MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MAY 23, 2006

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 8:10 p.m. Present were Councilmembers Enrique Garcia, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman, Vice Mayor Robert L. Vernon and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **AGENDA:** Councilmember Mendia made a motion to withdraw Item 5A1. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

3. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the May 9, 2006 Regular Council Meeting. The motion was seconded by Councilmember Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

4. **PUBLIC WORKS DEPARTMENT:** The following Beach Management Plans were heard by the Council:

Hearing Number BMP-1. The Ritz-Carlton Key Biscayne, 455 Grand Bay Drive, the applicant, is requesting approval of a Beach Management Plan for activities within the government use district.

Armando Nunez, Public Works Director addressed the Council stating his recommendation of approval, with the following conditions: 1. Non-motorized vehicles and water equipment operation: a.) As specified under Section 30-102 of the Village Code, Subsection (e)(2), the use of motorized vessels is absolutely prohibited, except for an authorized rescue vessel approved under Subsection (g)(9). The use of any other motorized watercraft is not allowed; b.) The use of this one motorized rescue vessel should not be used to assist the non-motorized vehicle and water equipment operation, in regards to transporting people or towing equipment to and from the beach and c.) As specified under Section 30-102 of the Village Code, Subsection (g)(9), this one vessel shall have a four stroke engine or best available technology, be equipped with an operational marine radio or wireless phone, and shall satisfy all U.S. Coast Guard safety requirements and 2. Clear passage for emergency access and patrolling purposes: a.) As specified under Section 30-102 of the Village Code, Subsection (g)(6), none of the permitted activities, including the storage of any equipment shall be maintained or conducted within 15 (fifteen) feet of the waterline. This applies to the placement of chairs and umbrellas as well and b.) The Village needs this 15 (fifteen) feet pathway clear at all times for emergency access and for patrolling the beach.

The Mayor opened the public hearing. Amy Huber with Shubin and Bass, representing the Ritz Carlton addressed the Council. The Mayor closed the public hearing.

It was consensus of Council to direct staff to include in the resolution that beach chairs should be stacked, no higher than 4 feet and secured.

Councilmember Garcia made a motion to approve the Beach Management Plan for the Ritz-Carlton with staff's recommendations. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Hearing Number BMP-2. Grand Club Partners, 455 Grand Bay Drive, the applicant is requesting approval of a Beach Management Plan for activities within the Government Use District.

Director Nunez addressed the Council stating his recommendation of approval, with the following conditions: 1. Non-motorized vehicles and water equipment operation: a.) As specified under Section 30-102 of the Village Code, Subsection (e)(2), the use of motorized vessels is absolutely prohibited, except for an authorized rescue vessel approved under Subsection (g)(9). The use of any other motorized watercraft is not allowed; b.) The use of this one motorized rescue vessel should not be used to assist the non-motorized vehicle and water equipment operation, in regards to transporting people or towing equipment to and from the beach and c.) As specified under Section 30-102 of the Village Code, Subsection (g)(9), this one vessel shall have a four stroke engine or best available technology, be equipped with an operational marine radio or wireless phone, and shall satisfy all U.S. Coast Guard safety requirements and 2. Clear passage for emergency access and patrolling purposes: a.) As specified under Section 30-102 of the Village Code, Subsection (g)(6), none of the permitted

activities, including the storage of any equipment shall be maintained or conducted within 15 (fifteen) feet of the waterline. This applies to the placement of chairs and umbrellas as well and b.) The Village needs this 15 (fifteen) feet pathway clear at all times for emergency access and for patrolling the beach.

The Mayor opened the public hearing. Hector Meneses with the Grand Bay Club addressed the Council. The Mayor closed the public hearing.

It was consensus of Council to direct staff to include in the resolution that beach chairs should be stacked, no higher than 4 feet and secured.

Councilmember Mendia made a motion to approve the Beach Management Plan for the Grand Bay Club with staff's recommendations. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Hearing Number BMP-3. The Sonesta Beach Resort, 350 Ocean Drive, the applicant, is requesting approval of a Beach Management Plan for activities within the Government Use District.

Director Nunez addressed the Council stating his recommendation of approval, with the following conditions: 1. Non-motorized vehicles and water equipment operation: a.) As specified under Section 30-102 of the Village Code, Subsection (e)(2), the use of motorized vessels is absolutely prohibited, except for an authorized rescue vessel approved under Subsection (g)(9). The use of any other motorized watercraft is not allowed; b.) The use of this one motorized rescue vessel should not be used to assist the non-motorized vehicle and water equipment operation, in regards to transporting people or towing equipment to and from the beach and c.) As specified under Section 30-102 of the Village Code, Subsection (g)(9), this one vessel shall have a four stroke engine or best available technology, be equipped with an operational marine radio or wireless phone, and shall satisfy all U.S. Coast Guard safety requirements and 2. Clear passage for emergency access and patrolling purposes: a.) As specified under Section 30-102 of the Village Code, Subsection (g)(6), none of the permitted activities, including the storage of any equipment shall be maintained or conducted within 15 (fifteen) feet of the waterline. This applies to the placement of chairs and umbrellas as well and b.) The Village needs this 15 (fifteen) feet pathway clear at all times for emergency access and for patrolling the beach.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

It was consensus of Council to direct staff to include in the resolution that beach chairs should be stacked, no higher than 4 feet and secured.

Councilmember Mendia made a motion to approve the Beach Management Plan for the Sonesta Beach Resort with staff's recommendations. The motion was seconded by Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

5. **ORDINANCES:** The following item was withdrawn from the agenda.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE CODE OF KEY BISCAYNE, FLORIDA, BY CREATING SECTION 30-114 "PUD – PLANNED UNIT DEVELOPMENT" TO ESTABLISH PROCEDURES AND REVIEW CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS FOR NEW OR AMENDED PUD DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE VILLAGE OF KEY BISCAYNE AGREEMENT FOR PROFESSIONAL SERVICES FIREWORKS DISPLAY BETWEEN THE VILLAGE AND ZAMBELLI FIREWORKS MANUFACTURING COMPANY; PROVIDING NECESSARY SERVICES FOR JULY 4, 2006 FIREWORKS DISPLAY; AUTHORIZING IMPLEMENTATION BY VILLAGE MANAGER; AND PROVIDING FOR EFFECTIVE DATE.

Councilmember Thornton made a motion to approve the resolution. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO REDUCE THE SPEED LIMIT ON CRANDON BOULEVARD WITHIN THE VILLAGE OF KEY BISCAYNE, FLORIDA, FROM THIRTY (30) MILES PER HOUR TO TWENTY FIVE (25) MILES PER HOUR; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Vernon made a motion to approve the resolution. The motion was seconded by Councilmember Weinman and approved by a 7-0 voice vote. The vote was as follows:

Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

7. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. There were no items discussed.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding the proposed skate park requesting a 30 day extension to bring back to Council a proposed site for the skate park.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this issue.

8. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

9. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

10. **ADJOURNMENT:** The meeting was adjourned at 9:00 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 13th day of June, 2006:

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Robert Oldakowski
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.