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January 31, 2014

Via Electronic Mail

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: Application No. SP-22 and Application No. CU-04
Localized Traffic Study

Dear Mr. Kurlancheek:

Our firm represents Morgan Property Group ("Applicant") in connection with applications for site plan approval (Application No. SP-22) for the proposed redevelopment of the property located at 12, 22 & 24 Crandon Boulevard (the "Property") and for conditional use approval (Application CU-04) for a retail package wine and liquor store, which were initially filed with the Village of Key Biscayne on March 6, 2013.

Since the initial submittal, the Applicant's applications have continued to be delayed. This chronology has been documented thoroughly in our previous correspondence.

Since October 2013, the applications have been deemed complete and ready for hearing. As you know, in November 2013, the Village Council approved the expenditure of approximately \$27,000 for the preparation of a traffic study by Atkins, Inc., although a traffic study is not required for applications for site plan and conditional use approval and has not been performed in other similar projects. Two separate studies were then prepared by the Village's traffic consultant, Darlene Fernandez of Atkins, Inc., and by the Applicant's traffic consultant, Joaquin Vargas of Traf Tech Engineering, Inc. and delivered to the Village of Key Biscayne in advance of the December 3, 2013 Village Council Meeting. Both traffic studies concluded that under the Institute of Transportation Engineers (ITE) standards, the Applicant's project and the estimated number of trips associated with the project would not result in any detrimental impact to Key Biscayne and would not result in a decrease in the level of service on adjacent roadways and intersections.

At the December 3, 2013 Village Council Meeting, despite two (2) completed traffic studies having been presented to the Village Council, a staff report recommending approval, and the presence of the consultants at the hearing in order to testify to the findings, the Village Council voted 5-2 to defer the hearing on the applications until a date certain of February 11, 2014 for the

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sole purpose of requesting that Atkins conduct a localized traffic study.

Notwithstanding repeated requests on behalf of the Applicant that Mr. Vargas be included in developing a scope of work and methodology for the study of localized traffic conditions, the Village excluded Mr. Vargas, the Applicant and/or any of its representatives from the process. Specifically, you informed Steve Wernick in my office via email on December 18, 2013 that only staff would be meeting with your consultant and that no other participants were invited.

Much to our surprise, we were informed on January 14th by the Village Attorney, Mr. Helfman, that the Village had hired Miles Moss & Associates to conduct the new so-called localized traffic study, at an additional cost of \$14,700. On January 23, 2014, we received a copy of the traffic study prepared by Miles Moss on behalf of the Village and dated January, 2014 (the "Moss Report").

It is our understanding that the Moss Report is intended to be used as the basis for the staff report and presented at the February 11th Village Council Meeting without any input from the Applicant or its consultants who are most familiar with the characteristics of the site and the Project.

We believe there are fundamental flaws and deficiencies in the process employed by the Village Attorney in procuring the Moss Report, the methodology used by Mr. Moss, and the data collection and resulting conclusions. This Moss Report was conducted in the dark with no notice to the Applicant of the details. The commissioning of the study was done without the same procedural steps conducted in the request for proposals that led to the prior Atkins study, without a request for proposals or approval of the expenditures at a public hearing by the Village Council. Furthermore, the scope of the Moss is inconsistent with the direction provided by the Village Council at the December 3, 2013 hearing.

Since the Applicant and Mr. Vargas have been specifically excluded from the process, the Applicant requested that Mr. Vargas prepare a localized study consistent with the Village Council direction using commonly accepted protocol for localized studies pursuant to the ITE Standards. Enclosed herein for your attention is a localized Trip Generation Study for Pharmacy Drug Stores, prepared by Traf Tech Engineering, Inc., dated January 30, 2014 (the "Traf Tech Report"). The Traf Tech Report evaluates three different sites, as required by ITE Standards, and determines that the proposed development "will not degrade the level of service of the surrounding street system. All project driveways are projected to operate adequately from traffic and safety standpoints."

In summary, we continue to maintain that a traffic study is unwarranted and that this Applicant is being treated differently than all others similarly situated in Key Biscayne. Moreover, two (2) different traffic studies conducted in November 2013 by reputable traffic engineers in Miami-Dade County concluded that the proposed project

Please include this letter and the Traf Tech Report in the agenda package for the February 11, 2014 Village Council Meeting.

While the Applicant has been subject to delays and unfair treatment throughout this process, we still maintain hope that the Village Council affords the Applicant a fair hearing at the February 11, 2014 meeting, applies the proper criteria under Chapter 30-73 of the Village Code, considers all appropriate and competent evidence before it, and approves these applications.

