulations (the "LDRs") provides that the minimum open space ratio for residential uses is 35%; and

WHEREAS, Section 122-330(4)b. of the City LDRs provides that the maximum impervious surface ratio is 60%; and

WHEREAS, the proposed open space ratio is 24.8% and the proposed impervious surface





Acting Chairman
Planning Director

ratio is 75.2%; and

WHEREAS, the applicant requests variances to these proposed non-conformities; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 23, 2014; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and



WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

 Acting Chairman
 Planning Director

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

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

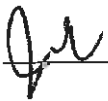

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for variances to allow the construction of a community center building per the attached plans dated November 14, 2013 by James C. Reynolds, P.E., on property located at 3930 South Roosevelt Boulevard (RE # 00066180-000400, AK # 8781644) in the HDR Zoning District pursuant to Sections 108-346(b) and 122-330(4)b. of the City of Key West Land Development Regulations with the following conditions:

Conditions required to be completed prior to the issuance of a building permit:

1. The applicant shall obtain approval of a stormwater management plan and a landscape plan.

Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

 Acting Chairman
 Planning Director

2. One additional ADA-accessible parking space shall be provided in order to fully comply with City Code Section 108-650.

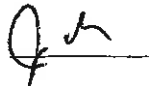

Section 3. It is a condition of these variances that full, complete and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do 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 6. 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.

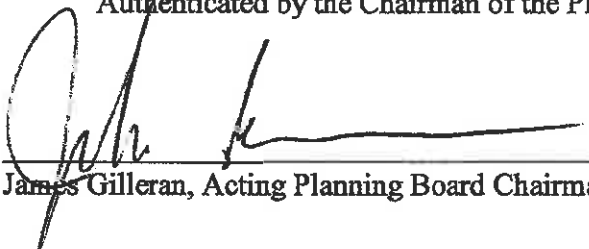
Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity, Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not

 _____ Acting Chairman
 _____ Planning Director

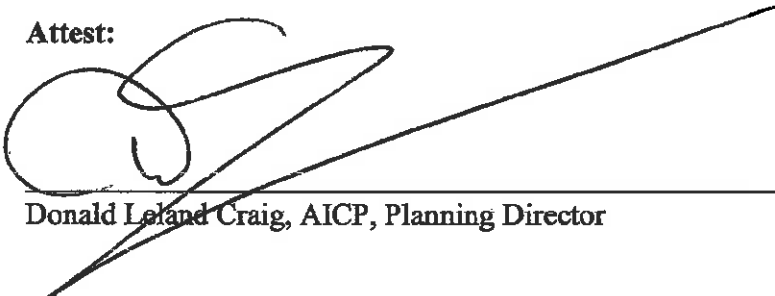
effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and 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 regularly scheduled meeting held this 23rd day of January, 2014.

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




James Gilleran, Acting Planning Board Chairman _____ Date

Attest:


Donald Leland Craig, AICP, Planning Director _____ 1-27-14 Date

Filed with the Clerk:


