



VILLAGE OF KEY BISCAYNE

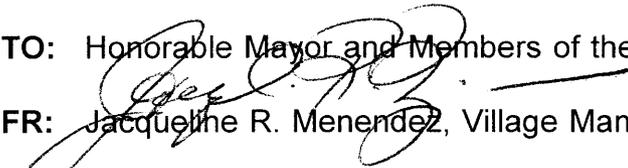
Office of the Village Manager

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

Village Manager
Jacqueline R. Menendez

DT: May 29, 2007

TO: Honorable Mayor and Members of the Village Council

FR:  Jacqueline R. Menendez, Village Manager

RE: Conditional Use Application to Establish a Package (Liquor) Store
at 200 Crandon Boulevard

RECOMMENDATION

It is recommended that the Village Council approve the application to establish a Package (liquor) Store as a Conditional Use at 200 Crandon Boulevard.

EXPLANATION

The Zoning and Land Development Regulations include criteria to evaluate an application for a Conditional Use relating to Package Stores. Attached is a report from the Building, Zoning, and Planning Director which found that the application is consistent with the review criteria.



VILLAGE OF KEY BISCAIYNE

Department of Building, Zoning and Planning

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

DT: May 25, 2007

Director
Jud Kurlancheek, AICP

TO: Jacqueline R. Menendez, Village Manager

Chief Building Official
Eugenio M. Santiago, P.E.

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Conditional Use Application to Establish a Package
(Liquor) Store at 200 Crandon Blvd., Suite 100

APPLICATION SUMMARY

Request	Conditional Use Application to Establish a Package (Liquor) Store
Applicant	Biscayne Wine Group, LLC
Site Address	Galeria Shopping Center at 200 Crandon Blvd., Suite 100
Comprehensive Plan	Commercial
Zoning District	C-1 Light Intensity Commercial
File Number	CU-1 Conditional Use
Recommendation	Approval

EXPLANATION AND ANALYSIS

Conditional Use Review Criteria: The Village's Zoning Ordinance provides for the granting of variance(s) subject to a finding that the petition meets the following criteria:

Criteria 1 The use is consistent with the Master Plan.

Analysis: The property will be used for a package store which is a commercial use.

Finding: Consistent

Criteria 2 That the configuration and design of the site will facilitate safe movement of vehicular and pedestrian traffic, both internal to the use and upon the adjacent roadways that will serve the use.

Analysis: The proposed use is located on the first floor of an elevated shopping center. Vehicles enter the parking facilities from Crandon Boulevard through a driveway that connects to a surface parking lot and garage under the building. Pedestrians can enter from Fernwood Road and Crandon Boulevard.

Finding: Consistent.

Criteria 3 Utilities, roadway services, shall exist at the Village's adopted level of service, or will be available prior to the issuance of a Certificate of Occupancy.

Analysis: The adopted Level of Service on Crandon Boulevard is "D". The proposed package store will not result in traffic exceeding this standard.

Finding: Consistent.

Criteria 4 The proposed use shall be consistent with the existing natural environment and community character of the immediate neighborhood of the proposed use.

Analysis: The natural environment was replaced with the shopping center. The proposed package store will be located in a vacant space. The immediate neighborhood includes the shopping center and the residences across Fernwood Rd. which can not view the store.

Finding: Consistent.

Criteria 5 The adverse effects that the proposed package store will have upon neighboring properties, with particular attention to the effects of noise traffic patterns, and glare from exterior lighting or headlights on nearby residential properties.

Analysis: The proposed use is located on the first floor of an elevated shopping center. Vehicles enter the parking facilities from Crandon Boulevard through a driveway that connects to a surface parking lot and garage under the building. As such, there will be no impact on adjacent properties.

Finding: Consistent.

Criteria 6 The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed package store, both inside and outside, with particular emphasis upon noise, vehicular use by patrons, and vandalism.

Analysis: See attached report from the Police Department.

Finding: Consistent

Criteria 7 Whether the proposed package store makes adequate provision for the elimination of the potential for adverse impact upon adjacent residential areas from hazardous or illegal overflow parking.

Analysis: The shopping center has adequate parking to accommodate the package store.

Finding: Consistent.