Sincerely,



Neisen O. Kasdin

Enclosures

cc: Stephen Helfman, Esq., Village Attorney
Chad Friedman, Esq., Assistant Village Attorney
Steven Wernick, Esq., Akerman LLP
Max Puyanik, Key Biscayne Gateway Partners, Ltd.
Trey Morgan, Morgan Property Group

January 30, 2014

Mr. Trey Morgan – President
Morgan Property Group
13024 Ballantyne Corporate Place
Suite 250
Charlotte, NC 28277

Re: Trip Generation Study for Pharmacy Drug Stores

Dear Mr. Morgan:

Traf Tech Engineering, Inc. conducted a trip generation study to develop local trip generation rates for pharmacy drug stores located in Key Biscayne in Miami-Dade County, Florida. In accordance with the Institute of Transportation Engineer's (ITE) *Trip Generation Handbook* (Second Edition), three comparable pharmacy drug stores were selected for purposes of this study. The three study-sites included:

1. CVS Pharmacy located at 726 Crandon Boulevard in the Village of Key Biscayne
2. Walgreens Pharmacy located at 17534 Collins Avenue in the City of Sunny Isles Beach
3. CVS Pharmacy located at 99434 Overseas Highway in Key Largo, Florida.

A general description of each pharmacy is presented below:

CVS Pharmacy in Key Biscayne

The Key Biscayne CVS Pharmacy is located within a retail commercial center located on the southwest corner of the intersection of Crandon Boulevard and West Wood Drive. Access to the subject commercial center is provided via two access driveways off of West Wood Drive and one ingress/egress driveway off of Crandon Boulevard. The size of the CVS Pharmacy is approximately 18,300 square feet.

Walgreens Pharmacy in Sunny Isles Beach

The Sunny Isles Beach Walgreens Pharmacy is located on the northwest corner of Collins Avenue and NE 174th Street. It has one ingress/egress driveway off of Collins Avenue and the one-story building has approximately 19,681 square feet of gross building area. This site was selected because it is comparable to the proposed Key Biscayne Walgreens project. It is a stand-alone building in an island-type environment. It primarily serves nearby residents and not customers from the mainland due to the distance between the mainland and Sunny Isles Beach.

CVS Pharmacy in Key Largo

The Key Largo Walgreens Pharmacy is located near Mile Marker 100 in Key Largo, Florida. It has two ingress/egress driveways, one on the southbound lanes of Overseas Highway and another on the northbound lanes of US 1. The one-story building has approximately 9,894 square feet of gross building area. This site was selected because it is comparable to the proposed Key Biscayne Walgreens project. It is a stand-alone building in an island-type environment. It primarily serves nearby residents and not customers from the mainland due to the distance between the Homestead and Key Largo.

Traffic Counts

Consistent with ITE procedures, the AM and PM peak hours of the adjacent street were determined for each pharmacy drug store¹. Manual traffic counts were conducted every 15-minute period for both inbound vehicles and outbound traffic. The morning counts were conducted between 7 and 9 while the PM peak hour counts encompassed the period from 4 to 6. The traffic counts were undertaken during two weekdays (Tuesday and Wednesday January 21 and 22, 2014 for the two Miami-Dade County sites and August 20 and 21, 2013 at the Key Largo store). The average AM and PM peak hours were developed for each study site. The results of the AM and PM peak hour traffic counts are presented in Tables 1 and 2. Table 1 document the AM peak hour trip generation while Table 2 presents the afternoon peak generation rate.

Table 1 documents the average AM peak hour counts for each of the three study-sites. The resulting trip generation rate as well as the overall average is also presented in the table. As indicated in Table 1, the average AM peak hour trip generation for pharmacy drug stores located in Key Biscayne-type environment is approximately 4.25 trips per 1,000 square feet of gross building area. The 4.25 trip rate results in approximately 62 AM peak hour trips for the proposed 14,558 square-foot Walgreens, which is less than the 73 AM peak hour trips used in the traffic study prepared for the Key Biscayne Walgreens Pharmacy project. The local AM peak hour trip generation rate is less than the average AM peak hour trip rate recommended by ITE.

TABLE 1			
AM Peak Hour Trip Generation Results			
Pharmacy Drug Store			
Pharmacy	Size	AM Peak Hour Volume	AM Peak Trip Generation Rate (per 1,000 sf)
CVS Key Biscayne	18,300 SF	115	6.28
Walgreens	19,681 SF	64	3.25
CVS Key Largo	9,894 SF	32	3.23
Average		70	4.25

Source: Traf Tech Engineering, Inc. and Crossroads Engineering Data, Inc.