Cheryl Smith, City Clerk _____ 1-27-14 Date

 _____ Acting Chairman
 _____ Planning Director



COMMUNITY CENTER PLANNING

3930 SOUTH ROOSEVELT BOULEVARD
KEY WEST, FLORIDA 33040
LAS SALINAS CONDOMINIUMS

DESIGN INFORMATION - LDR REQUIREMENTS

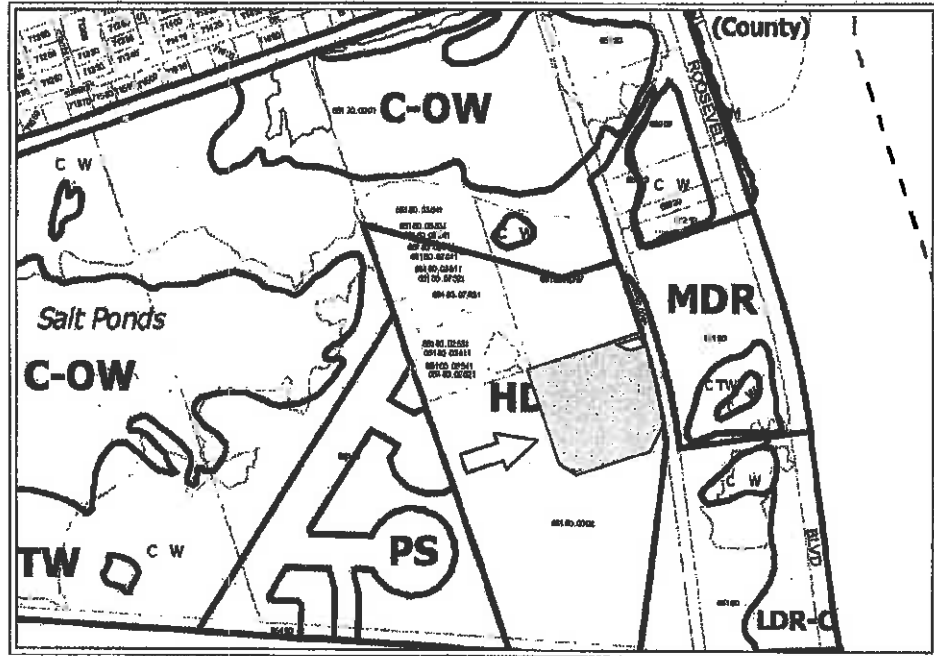
SITE DATA TABLE:	CODE:	EXISTING:	PROPOSED:	VARIANCE:
LAND USE ZONE	HDR	HDR	HDR	N/A
FLOOD ZONE	AE (EL 9)	EL 9	EL 9	N/A
SITE AREA	1 ACRE (MIN)	197763.21 SF	197763.21 SF	NO CHANGES
HEIGHT LIMIT	40'-0"	43'-4"	43'-4"	NO CHANGES
FRONT SETBACK	30'-0"	37'-5"	30'-0"	NONE
SIDE SETBACK	7'-0"	24'-10"	24'-10"	RD CHANGES
REAR SETBACK	25'-0"	N/A	N/A	N/A
STREET SETBACK	25'-0"	24'-8"	24'-8"	NO CHANGES
REAR SETBACK	25'-0"	12'-10"	12'-10"	NO CHANGES
F.A.R.	N/A	N/A	N/A	N/A
BUILDING COVERAGE	40%	34.74%	35.50%	NONE
IMPERVIOUS COVERAGE	60%	74.55%	75.24%	YES
PARKING	2 / DU	265	265	NO CHANGES
HANDICAP PARKING	7	6	6	NO CHANGES
BICYCLE PARKING	27	50	50	NO CHANGES
OPEN SPACE	N/A	50333.75 SF	48961.79 SF	(-1372 SF)
NUMBER / TYPE UNITS	22 / ACRE	216	216	NO CHANGES
CONSUMPTION AREA	N/A	N/A	N/A	N/A

EXISTING SITE CONDITIONS:

YEAR BUILT	1991
TOTAL SITE	197763.2069 SF
BUILDING	68701.422 SF
OTHER IMPERVIOUS	78728.03 SF
OPEN SPACE	50333.754 SF
TOTAL BUILDING	68701.422 SF [34.74%]
TOTAL IMPERVIOUS	147429.45 SF [74.55%]

SHEET INDEX

SHEET	CONTENT
A-1	LOCATION PLAN & SHEET INDEX
A-2	EXISTING SITE PLAN
A-3	PROPOSED SITE PLAN
A-4	PROPOSED FLOOR PLAN
A-5	NORTH & SOUTH ELEVATIONS
A-6	LIFE SAFETY PLAN
A-7	NOTES AND SPECIFICATIONS



THE SCOPE OF WORK FOR THESE DRAWINGS ENGAGES THE CONSTRUCTION PROPOSAL OF BOTH A COMMUNITY AND FITNESS CENTER AT LAS SALINAS CONDOMINIUMS, A HIGH-DENSITY RESIDENTIAL COMPLEX.

Handwritten notes: "see 12711" and a signature.



