



# VILLAGE OF KEY BISCAINE

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 328 Crandon Boulevard, Suite

## RECOMMENDATION

It is recommended that the Village Council approve the application to establish a Package (liquor) Store as a Conditional Use at 328 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 BISCAINE

Department of Building, Zoning and Planning

*Village Council*  
Robert L. Vernon, *Mayor*  
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**DT:** May 29, 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 328 Crandon Blvd., Suite 100

## APPLICATION SUMMARY

<b>Request</b>	Conditional Use Application to Establish a Package (Liquor) Store
<b>Applicant</b>	Ellinis Corporation
<b>Site Address</b>	Key Colony Place at 328 Crandon Blvd., Suite 100
<b>Comprehensive Plan</b>	Commercial
<b>Zoning District</b>	C-1 Light Intensity Commercial
<b>File Number</b>	CU -1 Conditional Use
<b>Recommendation</b>	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 shopping center has stores at the sides of the property and the rear with a surface parking lot in the center and parking in back of the stores. The shopping center is elevated with access from stairs which are protected from the vehicles. There is an elevated walkway that provides for direct access to the shops.

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. The residences across Fernwood Rd. 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 shopping center has stores at the sides of the property and the rear with a surface parking lot in the center and parking in back of the stores. The shopping center is elevated with access from stairs which are protected from the vehicles. There is an elevated walkway that provides for direct access to the shops. 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 location is in the old Eckards space which is in the center of the shopping center. The Village Green Park is adjacent to the shopping center and approximately 500 ft. from the entrance of the package store. There is no direct access to the park from the store. The nearest place of worship and school is approximately .25 miles from the store. Access from the store to the school and place of worship is difficult due to the configuration of the shopping center.

Finding: Consistent.

### ***RECOMMENDATION***

Approval with no conditions.



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

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

Director
Jud Kurlancheek, AICP
Chief Building Official
Eugenio M. Santiago, P.E.

PLANNING AND ZONING APPLICATION

Date Filed: 5-2-07

File # CU-02
to be completed by staff

1. REQUEST FOR:

- ( ) SUPERVISORY VARIANCE
( ) ADMINISTRATIVE VARIANCE
( ) REGULATORY VARIANCE
( ) APPEAL OF AN ADMINISTRATIVE DECISION
( ) SITE PLAN APPROVAL
( ) UNUSUAL USE
(x) OTHER Conditional use
( ) AMENDMENT TO ZONING ORDINANCE
( ) SPECIAL EXCEPTION
( ) AMENDMENT TO THE COMPREHENSIVE PLAN
( ) ZONING DISTRICT CHANGE

Explain your request:

Moving existing liquor store to a new location

2. Street Address of Property: 328 Crandon Blvd. # 122-123, K.B., FL 33149
Legal Description: Lot(s) Block
Subdivision: 24-4232-002-0132

3. Name of Applicant: Ellinis Corp.
Mailing Address of Applicant: 24 Crandon Blvd., Key Biscayne, FL 33149
Business Telephone: (305)361-7007 Home (305)776-4770 Fax (305)361-0159

4. Name of Property Owner if Different from Applicant: Galleria of Key Biscayne, Inc.  
 Address of Property Owner if Different from Applicant: 328 Crandon Blvd., # 221c  
Key Biscayne, FL; 33149  
 Business Telephone: (305)361-0722 Home (305)588-0327 Fax (305)361-8039
5. Contact Person: Name Rosemary Sala Address 260 Crandon Blvd., #14, K.B.  
 Phone Number (305)361-0105 Fax (305)361-0159 FL, 33149
6. Name/address of anyone else who should receive notice of the hearing?  
N/A
7. If applicant is owner, indicate date purchased: N/A
8. If applicant is lessee, indicate date leased April 10, 2007 Years 10 Yrs.
9. Is there an option to purchase the property? Yes ( ) No ()
10. Is the request the result of a violation notice? No 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. 2416 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.