Criteria 8 The proximity of the proposed package store to schools, parks, and places of worship

Analysis: The proposed use is located on the first floor of an elevated shopping center. The nearest school and place of worship is located approximately .125 miles from the package store. Pedestrian access is provided to Fernwood Road however vehicular access is limited to Crandon Boulevard. The Village Green is located approximately .15 miles from the package store.

Finding: Consistent.

RECOMMENDATION

Approval with no conditions.



VILLAGE OF KEY BISCAYNE
BUILDING DEPARTMENT
PLAN (S) RECEIVED

DATE: 5-15-07

PROCESSING [Signature]

NUMBER: _____

~~VILLAGE OF~~ KEY BISCAYNE

Department of Building, Zoning and Planning

- Village Council*
- Robert Oldakowski, *Mayor*
 - Jorge E. Mendia, *Vice Mayor*
 - Martha Fdez-León Broucek
 - Carol Diaz-Castro
 - Mortimer Fried
 - James L. Peters
 - Robert L. Vernon

Jud Kurlancheck, AICP
Director

Eugenio M. Santiago, P.E.
Chief Building Official

PLANNING AND ZONING APPLICATION

Date Filed: 5-15-07

File # CU-1
to be completed by staff

1. REQUEST FOR:

- | | |
|--|--|
| <input type="checkbox"/> SUPERVISORY VARIANCE | <input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE |
| <input type="checkbox"/> ADMINISTRATIVE VARIANCE | <input type="checkbox"/> SPECIAL EXCEPTION |
| <input type="checkbox"/> REGULATORY VARIANCE | <input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN |
| <input type="checkbox"/> APPEAL OF AN ADMINISTRATIVE DECISION | <input type="checkbox"/> ZONING DISTRICT CHANGE |
| <input type="checkbox"/> SITE PLAN APPROVAL | |
| <input type="checkbox"/> UNUSUAL USE | |
| <input checked="" type="checkbox"/> OTHER <u>Conditional Use</u> | |

Explain your request:

Please see attached letter.

2. Street Address of Property: 200 Crandon Blvd. Suite 100, Key Biscayne, FL 33149

Legal Description: Lot(s) See attached Block _____

Subdivision: Folio # 24-4232-002 0090

3. Name of Applicant: , Biscayne Wine Group, LLC

Mailing Address of Applicant: 36 N.E. 1st St., #117, Miami, FL 33132

Business Telephone: 305-372-0005 Home 305-206-0581 Fax 305-372-3752

4. Name of Property Owner if Different from Applicant: Tesaurus Holdings, Inc.
Address of Property Owner if Different from Applicant: 240 Crandon Blvd. #110,
Business Telephone: _____ Home _____ Fax _____ Key Biscayne, FL 33149

5. Contact Person: Name Mario Garcia-Serra Address 1221 Brickell Avenue
Miami, FL 33131
Phone Number 305-579-0837 Fax 305-961-5837

6. Name/address of anyone else who should receive notice of the hearing?

7. If applicant is owner, indicate date purchased: N/A

8. If applicant is lessee, indicate date leased May 2007 Years 10

9. Is there an option to purchase the property? Yes () No (x)

10. Is the request the result of a violation notice? ___ If yes, attach a copy of the violation.

11. Existing use of property Commercial. If residential, how many apartments ___ hotel units ___. If commercial, how many sq. ft. 900 in your space.
Single family home? Yes () No ()

12. If this application pertains to an Appeal of a Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation)

N/A

13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:

a. Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.

N/A

b. Is compatible with the surrounding land uses and would not be detrimental to the community.

N/A

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

Date Name (Type or Print Address Signature

Date Name (Type or Print Address Signature

Date Name (Type or Print Address Signature

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I)(we) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(we) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant: _____ Date 5/14/2007 Sheru Chandi, Biscayne
Wine Group, LLC

X Signature of Owner: _____ Date _____

Application Received by: _____ Date _____

Approved by: _____ Date _____

Date Name (Type or Print Address Signature

Date Name (Type or Print Address Signature

Date Name (Type or Print Address Signature

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

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Signature of Applicant: _____ Date _____ Sheru Chandi, Biscayne
Wine Group, LLC

X

Signature of Owner: _____ Date 5-14-07

Application Received by: _____ Date 5-15-07

Approved by: _____ Date _____

AFFIDAVITS

Complete one or more of the following that relates to your request.

Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)
I, Sheru Chandi, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

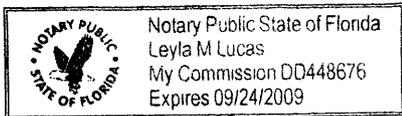
I, Sheru Chandi, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 14 day of Nov, by Sheru Chandi,
2007 Name of person making statement

[Signature]
Signature of Applicant
Sheru Chandi, Biscayne
Wine Group, LLC

[Signature]
Signature of Notary Public - State of Florida



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____

Corporation Affidavit

I, _____, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Ass't. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, _____, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by _____,
Name of person making statement

Signature of President (Corp. Seal)

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Owner/Power of Attorney Affidavit

I, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: conditional use approval

for a package liquor store

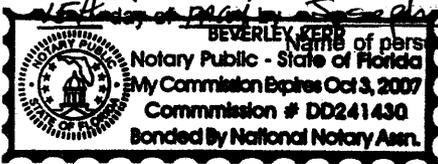
relative to my property, which is hereby made by me OR I am here by authorizing Biscayne Wine Group, LLC to be my legal representative before the Village Council. and Greenberg Traurig, P.A.

I, _____ hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

X [Signature]
Signature of Owner

Sworn to (or affirmed) and subscribed before me this 15th day of April in 2007 at Key Biscayne by Joseph H. Kiene
Name of person making statement



[Signature]
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____

Type of Identification Produced _____

Owner/Power of Attorney Affidavit

I, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: conditional use approval
for a package liquor store

relative to my property, which is hereby made by me OR I am here by authorizing Biscayne Wine Group, LLC to be my legal representative before the Village Council. and Greenberg Traurig, P.A.

I, _____, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

X

Signature of Owner

Sworn to (or affirmed) and subscribed before me this
____ day of _____, by _____
Name of person making statement

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

May 15, 2007

Mr. Jud Kurlancheek, AICP
Director, Department of Building, Zoning, and Planning
Village of Key Biscayne
88 West McIntyre Street
Suite 250
Key Biscayne, FL 33149

Re: Letter of Intent – Biscayne Wine Group, LLC/ Application for Conditional Use for Package Liquor Store

Dear Mr. Kurlancheek:

On behalf of Biscayne Wine Group, LLC, we respectfully submit the enclosed application for approval of a Conditional Use for a proposed retail package wine and liquor store to be located at 200 Crandon Boulevard, Suite #100. Approval of the conditional use would permit the sale of packaged alcoholic beverages at the aforementioned location. Additionally, approval of the proposed application for Conditional Use will provide for a greater diversity of retail uses and will expand the retail choices available to Village residents. We submit that this application satisfies the following applicable criteria of Section 30-72(c) of the LDR's:

1) The location of the proposed Conditional Use is consistent with the Comprehensive Plan in that the location is designated Commercial which allows for general commercial and business uses.

2) The configuration and design of the site will facilitate safe movement of vehicular and pedestrian traffic both internal to the Use and upon the adjacent roadways that will serve the use, since the proposed location is part of the newly constructed Key Colony Plaza, which complies with all current zoning requirements, and will operate in a totally enclosed retail space accessible to and only visible from the interior of the Key Colony Plaza.

3) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire, and emergency services currently exist at the Village's adopted levels of service.

4) The proposed use is consistent with the existing natural environment and community character of the immediate neighborhood of the proposed use in that it is located on the Village's commercial corridor along Crandon Boulevard.

5) The adverse effects that the proposed package store will have upon neighboring properties in regards to noise, traffic patterns, and glare from exterior lighting or headlights on nearby residential properties are not relevant due to the fact that the proposed package store will be located within a totally enclosed commercial/ retail plaza with adequate parking and access for vehicles.

6) The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed package store, both inside and outside, especially in regard to noise, vehicular use by patrons, and vandalism is minimal since there will be operation during normal business hours and adequate security within a totally enclosed commercial/retail center with adequate access and parking.

7) The proposed package store makes adequate provision for the elimination of the potential for adverse impact upon adjacent residential areas from hazardous or illegal overflow parking since there is no motor vehicle access permitted, other than for "golf carts", between the single family neighborhood and the proposed package store within the commercial/retail center. Additionally, sufficient parking has already been provided for Key Colony Plaza.