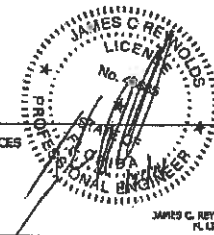
COMMUNITY CENTER PLANNING

3930 SOUTH ROOSEVELT BOULEVARD
KEY WEST, FLORIDA 33040
LAS SALINAS CONDOMINIUM ASSOCIATION

LOCATION PLAN AND PROJECT DESCRIPTION

SCALE: NOT TO SCALE

REYNOLDS ENGINEERING SERVICES
22530 LAFITTE DRIVE
CUJOCHE KEY, FL 33042
PH: 305.394.5987
FL CA No. 26557



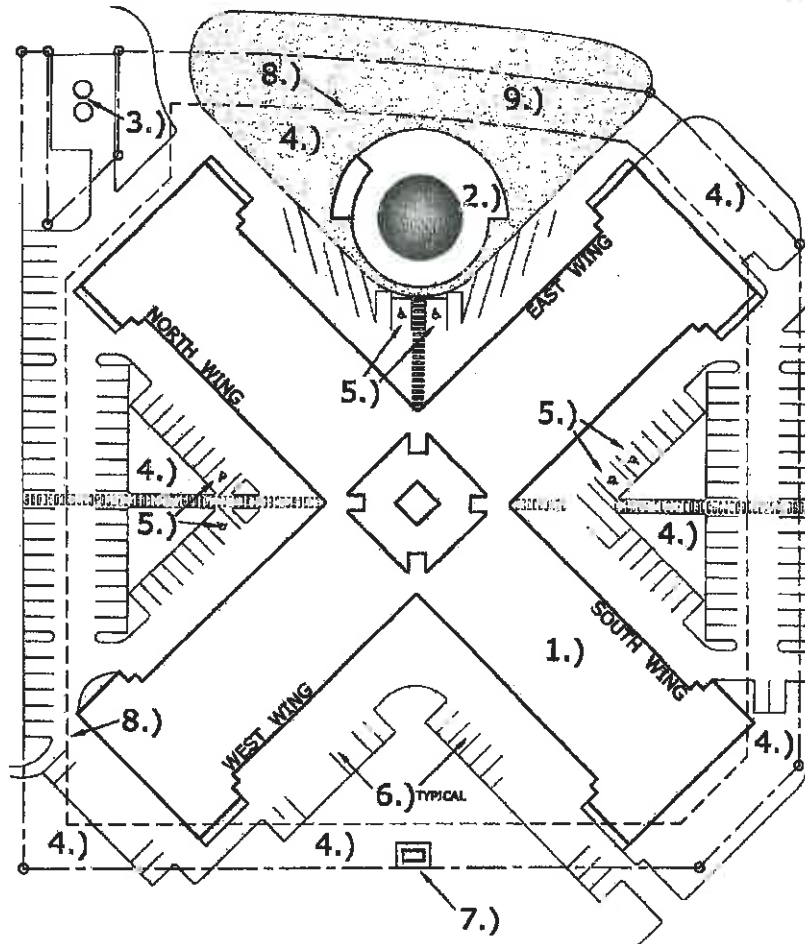
11.14.2013

A-7

JAMES C. REYNOLDS, P.E.
FL LIC. NO. 26557

- 1.) RESIDENTIAL BUILDING
- 2.) EXISTING POOL DECK
- 3.) COMMON UTILITY AREA
- 4.) LANDSCAPING
- 5.) ADA COMPLIANT PARKING STALL
- 6.) PARKING STALL
- 7.) FIRE SUPPRESSION SYSTEM PUMP
- 8.) BUILDABLE SETBACKS
- 9.) EXISTING OPEN SPACE

 EXISTING OPEN SPACE



SITE DRAINAGE:

SITE AREA: 197763.21 SF

1 IN/(12 IN /1 FT) = 0.0833 FT

STORMWATER RETENTION VOLUME:

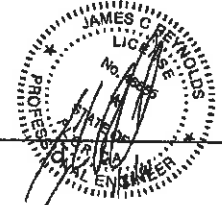
(197763.21 SF)X(0.0833 FT) = 16480.26 CF

FOR THE FIRST 1" OF RAINFALL OVER THE ENTIRE SITE; 16480.26 CF OF STORMWATER RETENTION WILL BE REQUIRED ON-SITE.

NOTE 1: PROPOSED SWALE LOCATION WILL BE CONSTRUCTED IN AREA OF CURRENT SWALE LOCATION. EXISTING SITE DRAINAGE WILL BE USED TO ACCOMMODATE PROPOSED STORMWATER DRY STORAGE AREA.

