

MINUTES

SPECIAL VILLAGE COUNCIL MEETING  
(CONTINUATION OF ZONING MEETING OF JANUARY 23, 2007)  
KEY BISCAIYNE, FLORIDA

TUESDAY, JANUARY 30, 2007

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Vice Mayor at 7:00 p.m. Present were Councilmembers Michael W. Davey, Thomas Thornton, Patricia Weinman and Vice Mayor Jorge E. Mendia. Absent were Councilmembers Enrique Garcia, Steve Liedman 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:** Ms. Brigitte Nachtigall led the Pledge of Allegiance.
3. Vice Mayor Mendia announced that this meeting is a continuation of the Special Presentation portion of the Zoning Meeting of January 23, 2007.

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

Dr. Michael Kelly, 395 Gulf Road, with Preserve Our Key Biscayne addressed the Council.

January 30, 2007

The following persons addressed the Council: Max Puyanich, 480 S. Mashta Drive; Edgardo Defortuna, 760 Harbor Drive; Hernando Taboada, 430 Grand Bay Drive; Mary Jo Pinedo, 365 Atlantic Road; James Fulton, 335 Atlantic Road; Ira Kurzban, 300 Pacific Road; Jose Perez, 265 Grapetree Drive; Geno Marron, 252 Westwood Drive; Eduardo Barco, 230 Island Drive; Shayna Varkas, President, Key Biscayne Chamber of Commerce; Camille Guething, 260 Seaview Drive; Arnold Munoz, 151 Crandon Boulevard; Ilyse Kelly, 395 Gulf Road; Martin Mas, 255 Galen Drive; Carlos de la Cruz, 5 Harbor Point; Barry Goldmeier, 1000 Mariner Drive; Karen Beber Futernick, 325 Pacific Road; George Abrams, 151 Crandon Boulevard, representing the Sonnabend family; Luciana Lapira, 600 Grapetree Drive; Julio Padilla, 325 Atlantic Road; Sandra Chartouni, 328 Crandon Boulevard; Edgar Gutierrez, 251 Crandon Boulevard; Charles Viscito, 141 Crandon Boulevard; Brigitte Nachtigall, 931 Harbor Drive; Bradley Newsom, 345 Pacific Road; Norman Smith, 346 Gulf Road; Mathias Lichtenheld, 440 Palmwood Lane; Roger Duarte, 397 Harbor Court; Ricardo Fernandez, 670 Curtiswood Drive; Chris Dziura, 330 Atlantic Road and Andy Gordon, 269 Cranwood Drive.

At 9:45 p.m. the Council took a 15 minute recess. The meeting was reconvened at 10:00 p.m.

Jud Kurlancheek, Director of Building, Zoning and Planning Director read into the record the attached letter to Carter McDowell, Esq. with Bilzin Sumberg Dunn Price & Axelrod, dated January 26, 2007 regarding the Sonesta Redevelopment.

Andy Robbins with Proskauer Rose LLP addressed the Council regarding Hotel Condominiums.

The Attorney addressed the Council regarding the pending site plan approval by the applicant.

It was the consensus of Council to hold a presentation, at the February 13, 2007 Council Meeting, regarding how other municipalities regulate Hotel Condominiums.

The applicant requested a hearing date of March 20, 2007 for the new site plan. There was no objection to the request.

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

5. **ADJOURNMENT:** The meeting was adjourned at 10:55 p.m.

January 30, 2007

*Respectfully submitted:*

---

*Conchita H. Alvarez, CMC  
Village Clerk*

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

---

*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.***



---

# V I L L A G E   O F   K E Y   B I S C A Y N E

---

*Village Council*  
Robert L. Vernon, *Mayor*  
Jorge E. Mendia, *Vice Mayor*  
Michael Davey  
Enrique Garcia  
Steve Liedman  
Thomas Thornton  
Patricia Weinman

January 26, 2007

**Via E-Mail & U.S. Mail**

Carter McDowell, Esq.  
Blizin Sumberg Dunn Price & Axelrod  
200 South Biscayne Boulevard  
Suite 2500  
Miami, Florida 33131

Re: **Sonesta Redevelopment**

Dear Mr. McDowell:

In anticipation of the upcoming public hearing on your site plan, the purpose of this letter is to address a concern the Village has with the proposed use of the hotel component of the project. Specifically, whether the proposed hotel and hotel rooms will be used and occupied in conformity with the use and occupancy limitations within the Village Zoning Code. Of particular concern are the definitions of "hotel" and "hotel rooms" found in Section 30-11 of the Code.

This issue arises because of the stated proposal by the applicant that the hotel rooms will be occupied by the owner(s) (for some unspecified period) for their own private use. After an exhaustive examination of the applicable provisions of the code and the information provided by you, we are writing to advise you that if the proposed site plan is approved by the Village Council, the Village Administration intends to strictly enforce the use and occupancy limitations within the Village Zoning Code including a prohibition on the private occupancy of hotel rooms by the owner(s).

It is my administrative decision and interpretation that the sleeping accommodations within the hotel must be offered to the "public" on a short-term or transient basis and the hotel rooms must be occupied by "transients" who rent the rooms on a day-to-day, week-to-week or month-to-month basis. Owner occupancy directly conflicts with each of these limitations and will not be permitted. As part of the upcoming public hearing, we will recommend a condition on any site plan approval that expressly prohibits private occupancy by the owner(s).

VILLAGE OF KEY BISCAYNE

Notwithstanding the foregoing, my interpretation and the proposed condition is not in any manner intended to prohibit the proposed hotel, hotel rooms or any portion thereof from being held in any form of ownership including a condominium form of ownership under Chapter 718 of the Florida Statutes.

If you wish to appeal this decision to the Village Council, you may do so by filing an appeal within 30 days pursuant to Section 30-70 of the Code.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jud Kurlancheek". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Jud Kurlancheek, AICP, Director

cc: Jacqueline Menendez, Village Manager  
Village Mayor and Village Council  
Stephen J. Helfman, Village Attorney