**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, \_\_\_\_\_, 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, \_\_\_\_\_, 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

\_\_\_\_\_  
Signature of Applicant

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 \_\_\_\_\_

\*\*\*\*\*

**Corporation Affidavit**

I am

I, Nicolas G. Mavris, being first duly sworn, depose and say that ~~we are~~ ~~we are~~ the President ~~Vice President and Secretary/Asst. 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, Nicolas G. Mavris, 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

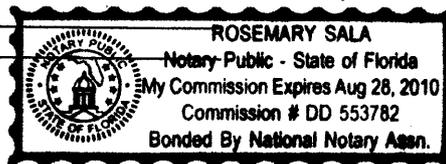
  
\_\_\_\_\_  
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this  
27 day of April, by Nicolas G. Mavris  
2007 Name of person making statement

  
\_\_\_\_\_  
Signature of Notary Public - State of Florida  
**A. ROSEMARY SALA**

\_\_\_\_\_  
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: \_\_\_\_\_

a condition use (liquor store)

relative to my property, which is hereby made by me OR I am here by authorizing Nicolas G. Marris to be my legal representative before the Village Council.

I, Adib Chartouni, 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  
1 day of May, by Adib Chartouni  
2007 Name of person making statement

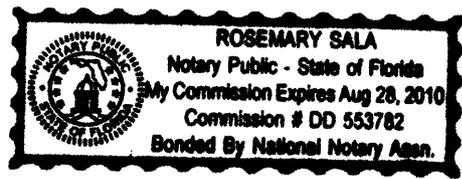
\_\_\_\_\_  
Signature of Owner

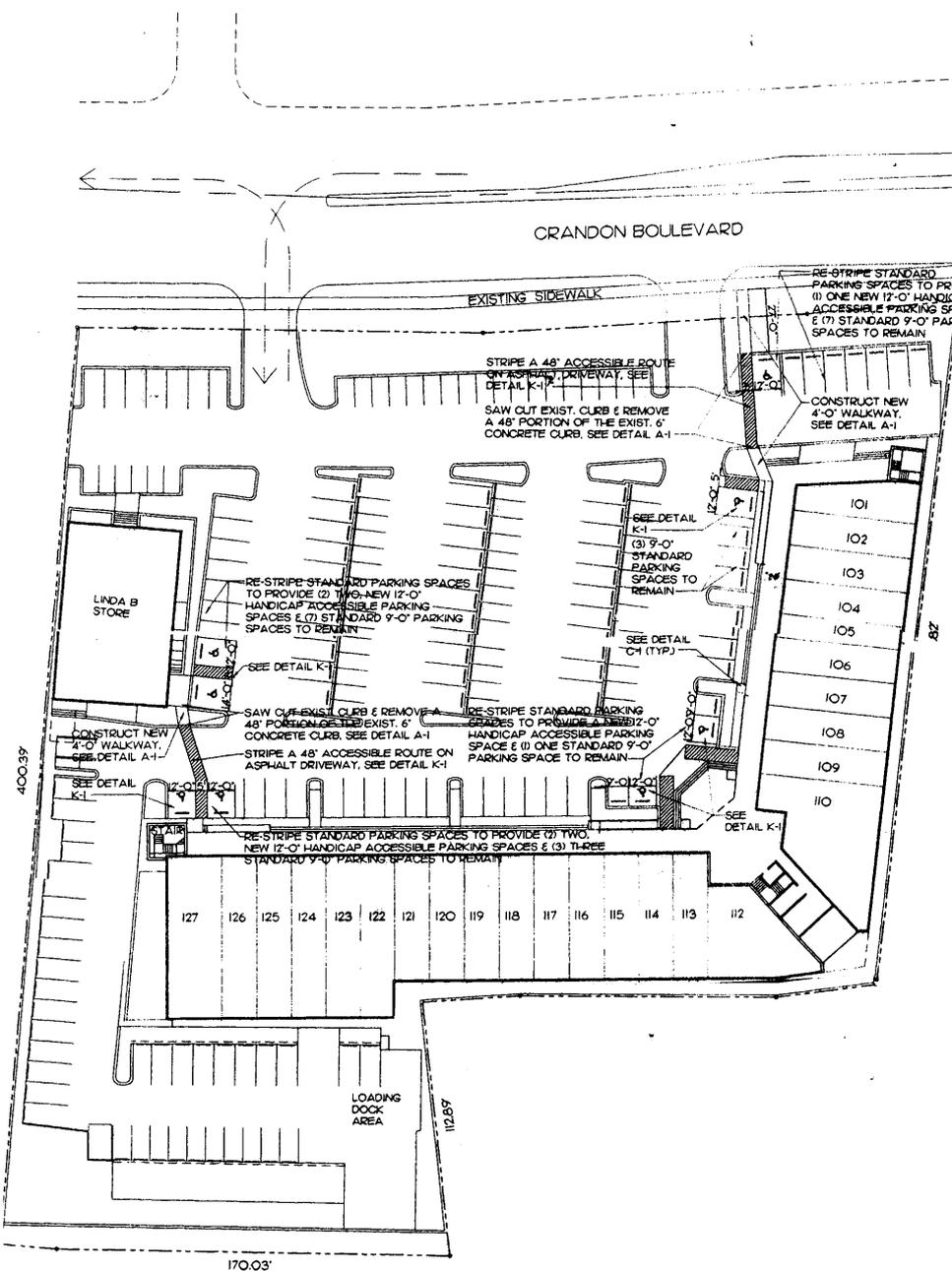
\_\_\_\_\_  
Signature of Notary Public - State of Florida  
**A ROSEMARY SALA**