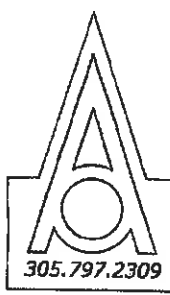
NOTE 2: THIS SITE PLAN WAS CREATED REFERENCING A SURVEY CONDUCTED BY FREDERICK HILDEBRANDT OF ISLAND SURVEYING INC.

1
A-2 EXISTING SITE PLAN
SCALE: 1:60



Handwritten signatures and initials: JCR, 12/14, and another signature.

11. 14. 2013



COMMUNITY CENTER PLANNING
 3930 SOUTH ROOSEVELT BOULEVARD
 KEY WEST, FLORIDA 33040
 LAS SALINAS CONDOMINIUM ASSOCIATION
 305.797.2309



EXISTING SITE PLAN
 SCALE: 1:60

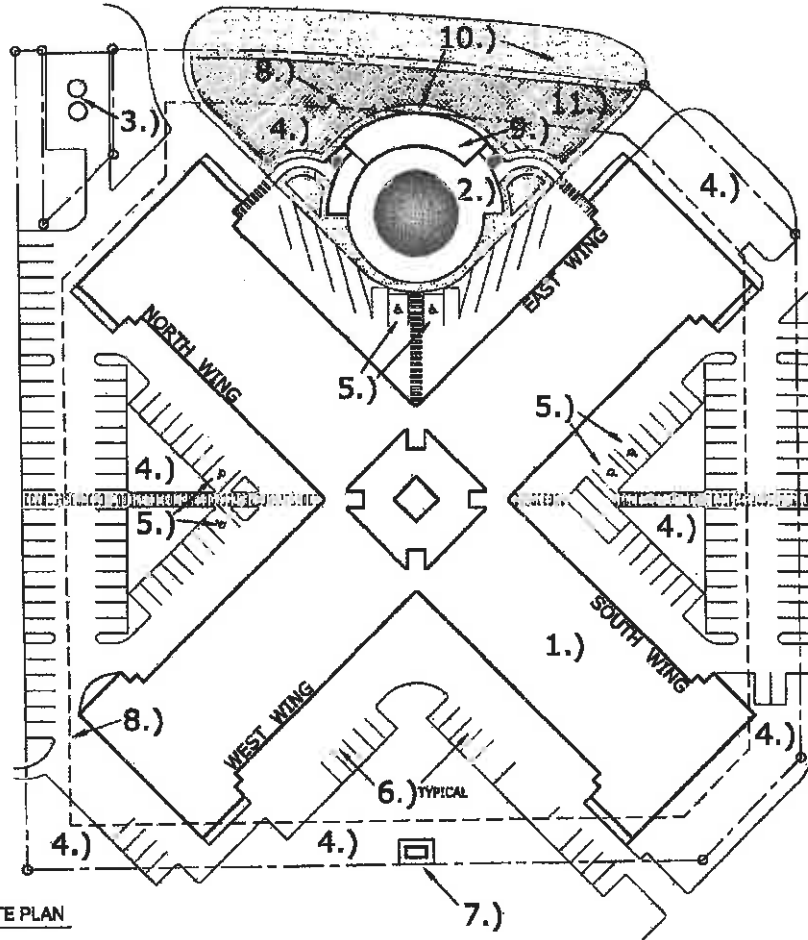
REYNOLDS ENGINEERING SERVICES
 22330 LAFITTE DRIVE
 CLUDJIE KEY, FL 33042
 PH: 305.394.5987
 FL CA No. 26597

JAMES C. REYNOLDS, P.E.
 FL LIC No. 46682

A-2

- 1.) RESIDENTIAL BUILDING
- 2.) EXISTING POOL DECK
- 3.) COMMON UTILITY AREA
- 4.) LANDSCAPING
- 5.) ADA COMPLIANT PARKING STALL
- 6.) PARKING STALL
- 7.) FIRE SUPPRESSION SYSTEM PUMP
- 8.) BUILDABLE SETBACKS
- 9.) PROPOSED COMMUNITY CENTER
- 10.) EXISTING OPEN SPACE
- 11.) PROPOSED STORMWATER RETENTION SWALE: (16908 CF @ 2'-0" DEPTH)

