VILLAGE OF KEY BISCAYNE

Office of the Village Manager

MEMORANDUM

Village Council
Franklin H. Caplan, *Mayor*
Michael W. Davey, *Vice Mayor*
Theodore J. Holloway
Michael E. Kelly
Mayra P. Lindsay
Ed London
James S. Taintor

Village Manager
John C. Gilbert

DATE: February 11, 2014

TO: Honorable Mayor and Members of the Village Council

FROM: John C. Gilbert, Village Manager

RE: 530 Crandon Boulevard: Use Determination

The establishment of a permanent use at 530 Crandon Boulevard was a policy determination made by the Village Council at a public hearing on November 10, 2009 (see attached, Exhibit A). The motion to establish the main permitted use of this property as a public park was approved by a 7-0 voice vote.

On January 14, 2014, there was a consensus and direction that the administration should schedule a public hearing to consider a specific use of the property as a dog park. The property is currently zoned GU (Government Use District) and parks are one of the main permitted uses in this District.

Should the Village Council choose to further designate a more specific use or uses for the property; those designations must be consistent with the following review criteria (Section 30-102(d)(1) of the Village's Zoning and Land Development Regulations):

1. the proposed use is consistent with the uses listed in the District Purpose;
2. considering among other factors a recommendation by the Village Manager (if any);
3. the public need; and,
4. the existing land use pattern in the area.

The above review criteria were met during the public hearing approval process on November 10, 2009.

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MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT."
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EXHIBIT A

VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Robert L. Vernon, *Mayor*
Michael Davey, *Vice Mayor*
Enrique Garcia
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

Village Manager
Genaro "Chip" Iglesias

MEMORANDUM

DATE: November 3, 2009

TO: Honorable Mayor and Members of the Village Council

FROM: Genaro "Chip" Iglesias, Village Manager

RE: 530 Crandon Boulevard: Permanent Use Determination

RECOMMENDATION

It is recommended that the Village Council establish a permanent use for 530 Crandon Boulevard subject to compliance with the permitted uses listed in the Master Plan and Land Development Regulations (Zoning Ordinance). The attached staff report from the Building, Zoning, and Planning Director lists the permitted uses.

Once a permanent use is determined, the preparation of a site plan will be required. At that point, the Council could consider the attached conceptual plans that were prepared by IBI Group, Inc. as the basis to prepare a site plan or other improvements that are not represented on those plans. The Administration is seeking direction from the Council on what type of improvements are desired for the permanent use of the property.

530 Crandon Boulevard is at the entry to the Civic Center. As such, the use of this property and the quality of the improvements should be supportive of the Civic Center and the needs of our residents.

BACKGROUND

On October 20, 2009, the Village Council held a workshop to discuss the use of the property. During that discussion, a passive public park or public park was discussed as potential uses. Both of these uses are consistent with the Master Plan and Zoning and Land Development Regulations.

Should the Council select permanent improvements which require buildings, structures, or recreational facilities, it will be necessary to engage the services of a professional to prepare a site plan. In this event, we could utilize our list of professionals, IBI Group Inc., or issue a Request for Qualifications (RFQ). This site plan will be required to be approved by the Village Council after a duly noticed public hearing. The RFQ process will require approximately three (3) months to complete. It is recommended that the funding source to engage the services of a professional be "Master Plan Initiatives" as listed in the Capital Outlay.

VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council
Robert L. Vernon, *Mayor*
Michael Davey, *Vice Mayor*
Enrique Garcia
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

Director
Jud Kurlancheek, AICP

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

DT: November 2, 2009

TO: Genaro "Chip" Iglesias, Village Manager

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

RE: 530 Crandon Boulevard: Permanent Use Determination

RECOMMENDATION

It is recommended that the Village Council establish a permanent use for 530 Crandon Boulevard subject to compliance with the permitted uses listed in the Master Plan and Land Development Regulations (Zoning Ordinance). The permitted uses are listed below.

Once a permanent use is determined the preparation of a site plan will be required. At that point, the Council could consider the attached conceptual plans that were prepared by IBI Group, Inc. as a basis to prepare the site plan or other improvements that are not represented on those plans. The Administration is seeking direction from the Council on what type of improvements are desired for the permanent use of the property.

530 Crandon Boulevard is at the entry to the Civic Center. As such, the use of this property and the quality of the improvements should be supportive of the Civic Center and the needs of our residents.

EXPLANATION

Zoning and Planning Process: the property is located in a GU Government Use District. The regulations require a public hearing to approve the use of the property. A second public hearing to approve a site plan with specific improvements is only necessary if the work requires the construction of buildings or structures.

A site plan is a detailed architectural drawing which requires an understanding of the uses that will be placed on the property and their architectural and usage relationships to one another. Whatever is placed on the site should conform with the overall architectural theme of the Civic Center. As such, funds will need to be allocated for the preparation of a site plan and eventually working drawings for a building permit. In order to engage the services of a professional to prepare a site plan, we can use one of the firms under contract with the Village, IBI Group, Inc, or issue a Request for Qualifications. The RFQ process will require three (3) months.

