MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, NOVEMBER 27, 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 Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **PLEDGE OF ALLEGIANCE:** Mr. Jim Taintor led the Pledge of Allegiance.

3. **AGENDA:** Councilmember Davey requested the addition of an update regarding the ZORC as Item 8A3. There was no objection to the agenda change.

The Attorney addressed the Council regarding Hearing RV-28 which was removed from the agenda by the Building Zoning and Planning Director. The Attorney explained that the matter was properly advertised, but recommended against adding this item to this agenda.

Councilmember Garcia and Mayor Vernon were out of the Chamber when this item was discussed.

Mark Fried, attorney representing the applicants, Walter Defortuna and Claudia Batschaver, addressed the Council.

It was the consensus of Council to hear this item at a future Council Meeting when the information regarding this hearing was included in the agenda packet.

4. **APPROVAL OF MINUTES:** Councilmember Weinman made a motion to approve the minutes of the November 13, 2007 Regular Council Meeting. 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.

5. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Hearing Number RV - 22. The applicant, 210 Harbor, LLC, 210 Harbor Drive is requesting the following: a.) Permit two corners of a dock to extend outside of the D-5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 93 sq. ft.; b.) Waive the D-5 triangle limit for watercraft in order to dock a watercraft completely outside of the D-5 triangle limit. c.) Waive the 25 foot limit of dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

Director Kurlancheek addressed the Council recommending denial of the application because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

John Shubin and Amy Huber with Shubin & Bass, attorneys for the applicant, addressed the Council. Bibi Villazon, on behalf of the applicant, with Trident Environmental Consultants, Inc. also addressed the Council regarding this application.

The Attorney addressed the Council regarding the procedure for the hearings.

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive; Mortimer Fried, 291 Harbor Court and Jim Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Weinman made a motion to approve the request. The motion was seconded by Vice Mayor Mendia.

The motion to approve the request failed by a 2-5 roll call vote. The vote was as follows: Councilmember Thornton and Mayor Vernon voting Yes. Councilmembers Davey, Garcia, Liedman, Weinman and Vice Mayor Mendia voting No.

Hearing Number RV - 23. The applicant Falcon Financing, LTD./Philippe Touret, Director, 230 Harbor Drive is requesting the following: a.) Permit two corners of a dock to extend outside of the D-5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 93 sq. ft. b.) Waive the D-5 triangle limit for watercraft in order to dock a watercraft completely outside of the D-5 triangle limit. c.) Waive the 25 foot limit of dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

Director Kurlancheek addressed the Council recommending denial of the application because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

> John Shubin and Amy Huber with Shubin & Bass, attorneys for the applicant and Phillippe Touret, the applicant, addressed the Council. Bibi Villazon, on behalf of the applicant, with Trident Environmental Consultants, Inc. also addressed the Council regarding this application.
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> The Mayor opened the public hearing. Jim Taintor, 355 Harbor Drive; Camille Guething, 260 Seaview Drive and Mortimer Fried, 291 Harbor Court addressed the Council. The Mayor closed the public hearing.

Councilmember Thornton made a motion to approve the request. The motion was seconded by Councilmember Liedman.

The motion to approve the request failed by a 2-5 roll call vote. The vote was as follows: Councilmember Thornton and Vice Mayor Mendia voting Yes. Councilmembers Davey, Garcia, Liedman, Weinman and Mayor Vernon voting No.

Hearing Number RV - 24. The applicant Jorge F. Lazo Trust, 310 Harbor Drive is requesting the following: a.) Waive the D-5 triangle limit for watercraft in order to dock a watercraft outside of the D-5 triangle limit; b.) Waive the 25 foot limit for a dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

Director Kurlancheek addressed the Council recommending denial of the application because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

> John Shubin with Shubin & Bass, attorney for the applicant and Jorge F. Lazo, the applicant, addressed the Council. Bibi Villazon, on behalf of the applicant, with Trident Environmental Consultants, Inc. also addressed the Council regarding this application.

Councilmember Davey made a motion approve the request to waive the 25 foot limit for a dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay, provided that the vessel fits within the D5 triangle. The motion was seconded by Councilmember Liedman.

The Mayor opened the public hearing. Jim Taintor, 355 Harbor Drive and Camille Guething, 260 Seaview Drive addressed the Council. The Mayor closed the public hearing.