¹ The Key Largo pharmacy counts were undertaken during a 24-hour period.

Table 2 documents the average PM peak hour counts for each of the three study-sites. The resulting trip generation rate as well as the overall average is also presented in the table. As indicated in Table 1, the average PM peak hour trip generation for pharmacy drug stores located in Key Biscayne-type environment is approximately 9.72 trips per 1,000 square feet of gross building area. The 9.72 trip rate results in approximately 141 PM peak hour trips for the proposed 14,558 square-foot Walgreens, which is consistent with the 161 midday peak hour of the generator trips and the 122 PM peak hour trips used in the traffic study prepared for the Walgreens Pharmacy project. The local PM peak hour generation rate is consistent with the average peak hour of the generator trip rate and PM peak hour trips rate recommended by ITE, which was evaluated in the November 2013 traffic study.

TABLE 2 PM Peak Hour Trip Generation Results Pharmacy Drug Store			
Pharmacy	Size	PM Peak Hour Volume	AM Peak Trip Generation Rate (per 1,000 sf)
CVS Key Biscayne	18,300 SF	262	14.32
Walgreens	19,681 SF	165	8.38
CVS Key Largo	9,894 SF	64	6.47
Average		164	9.72

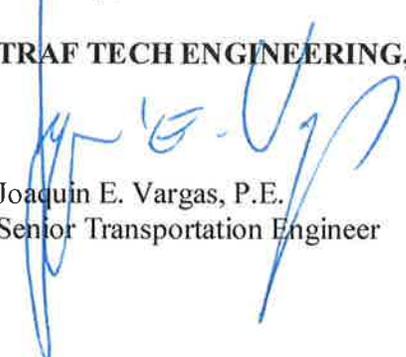
Source: Traf Tech Engineering, Inc. and Crossroads Engineering Data, Inc.

In summary, the local trip generation study conducted by Traf Tech Engineering, Inc. is generally consistent with the trip generation rates recommended by ITE. Therefore, the results obtained in our November 2013 traffic study are considered acceptable from a traffic engineering standpoint. That is, the proposed Key Biscayne Walgreens development will not degrade the level of service of the surrounding street system. All project driveways are projected to operate adequately from traffic and safety standpoints.

Please give me a call if you have any questions relative to the information presented herein.

Sincerely,

TRAF TECH ENGINEERING, INC.



Joaquin E. Vargas, P.E.
Senior Transportation Engineer

ATTACHMENTS

Traffic Counts

**(CVS in Key Biscayne, Walgreens in
Sunny Isles Beach and CVS in Key Largo)**

LOCATION: CVS 726 Crandon Blvd

AVERAGE

DATE	TIME	IN	OUT	DATE	TIME	IN	OUT
1/21/2014	7:00	10	5	1/22/2014	7:00	9	6
1/21/2014	7:15	6	9	1/22/2014	7:15	6	7
1/21/2014	7:30	8	7	1/22/2014	7:30	7	6
1/21/2014	7:45	11	8	1/22/2014	7:45	13	7
1/21/2014	8:00	14	11	1/22/2014	8:00	11	15
1/21/2014	8:15	16	11	1/22/2014	8:15	14	8
1/21/2014	8:30	20	16	1/22/2014	8:30	14	14
1/21/2014	8:45	18	17	1/22/2014	8:45	16	12
1/21/2014	16:00	30	32	1/22/2014	16:00	34	43
1/21/2014	16:15	18	31	1/22/2014	16:15	32	41
1/21/2014	16:30	17	20	1/22/2014	16:30	20	20
1/21/2014	16:45	36	24	1/22/2014	16:45	39	34
1/21/2014	17:00	36	36	1/22/2014	17:00	30	45
1/21/2014	17:15	31	35	1/22/2014	17:15	29	35
1/21/2014	17:30	25	32	1/22/2014	17:30	25	30
1/21/2014	17:45	29	31	1/22/2014	17:45	31	38
DAILY TOTAL		325	325	DAILY TOTAL		330	361

TIME	IN	OUT
7:00	10	6
7:15	6	8
7:30	8	7
7:45	12	8
8:00	13	13
8:15	15	10
8:30	17	15
8:45	17	15
16:00	32	38
16:15	25	36
16:30	19	20
16:45	38	29
17:00	33	41
17:15	30	35
17:30	25	31
17:45	30	35
DAILY TOTAL	330	347