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_





CRANDON BOULEVARD

EXISTING SIDEWALK

LINDA B STORE

101  
102  
103  
104  
105  
106  
107  
108  
109  
110

127 126 125 124 123 122 121 120 119 118 117 116 115 114 113 112

LOADING DOCK AREA

170.03'

400.39'

112.85'

PLAN NOTES:  
1. IN MY PROFESSIONAL JUDGEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THESE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE BUILDING CODES.



5	
4	
3	
2	
1	

NO. REVISIONS / SUBMISSIONS      DATE

**JORGE S. AZZE**  
**ARCHITECT - P.A.**  
7166 SW 47th Street, Miami, Florida 33155  
AA 0002704 Tel (305) 663-2666 Fax (305) 663-2683

**Key Biscayne Galeria**  
328 Crandon Blvd.  
Key Biscayne, FL 33149

DRAWING TITLE  
SITE PLAN & TYP. DETAILS  
ACCORDING TO F.A.C.B.C.

SEAL	DRAWN ASM	PROJECT NO. 00172
	CHECKED: JSA	DRAWING NO. A1-01
	DATE: 5-23-01	SHEET OF
JORGE S. AZZE AS 9686	SCALE: 1"=30'	

1-7 SITE PLAN  
1-01 SCALE 1" = 30'-0"



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

## 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

## **PLANNING AND ZONING APPLICATION SUBMISSION REQUIREMENTS**

Jud Kurlancheck, AICP  
*Director*

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

All plans must contain the following information

1. Copies of plans: 2 copies 24 x 36 and 1 copy 8.5 x 11, each signed and sealed.
2. A current survey. The Building, Zoning and Planning Director will determine if the age of the survey is not acceptable.
3. Site plan showing the location of all proposed structures.
4. Elevations for the entire structure(s).
5. Plans must be fully dimensioned and properly scaled.
6. Number of units, floor area ratio, setbacks, parking spaces, lot coverage, pervious area, building height, existing/proposed floor elevations, and landscape plan must be submitted. The Building, Zoning and Planning Director may require additional information to be submitted or waive or modify the submission requirements.
7. For all applications except Administrative Variances, all property owners within a 300 ft. of any property line must be notified of any request. The applicant is required to provide the Department with:
  - a. Two (2) copies of the mailing list (on gummed labels) with the addresses.
  - b. One (1) list with the legal descriptions.
  - c. One (1) map of the subject area showing the properties within 300 ft. of the subject property highlighted.