-  EXISTING OPEN SPACE
-  PROPOSED SWALE AREA



CISTERN INFORMATION:	
1 GALLON =	0.133681 CF
1000 GALLONS =	133.681 CF
KEY WEST =	40 IN AVERAGE ANNUAL RAINFALL
(40 IN)X(0.62) =	24.8 GALLONS / SQUARE FOOT
CATCHMENT AREA (ROOF OF PROPOSED)=	1918 SF
(1918 SF)X(24.8 GAL/SF) =	47566.4 GALLONS
'1/3 RULE': (47566.4 GALLONS)X(1/3) =	15855.47 GALLONS (MAXIMUM CISTERN)

NOTE 1: WITH THE ABOVE INFORMATION, THE LAS SALINAS HOMEOWNERS' ASSOCIATION WISHES TO PROVIDE A CISTERN FOR ON-SITE STORAGE OF NON-POTABLE WATER FOR IRRIGATION, WHICH IS TO BE LOCATED IN A CRAWL-SPACE BENEATH THE PROPOSED AREA OF CONSTRUCTION. THIS CISTERN WILL BE IN ADDITION TO THE PROVIDED ON SITE STORMWATER RETENTION SWALE.

NOTE 2: 'ADDITIONAL IMPERVIOUS' DOES NOT EXCEED ALLOWABLE BUILDING SETBACKS. THIS REPRESENTS THE AREA IN ADDITION TO THE EXISTING IMPERVIOUS AREA, THAT IS WITHIN THE BUILDABLE SETBACKS.

PROPOSED BUILDING AREA: 1501 SF

ADDITIONAL IMPERVIOUS AREA: 1372 SF

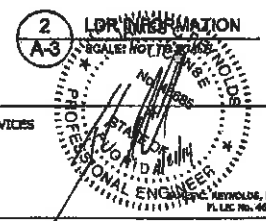
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COMMUNITY CENTER PLANNING
 3930 SOUTH ROOSEVELT BOULEVARD
 KEY WEST, FLORIDA 33040
 LAS SALINAS CONDOMINIUM ASSOCIATION

PROPOSED SITE PLAN
 SCALE: 1 : 60

REYNOLDS ENGINEERING SERVICES
 22330 LAFITTE DRIVE
 CUDJOB KEY, FL 33042
 PH: 305.394.3987
 FL CA No. 26397



11.14.2013
 A-3

1.) EXISTING BATHROOMS

2.) EXISTING POOL

3.) EXISTING POOL DECK

4.) PROPOSED COMMUNITY CENTER

5.) PROPOSED FITNESS CENTER

6.) PROPOSED ENTRY STAIR

PROPOSED BUILDING AREA: 1501 SF

ADDITIONAL IMPERVIOUS AREA: 1372 SF

2 LDR INFORMATION
A-4 SCALE: NOT TO SCALE

3 LDR INFORMATION
A-4 SCALE: NOT TO SCALE

BUILDABLE SETBACK

WATER'S EDGE SETBACK

NOTE 1: EXISTING CODE COMPLIANT ACCESSIBLE RAMP WILL BE USED TO ACCESS NEW COMMUNITY AND FITNESS CENTER. NO CHANGES TO ACCESSIBILITY ARE PROPOSED AS A RESULT OF THIS PROJECT.

NOTE 2: PROPOSED BUILDINGS WILL BE PROTECTED BY CODE COMPLIANT FIRE SUPPRESSION SPRINKLERS.

NOTE 3: 'ADDITIONAL IMPERVIOUS' DOES NOT EXCEED ALLOWABLE BUILDING SETBACKS. THIS REPRESENTS THE AREA IN ADDITION TO THE EXISTING IMPERVIOUS AREA, THAT IS WITHIN THE BUILDABLE SETBACKS.

1 PROPOSED FLOOR PLAN
A-4 SCALE: 1/8" = 1'-0"



COMMUNITY CENTER PLANNING

3930 SOUTH ROOSEVELT BOULEVARD
KEY WEST, FLORIDA 33040
LAS SALINAS CONDOMINIUM ASSOCIATION

PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

REYNOLDS ENGINEERING SERVICES
22530 LAFITTE DRIVE
CUDDOE KEY, FL 33042
PH: 305.394.5987
FL CA No. 26597



11.14.2013

Handwritten notes:
11/14/13
A-A