		Total	In	Out
AM PEAK	8:00:00 AM	115	62	53
PM PEAK	4:45:00 PM	262	126	136
DAILY AVERAGE		677	330	347

LOCATION: Walgreens 17534 Collins Ave

DATE	TIME	IN	OUT	DATE	TIME	IN	OUT
1/21/2014	7:00	10	5	1/22/2014	7:00	8	6
1/21/2014	7:15	1	2	1/22/2014	7:15	6	6
1/21/2014	7:30	6	1	1/22/2014	7:30	7	4
1/21/2014	7:45	10	12	1/22/2014	7:45	8	7
1/21/2014	8:00	10	6	1/22/2014	8:00	11	10
1/21/2014	8:15	7	8	1/22/2014	8:15	11	4
1/21/2014	8:30	4	6	1/22/2014	8:30	6	6
1/21/2014	8:45	5	5	1/22/2014	8:45	13	12
1/21/2014	16:00	15	13	1/22/2014	16:00	15	24
1/21/2014	16:15	24	23	1/22/2014	16:15	21	21
1/21/2014	16:30	16	20	1/22/2014	16:30	26	21
1/21/2014	16:45	20	15	1/22/2014	16:45	24	27
1/21/2014	17:00	14	18	1/22/2014	17:00	16	19
1/21/2014	17:15	23	21	1/22/2014	17:15	18	29
1/21/2014	17:30	13	12	1/22/2014	17:30	26	7
1/21/2014	17:45	23	25	1/22/2014	17:45	19	19
DAILY TOTAL		201	192	DAILY TOTAL		235	222

AVERAGE

TIME	IN	OUT
7:00	9	6
7:15	4	4
7:30	7	3
7:45	9	10
8:00	11	8
8:15	9	6
8:30	5	6
8:45	9	9
16:00	15	19
16:15	23	22
16:30	21	21
16:45	22	21
17:00	15	19
17:15	21	25
17:30	20	10
17:45	21	22
DAILY TOTAL	221	211

		Total	In	Out
AM PEAK	7:45:00 AM	64	34	30
PM PEAK	4:30:00 PM	165	79	86
DAILY AVERAGE		432	221	211

LOCATION: CVS LOCATED ON ATLANTIC BLVD AND OVERSEAS HIGHWAY MM100

AVERAGE

DATE	TIME	IN	OUT	DATE	TIME	IN	OUT
8/20/2013	22:15	0	0	8/21/2013	22:15	0	0
8/20/2013	22:30	0	0	8/21/2013	22:30	0	0
8/20/2013	22:45	0	0	8/21/2013	22:45	0	0
8/20/2013	23:00	0	0	8/21/2013	23:00	0	0
8/20/2013	23:15	0	0	8/21/2013	23:15	0	0
8/20/2013	23:30	0	0	8/21/2013	23:30	0	0
8/20/2013	23:45	0	0	8/21/2013	23:45	0	0
8/21/2013	0:00	0	0	8/22/2013	0:00	0	0
8/21/2013	0:15	0	0	8/22/2013	0:15	0	0
8/21/2013	0:30	0	0	8/22/2013	0:30	0	0
8/21/2013	0:45	0	0	8/22/2013	0:45	0	0
8/21/2013	1:00	0	0	8/22/2013	1:00	0	0
8/21/2013	1:15	0	0	8/22/2013	1:15	0	0
8/21/2013	1:30	0	0	8/22/2013	1:30	0	0
8/21/2013	1:45	0	0	8/22/2013	1:45	0	0
8/21/2013	2:00	0	0	8/22/2013	2:00	0	0
8/21/2013	2:15	0	0	8/22/2013	2:15	0	0
8/21/2013	2:30	0	0	8/22/2013	2:30	0	0
8/21/2013	2:45	0	0	8/22/2013	2:45	0	0
8/21/2013	3:00	0	0	8/22/2013	3:00	0	0
8/21/2013	3:15	0	0	8/22/2013	3:15	0	0
8/21/2013	3:30	0	0	8/22/2013	3:30	0	0
8/21/2013	3:45	0	0	8/22/2013	3:45	0	0
8/21/2013	4:00	0	0	8/22/2013	4:00	0	0
8/21/2013	4:15	0	0	8/22/2013	4:15	0	0
8/21/2013	4:30	0	0	8/22/2013	4:30	0	0
8/21/2013	4:45	0	0	8/22/2013	4:45	0	0
8/21/2013	5:00	0	0	8/22/2013	5:00	0	0
8/21/2013	5:15	0	0	8/22/2013	5:15	0	0
8/21/2013	5:30	1	1	8/22/2013	5:30	0	0
8/21/2013	5:45	1	1	8/22/2013	5:45	0	0
8/21/2013	6:00	1	1	8/22/2013	6:00	0	0
8/21/2013	6:15	0	0	8/22/2013	6:15	1	0
8/21/2013	6:30	1	1	8/22/2013	6:30	1	0
8/21/2013	6:45	1	0	8/22/2013	6:45	0	0
8/21/2013	7:00	0	1	8/22/2013	7:00	1	1
8/21/2013	7:15	0	0	8/22/2013	7:15	3	3
8/21/2013	7:30	1	1	8/22/2013	7:30	2	0
8/21/2013	7:45	2	2	8/22/2013	7:45	2	3
8/21/2013	8:00	2	2	8/22/2013	8:00	2	2
8/21/2013	8:15	3	3	8/22/2013	8:15	4	2