8) The proposed package store is not located in close proximity to schools, places of worship, or residential properties. While single family residences are located immediately to the West of Key Colony Plaza, there are parking and landscaped areas to provide a buffer and cars may only access the property from Crandon Boulevard.

Accordingly, we respectfully submit that this application satisfies the applicable criteria of Section 30-72(c) of the LDR's and ask that you recommend approval of this application. We have enclosed two copies of the ground floor plan for Key Colony Plaza and have indicated the location of Suite 100, the proposed location of the package liquor store, on one of them. Should you have any questions, please call me at (305) 579-0837. Thank you very much for your attention to this matter.

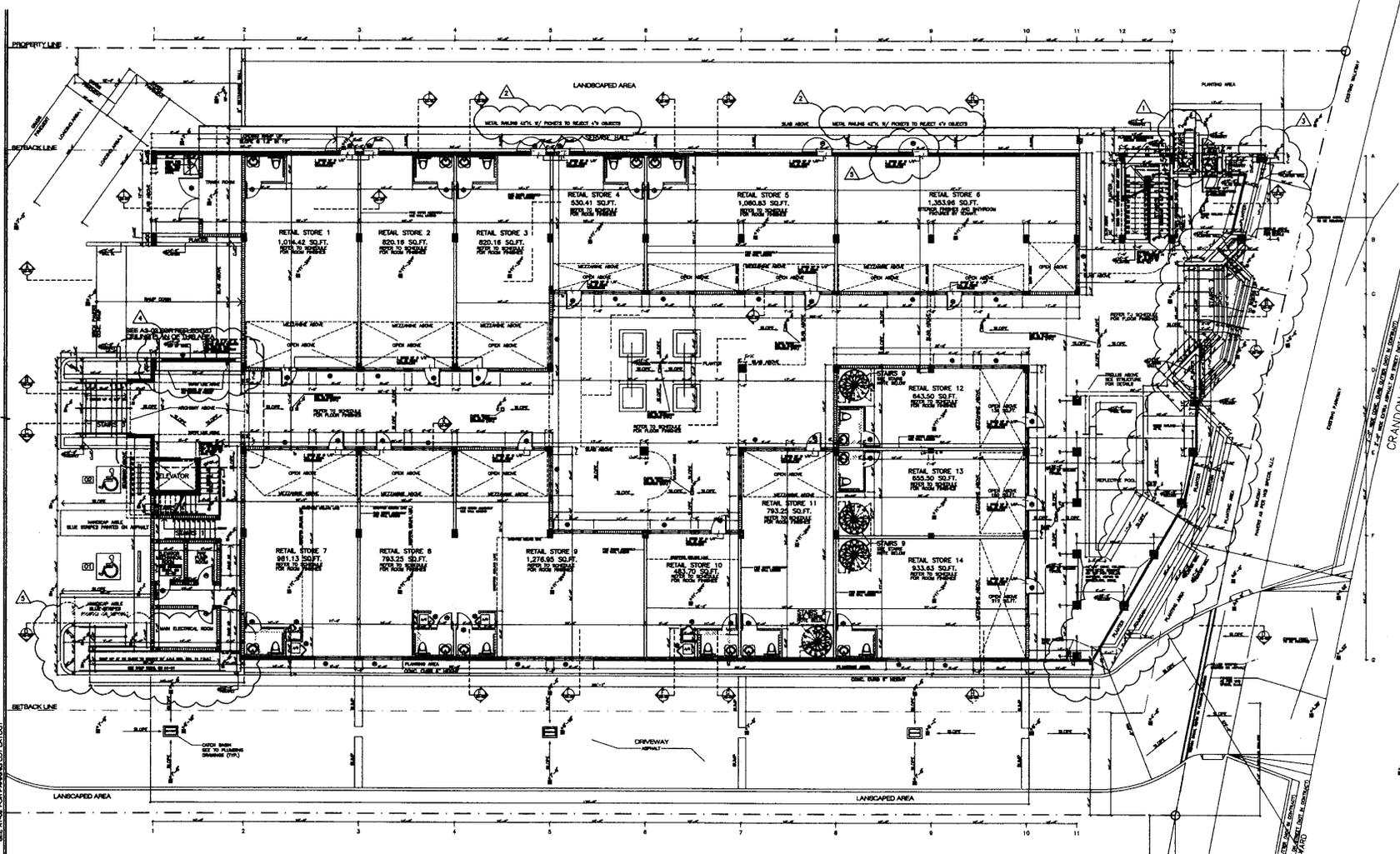
Very truly yours,



Mario Garcia-Serra

cc: Mr. Sheru Chandiramani

NEW SHOPPING CENTER & RESTAURANT
KEY COLONY PLACE
 200 CRANDON BLVD. KEY BISCAYNE FL 33149



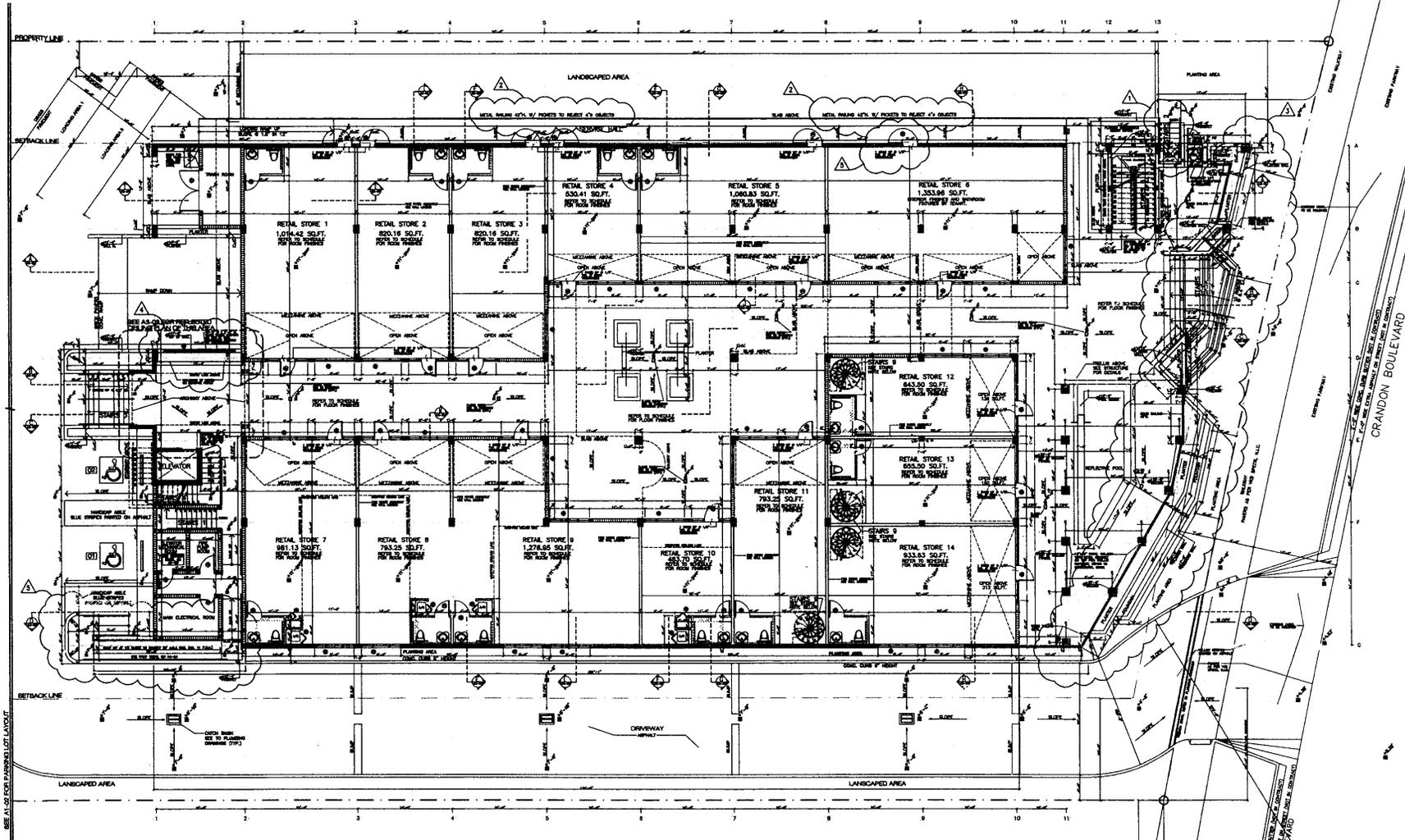
GROUND FLOOR PLAN
 SCALE 1/8" = 1'-0"

DOOR & WINDOW MASONRY OPENINGS
 ALL DOOR AND WINDOW OPENINGS SHALL BE CONFORM TO THE REQUIREMENTS OF THE 2000 IBC AND ALL APPLICABLE CODES.