- d. A letter signed by the individual who prepared items 1-3 above certifying the accuracy of the mailing list.

The following companies are familiar with the Village's requirements for preparing the mailing list. They are provided as a courtesy and are not endorsed by the Village. The Village does not claim responsibility for the accuracy or timely acquisition of the information provided by these companies.

Carlos J. Maradiaga	305 207 1412
Consuelo Quintana	305 858 2287
Florida Real Estate Decisions	305 757 6884
Lopez Data Research	305 981 9893

- 8. Color photographs of existing structures on the property.

**FEE SCHEDULE**

At the time of filing an application, the appropriate fee must be paid. The amount of the fee is based on the below schedule (calculation of the fee is cumulative for each line item):

- 1. Base application fee for any type of application (double base fee if the application is the result of a violation).
 

Supervisory Variance (any type of use)	\$ 55.00
Single family and duplex (Administrative and Regulatory Variance)	\$ 150.00
Multiple Family (Administrative and Regulatory Variance)	\$ 315.00
Commercial and Hotel (Administrative and Regulatory Variance)	\$ 500.00
 Site Plan Review Fees	
Administrative Review	\$ 200.00
Village Council Review	\$ 500.00
 Appeal of an Administrative Decision	 \$ 1,000.00
 Amendment to the Zoning and Land Development Regulations	 \$ 1,000.00
 Change of Zoning District	 \$ 1,000.00
 Amendment to the Comprehensive Plan	 \$ 2,500.00

	Change of Land Use in the Comprehensive Plan	\$ 2,500.00
2.	Advertising fee if notice in a newspaper	
	a. published in the Village	\$ 300.00
	b. published in a newspaper that meets the requirements of Chapter 163 of Florida Statutes	\$ 4,500.00
3.	Mailing fee:	\$ .50 per mailing address.
4.	Size of property	\$ 100.00 per 10 acres or any fraction thereof
5.	Number of hotel or apartment units	\$ 55.00 per 15 units or any fraction thereof
6.	Size of buildings - non residential only	\$ 55.00 per 5,000 sq. ft. or any fraction thereof

**2. APPEALS OF VILLAGE COUNCIL DECISIONS**

For every application for an appeal of a decision by the village Council, there shall be paid to the Building, Zoning and Planning Department, for the processing for each and every application, a fee of three hundred and fifteen dollars (\$315.00), to be paid at the time of application. Site plan modification, where permitted, to appeal requests will be processed at an additional cost of three hundred and fifteen dollars (\$315.00)

**3. SCHEDULE OF MEETING DATES AND FEE SCHEDULE**

All meetings are held at 7:00 PM in the Village of Key Biscayne Council Chambers, second floor, 560 Crandon Boulevard (Rear of Fire Rescue Station), Key Biscayne Florida. Please contact the Building, Zoning, and Planning Director to determine filing deadlines and meeting dates.

**4. REGISTRATION AS A LOBBYIST**

If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

ELLINIS CORPORATION  
24 CRANDON BLVD  
KEY BISCAYNE, FL 33149

SUNTRUST BANK  
ACH RT# 061000104  
63-215/631

7927

*May 2, 2007*

PAY TO THE  
ORDER OF

*Village of Key Biscayne*

\$ *1,147.<sup>00</sup>*

*One Thousand One Hundred Forty Seven and <sup>00</sup>/<sub>100</sub>*

DOLLARS

MEMO



AUTHORIZED SIGNATURE

⑈007927⑈ ⑆063102152⑆0597015033551⑈

ELLINIS CORPORATION

7927

ELLINIS CORPORATION

7927

*\$ 1147.00*



**Village of Key Biscayne Police Department**  
*Interoffice Memorandum*

To: Jud Kurlancheek  
AICP Director  
From: Charles R. Press   
Chief of Police

Date May 29, 2007

Subject: Conditional Use Application

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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.