Relationship to the Civic Center: 530 Crandon Boulevard was purchased by the Village on July 1, 2002 for $1,615,000. The property was then combined with land that was previously purchased from the former owners of Suntrust Bank, all of which formed the Civic Center. After Village Green Way was constructed, there remained a triangular shaped property between this road and the 530 Crandon Boulevard property. This triangular shaped parcel was part of the Community Center site plan. However, all Civic Center Maps combined this parcel as one site. The combined parcel includes 22,799 sq. ft. Today, the Civic Center includes 530 Crandon Boulevard, Village Hall, Community Center, Fire Rescue Station, and Village Green Way.

Current Temporary Use of the Property: Following the purchase of the property in July of 2002, the Village demolished the former gas station, instituted remedial action regarding pollution, and established a Public Works Yard. On September 5, 2006, the Village Council approved Resolution No.: 2006-35 which permitted a staging area for construction materials for the water and sewer project and Phase 3 of the Crandon Boulevard Project.

Master Plan: The Future Land Use Map in the Master Plan designates the property as Commercial. This designation permits the following uses:

> "...general commercial and business uses and activities serving the daily service needs of the community. Other uses permitted on land within this category include business and professional office uses, public parks, municipal buildings and facilities and public utilities necessary to serve the uses within this category."

Master Plan Evaluation and Appraisal Report (EAR) Recommendation: The EAR was adopted by the Village Council in July 2006, amended based on comments from the State of Florida Department of Community Affairs (DCA) in July 2007, and approved by DCA on September 25, 2007. The EAR contains amendments to every section of the Master Plan including the Future Land Use, Traffic Circulation, Housing, Infrastructure, Conservation and Coastal Management, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements. On October 20, 2009, the Village Council directed the Village Clerk to schedule a workshop on all of the amendments in January or February 2010. Following the workshop, public hearings will be set before the Local Planning Agency (LPA), and the Village Council.

The EAR recommends that the Future Land Use designation for all of the property in the Civic Center (Village Hall, Fire Rescue Station, 530 Crandon Boulevard, and Village Green Way) be changed from Commercial to Public and Institutional. This designation permits the following uses:

> "...government facilities and uses and public and private institutional uses, including, but not limited to, houses of worship, schools and health care facilities where compatible with the surrounding area. Public parks and public utilities necessary to serve the uses within this category are also permitted."

In order to change the land use designation, the Local Planning Agency (LPA) and the Village Council are required to hold public hearings.

Zoning and Land Development Regulations: The property is located within a GU Government Use District. The permitted uses in this district are as follows:

> "Governmental Buildings and facilities such as, but not limited to, schools, offices, post offices, parks, open space, community centers, recreational buildings, police and fire stations."

Evaluation Criteria: The Zoning and Land Development regulations include the following evaluation:

Criteria 1 The public need for the use.

Analysis: Based on our Recreation and Open Space Concurrency requirement of 2.5 acres per 1,000 residents, the Village has a deficit of 3.32 acres. Since the EAR used the 2000 U.S. Census to determine the number of residents in the Village, from anecdotal observations it is highly probably that the number of residents has increased resulting in a greater deficit of recreation and open space land. Should the Council determine that the use of 530 Crandon Boulevard property be recreation and open space, then the deficit would be reduced by 0.52 acres resulting in a net shortfall 2.80 acres.

Finding: Consistent should the use of the property be for recreation and open space purposes.

Criteria 2 Is compatible with the existing surrounding land uses and would not be detrimental to the community.

Analysis: The existing surrounding land uses include:

a. North: Bank
b. East: Multiple Family
c. South: Fire Rescue Station
d. West: Community Center

Two (2) of the four (4) surrounding land uses are for governmental purposes. Just north of the bank is a nine (9) acre park. The Community Center provides a wide range of recreational uses.

Finding: Consistent should the use of the property be for public park purposes.

RESOLUTION NO. 2009-26

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING THAT A PUBLIC PARK USE BE PERMITTED ON 530 CRANDON BOULEVARD, AS FURTHER DESCRIBED IN EXHIBIT "A;" AUTHORIZING THE VILLAGE MANAGER TO PREPARE A SITE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in October of 2001, the Village of Key Biscayne (the "Village") acquired the land where the Village Community Center is currently located; and

WHEREAS, east of Village Green Way a portion of the Village Community Center property was never developed (the "Excess Property"); and

WHEREAS, in July of 2002, the Village acquired land located at 530 Crandon Boulevard, which abuts the Excess Property; and

WHEREAS, given that the Excess Property and 530 Crandon Boulevard abut one another, these properties are commonly referred to together as 530 Crandon Boulevard (Collectively, the "Property") as shown on Exhibit "A;" and

WHEREAS, pursuant to Section 30-102 of the Village Code of Ordinances (the "Village Code"), Village staff designated the Property Government Use (GU) on the Village's Zoning Map; and

WHEREAS, Section 30-102 of the Village Code further provides that the Village Council shall hold a public hearing prior to establishing any new use of lands designated GU; and

WHEREAS, on September 5, 2006, the Village Council held a duly noticed public hearing and established a temporary storage facility for construction materials related to Phase 3 of the Crandon Boulevard Project and the Water and Sewer Project as a permitted use on the Property; and

WHEREAS, the Village Council now desires to establish a public park on the Property; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Village Council finds that this Resolution is necessary to promote and protect the public health, safety and welfare of the citizens and residents of the Village.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Establishment of Use.** That the Village Council hereby establishes a public park use for 530 Crandon Boulevard, as further described on Exhibit "A."