The motion to approve the request failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Davey, Liedman and Thornton voting Yes. Councilmembers Garcia, Weinman, Vice Mayor Mendia and Mayor Vernon voting No.

Hearing Number RV - 26. The applicant Victor Henriquez, 300 Harbor Drive is requesting the following: a.) Permit two corners of a dock to extend outside of the D-5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 80 sq. ft. b.) Waive the D-5 triangle limit for watercraft in order to dock a watercraft completely outside of the D-5 triangle limit. c.) Waive the 25 foot limit of dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.

Director Kurlancheek addressed the Council recommending denial of the application because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

Councilmember Garcia made a motion to approve the request. The motion was seconded by Councilmember Thornton.

John Shubin and Amy Huber with Shubin & Bass, attorneys for the applicant and Victor Henriquez, the applicant, addressed the Council. Bibi Villazon with Trident Environmental Consultants, Inc. also addressed the Council regarding this application.

The Mayor opened the public hearing. Jim Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

The motion to approve the request failed by a 0-7 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting No.

At this time Vice Mayor Mendia made a motion to encourage residents on Harbor Drive from the Yacht Club to Heather Drive to get together with the staff and bring a proposal to Council regarding requirements for docks. The motion was seconded by Mayor Vernon 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.

Hearing Number SP - 18. The applicant 285 Sunrise LLC, 285 Sunrise Drive is requesting approval of a site plan for a 10 unit apartment building.

Director Kurlancheek addressed the Council recommending approval with the following conditions: 1.) The patio areas shall be 100% in landscaping as shown on the plans. Any material other than landscaping is prohibited included but not limited to pavers, stepping stones, bricks, concrete, etc. 2.) Patios and balconies shall not have any type of enclosure. 3.) The perimeter wall facing Sunrise Drive shall have a 2 ft. of CBS wall, a 4 ft. picket railing for a total height of 6 ft. The railing finish shall match the balcony railings or window trim. 4.) Prior to the issuance of a building permit, these conditions shall be recorded in the public records of Miami-Dade County and be included in the Condominium Documents.

Willie Borroto and Otto Borroto with Borroto Architects and Mario Garcia-Serra, attorney for the applicant, addressed the Council.

Mr. Garcia-Serra also stated that the applicant has agreed to fund 50% of the approximate cost of underground utilities for this project. In order to accommodate the underground installation of utilities, the design will need to be adjusted and the project will have to be flipped so that the entrance will be on the westerly end.

The Mayor opened the public hearing. Nancy Mele, 285 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Davey made a motion to approve the request with the above recommended conditions. The motion was seconded by Garcia and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

6. **ORDINANCES:** There were no ordinances considered by Council.

7. **RESOLUTIONS:** At this time the Manager requested the deferral of Item 7A to the December 4th, 2007 Council Meeting.

Councilmember Davey made a motion to defer Item 7A to the December 4, 2007 Council Meeting. 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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED TEN THOUSAND ($10,000) DOLLARS , FROM THE LAW ENFORCEMENT TRUST FUND FOR THE POLICE MEMORIAL IN WASHINGTON D.C.; PROVIDING FOR EFFECTIVE DATE.

The Manager and Chief of Police Charles Press addressed the Council recommending approval of this resolution that will allow the police department to utilize State Law Enforcement Trust Funds towards building a privately funded National Law Enforcement Museum in Washington D.C.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Davey 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.

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

Mayor and Councilmembers. Councilmember Weinman addressed the Council regarding the need for temporary lights on the Village Green.

Public Works Director Armando Nunez addressed the Council regarding the temporary lights.

Councilmember Garcia made a motion to approve a budget not to exceed $8,000 for temporary lighting of the south end of the playing field for the months of December, January and February. The motion was seconded by Councilmember Davey 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.

Councilmember Weinman also addressed the Council regarding funding assistance for the Bill Baggs State Park portion of the Key Biscayne Boat Parade.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the boat parade.

Councilmember Garcia made a motion to allocate funds, not to exceed $8,000, for the Bill Baggs State Park portion of the Key Biscayne Boat Parade. The motion was seconded by Councilmember Davey 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.

Councilmember Davey addressed the Council requesting an update from the ZORC Committee for the December 4, 2007 Council Meeting. There was no objection to the request.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

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 10:40 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 4th day of December, 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.