SPIRAL STAIRS NOTE
 ALL STAIRS SHALL BE CONFORM TO THE REQUIREMENTS OF THE 2000 IBC AND ALL APPLICABLE CODES.

WALL LEGEND
 ALL WALLS SHALL BE CONFORM TO THE REQUIREMENTS OF THE 2000 IBC AND ALL APPLICABLE CODES.

NO.	REVISIONS	DATE
1	SCHEMATIC DEVELOPMENT	05-05-03
2	SCHEMATIC DEVELOPMENT	05-05-03
3	SCHEMATIC DEVELOPMENT	05-05-03
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100	SCHEMATIC DEVELOPMENT	05-05-03



GROUND FLOOR PLAN
SCALE 1/8" = 1'-0"

- DOOR & WINDOW MASONRY OPENINGS**
 OPENING PERMITTED BY FLORIDA BUILDING CODE
 AND ALL OTHER APPLICABLE CODES
- SPIRAL STAIRS NOTE**
 CONFORM TO 2010 IBC
 CONFORM TO 2010 IBC
 CONFORM TO 2010 IBC
 CONFORM TO 2010 IBC
- WALL LEGEND**
 1. 12" CMU WALL WITH 2" GROUT
 2. 8" CMU WALL WITH 1" GROUT
 3. 4" CMU WALL WITH 1/2" GROUT
 4. 12" CMU WALL WITH 2" GROUT
 5. 8" CMU WALL WITH 1" GROUT
 6. 4" CMU WALL WITH 1/2" GROUT
 7. 12" CMU WALL WITH 2" GROUT
 8. 8" CMU WALL WITH 1" GROUT
 9. 4" CMU WALL WITH 1/2" GROUT
 10. 12" CMU WALL WITH 2" GROUT
 11. 8" CMU WALL WITH 1" GROUT
 12. 4" CMU WALL WITH 1/2" GROUT

NEW SHOPPING CENTER & RESTAURANT
KEY COLONY PLACE
 200 CRANDON BLVD. KEY BISCAYNE FL 33149

NO.	DESCRIPTION	DATE
1	AS BUILT FOR STAIRS 2 REVISION	05-05-04
2	REVISION TO WALLS	05-12-04
3	REVISION TO WALLS	05-12-04
4	REVISION TO WALLS	05-12-04
5	REVISION TO WALLS	05-12-04
6	REVISION TO WALLS	05-12-04
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19	REVISION TO WALLS	05-12-04
20	REVISION TO WALLS	05-12-04

DESIGNED BY: W.B.
 DRAWN BY: M.F.
 DATE: 05-12-04
 PERMIT SET
 GROUND FLOOR
 A1-04

CHANDI GROUP INC
36 NE 1ST STREET, SUITE 117
MIAMI, FL 33132

3722
63-939/670

DATE 5/19/07

DAY TO THE
ORDER OF

V. Mays et Kay Bisognere
One Thousand One Hundred and Sixty Eight \$ *1168-50*
DOLLARS

HSBC 
HSBC Bank USA, N.A. Miami, FL 33131

FOR

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Securely
Features
Dialing on
Back

M



Village of Key Biscayne Police Department

Interoffice Memorandum

To: Jud Kurlancheek
AICP Director

Date May 29, 2007

From: Charles R. Press
Chief of Police

Subject: Conditional Use Application

I do not anticipate any increase in law enforcement activities because of the relocation of the previous package store, nor a new package store further south on Crandon Boulevard. Due to the location of the stores, and the fact they are not within a close proximity to school zones, law enforcement issues should not be a factor. The areas in question already provide for uses by many residents and visitors to Key Biscayne and the addition of the package stores will not impact noise, vehicular use, or vandalism.

We have had no issues with the current package store located at 64 Crandon Blvd. The store management provides a strict environment which prevents purchases by underage patrons and in addition, is proactive in preventing loitering outside of their establishment.