Section 3. **Village Manager Authorized.** That the Village Manager is hereby authorized to take any and all steps necessary to prepare a site plan for 530 Crandon Boulevard, as further described on Exhibit "A."

Section 4. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this 10th day of November 2009.

MAYOR ROBERT L. VERNON

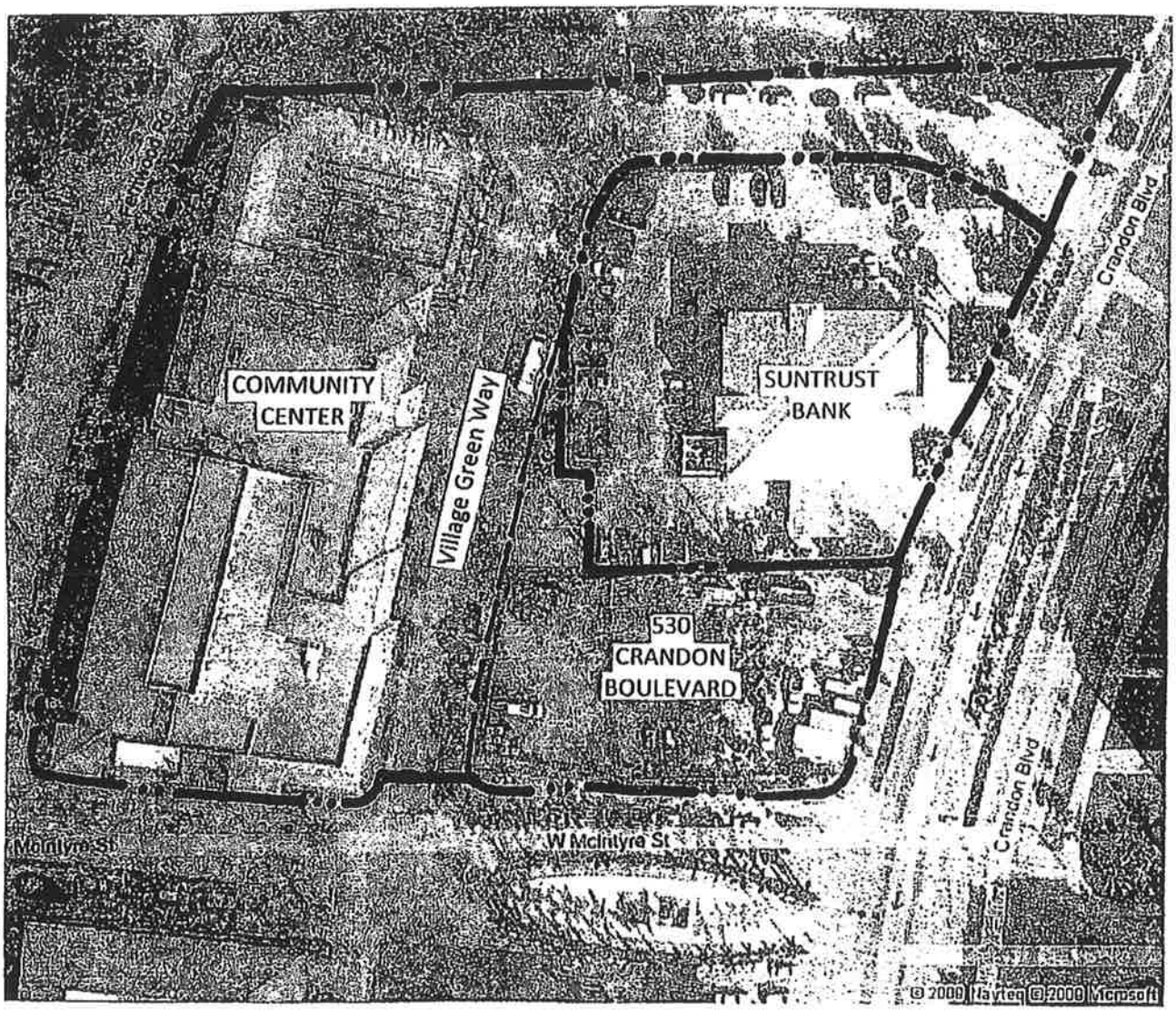
ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

VILLAGE ATTORNEY

disclosed to the public, please do not communicate with the Village of Key Biscayne through e-mail. Instead, please contact the Village by telephone or other non-electronic means."

EXHIBIT "A"

530 CRANDON BOULEVARD