

MINUTES

ZONING MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 23, 2007

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Former Mayor Robert Oldakowski led the Pledge of Allegiance.
3. **AGENDA:** Councilmember Garcia requested the addition of a report on a recent trip to Tallahassee regarding insurance rates to be heard immediately after the resolutions and Mayor Vernon requested the addition of a brief discussion regarding the appointment of members to the Community Center Advisory Board to be heard immediately after Councilmember Garcia's item. There was no objection to the agenda changes.
4. **APPROVAL OF MINUTES:** Councilmember Liedman made a motion to approve the minutes of the January 9, 2007 Regular Council Meeting and the minutes of the January 16, 2007 Hotel Resort Zoning Workshop. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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5. **ORDINANCES:** The Clerk read the following ordinance, on first reading:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA INCREASING THE NUMBER OF MEMBERS ON THE ADVISORY BOARD KNOWN AS THE ZONING ORDINANCE REVIEW COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Liedman made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Thornton.

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

The ordinance was adopted on first reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmembers Davey and Garcia voting No.

The second reading of the ordinance will be on February 13, 2007.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DECLARING AS SURPLUS CERTAIN MOTOR VEHICLES OF THE VILLAGE OF KEY BISCAYNE, AND AUTHORIZING THE VILLAGE MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF SUCH SURPLUS PROPERTY; PROVIDING FOR EFFECTIVE DATE.**

The Manager addressed the Council regarding this resolution.

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

At this time Councilmember Garcia addressed the Council and the public regarding the trip to Tallahassee with Mayor Vernon and the Manager and the reduction in insurance rates for the State of Florida.

Mayor Vernon addressed the Council regarding the Community Center Advisory Board requesting that Councilmembers submit names to the Clerk for appointment of this Board at the February 13, 2007 Regular Council Meeting.

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Councilmember Garcia and Mayor Vernon excused themselves from the meeting at 7:20 p.m.

7. **SPECIAL PRESENTATIONS:** Steve Sonnabend and Edgardo Defortuna, owners of the Sonesta Resort Project addressed the Council.

Carter McDowell, Miami , Attorney representing the Sonesta Resort addressed the Council.

Architect Ryan Eshelman with GSB Inc. Architects Planners presented the current plans of the Sonesta Resort to the Village Council and the public. This oceanfront property will offer 191 hotel suites and 63 residential units. The project's four towers will overlook elaborate water gardens, sparkling pools, tropical landscaping, and tiered terraces. The hotel will offer meeting facilities, including two ballrooms, a luxury spa and retail boutiques. The property will be home to two restaurants, each with outdoor dining terraces, complemented by a lobby bar and lounge and a pool side bar and grill. To reduce the overall visual mass of the project, all parking is located below ground in a two-level parking facility. Service traffic will continue to use East Heather Drive to access a covered loading area, which provides visual screening of service operations and reduces noise transmission to residential areas.

Landscape Architect Raymond Jungles presented the landscape plan which will consist of landscaped easements along both the north and south property lines providing public pedestrian beach access, as well as emergency vehicle access to the entire property and beach. A 25' landscaped easement along the west property line will become a linear park and pedestrian link, while creating a buffer between the project and adjacent residential property. A minimum of 50' has been maintained between the west property line and all portions of the building. A minimum of 50' separation has been provided between the towers to reduce the visual mass of the project, facilitate air movement, and create view corridors for adjacent properties.

Soletanche Bachy, Geotechnical and Civil Engineering Contractors addressed the Council regarding the proposed underground parking.

Rafael De Arazoza with The Corradino Group addressed the Council regarding the traffic impact analysis for the proposed Sonesta Key Biscayne Resort.

Andy Dolkart, President, Miami Economic Associates, Inc. addressed the Council regarding the economic impact that the project will have in terms of the fiscal and economic benefits.

Andy Robins with Proskauer Rose LLP addressed the Council regarding Hotel Condominiums. Representatives from Preserve Our Key Biscayne, Inc. also made a presentation to the Council.

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Dr. Michael Kelly, 395 Gulf Road and Max Puyanic, 480 S. Mashta Drive with Preserve Our Key Biscayne, Inc. addressed the Council responding and making a presentation regarding the redevelopment of the Sonesta. Dr. Kelly explained how the Sonesta's Residential Condominium Project continues to masquerade as a "hotel" to circumvent the Village of Key Biscayne's Master Plan and Zoning Code and Land Development Regulations. The Sonesta Project violates the 16 unit per acre density limitations imposed by the medium density multifamily and Ocean Resort Hotel District for its proposed multifamily residential condominium development. The Sonesta Project violates the Village of Key Biscayne's Master Plan Zoning Code and Land Development Regulations. The Sonesta Project does not meet Village concurrency requirements.

Hector Formoso-Murias, 471 N. Mashta Drive, also with Preserve Our Key Biscayne, Inc. addressed the Council.

The following residents addressed the Council: Camille Guething, 260 Seaview Drive; Ricardo Fernandez, 690 Curtiswood Drive; Karen Beber Futernick, 325 Pacific Road; Geno Marron, 252 Westwood Drive; Julio A. Padilla, 325 Atlantic Road; Diego Ardid, 101 Cape Florida; Bradley Newcom, 345 Pacific Road; Jose Rasco, 255 Galen Drive; Norman Smith, 346 Gulf Road; Inigo Ardid, 745 N. Mashta Drive; Sandra Chartuni, 328 Crandon Boulevard; Charles Viscito, 141 Crandon Boulevard; Mortimer Fried, 291 Harbor Court; Michele Estevez, 800 Crandon Boulevard; Arturo Aballi, 91 Island Drive; Barry Goldmeier, 1000 Mariner Drive; Mary Jo Pinedo, 365 Atlantic Road; Shayna Varkas, 155 Ocean Lane Drive, President of the Key Biscayne Chamber of Commerce; Santiago Steed, 365 Harbor Drive; Cecile Sanchez, 260 Cypress Drive; Alan Ojeda, 410 Island Drive; Ilyse Kelly, 395 Gulf Road and Carlos de la Cruz, 5 Harbor Point.

Councilmember Liedman made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Councilmember Weinman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes.

Councilmember Davey made a motion to extend the meeting to 11:45 p.m. The motion was seconded by Councilmember Liedman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes.

Councilmember Davey made a motion to extend the meeting to 12:00 a.m. The motion was seconded by Councilmember Liedman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes.

The Attorney addressed the Council regarding the proposed Sonesta redevelopment.

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Councilmember Davey made a motion to extend the meeting to 12:15 a.m. The motion was seconded by Councilmember Liedman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes.

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

Mayor and Councilmembers.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of February: proclaiming February 10, 2007 as "USS Gridley DDG101 Day".

Village Manager. The Manager did not submit a report.

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

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

11. **ADJOURNMENT:** The meeting was adjourned at 12:15 a.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, CMC*  
*Village Clerk*

*Approved this \_\_\_ day of February, 2007:*

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*Robert L. Vernon*  
*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.***