TIME	IN	OUT
22:15	0	0
22:30	0	0
22:45	0	0
23:00	0	0
23:15	0	0
23:30	0	0
23:45	0	0
0:00	0	0
0:15	0	0
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0:45	0	0
1:00	0	0
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4:00	0	0
4:15	0	0
4:30	0	0
4:45	0	0
5:00	0	0
5:15	0	0
5:30	1	1
5:45	1	1
6:00	1	1
6:15	1	0
6:30	1	1
6:45	1	0
7:00	1	1
7:15	2	2
7:30	2	1
7:45	2	3
8:00	2	2
8:15	4	3

LOCATION: CVS LOCATED ON ATLANTIC BLVD AND OVERSEAS HIGHWAY MM100

AVERAGE

DATE	TIME	IN	OUT	DATE	TIME	IN	OUT
8/21/2013	8:30	2	4	8/22/2013	8:30	3	3
8/21/2013	8:45	4	3	8/22/2013	8:45	5	4
8/21/2013	9:00	3	5	8/22/2013	9:00	4	5
8/21/2013	9:15	4	6	8/22/2013	9:15	5	4
8/21/2013	9:30	5	4	8/22/2013	9:30	4	3
8/21/2013	9:45	6	8	8/22/2013	9:45	8	7
8/21/2013	10:00	9	7	8/22/2013	10:00	12	7
8/21/2013	10:15	8	9	8/22/2013	10:15	1	8
8/21/2013	10:30	7	4	8/22/2013	10:30	9	4
8/21/2013	10:45	7	4	8/22/2013	10:45	6	4
8/21/2013	11:00	15	14	8/22/2013	11:00	13	12
8/21/2013	11:15	8	6	8/22/2013	11:15	8	8
8/21/2013	11:30	7	8	8/22/2013	11:30	9	8
8/21/2013	11:45	9	6	8/22/2013	11:45	9	7
DAILY TOTAL		332	333	DAILY TOTAL		350	346

TIME	IN	OUT
8:30	3	4
8:45	5	4
9:00	4	5
9:15	5	5
9:30	5	4
9:45	7	8
10:00	11	7
10:15	5	9
10:30	8	4
10:45	7	4
11:00	14	13
11:15	8	7
11:30	8	8
11:45	9	7
DAILY TOTAL	341	340

		Total	In	Out
AM PEAK	11:00:00 AM	74	39	35
PM PEAK	5:00:00 PM	64	29	35
DAILY AVERAGE		681	341	340

LOCATION: CVS LOCATED ON ATLANTIC BLVD AND OVERSEAS HIGHWAY MM100

AVERAGE

DATE	TIME	IN	OUT	DATE	TIME	IN	OUT
8/20/2013	12:00	9	10	8/21/2013	12:00	5	5
8/20/2013	12:15	6	6	8/21/2013	12:15	7	5
8/20/2013	12:30	6	5	8/21/2013	12:30	7	7
8/20/2013	12:45	5	7	8/21/2013	12:45	9	9
8/20/2013	13:00	5	6	8/21/2013	13:00	5	4
8/20/2013	13:15	8	6	8/21/2013	13:15	3	6
8/20/2013	13:30	6	8	8/21/2013	13:30	5	4
8/20/2013	13:45	7	5	8/21/2013	13:45	8	9
8/20/2013	14:00	5	5	8/21/2013	14:00	5	7
8/20/2013	14:15	9	7	8/21/2013	14:15	4	6
8/20/2013	14:30	5	5	8/21/2013	14:30	2	3
8/20/2013	14:45	4	5	8/21/2013	14:45	11	7
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8/20/2013	16:30	3	5	8/21/2013	16:30	7	10
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8/20/2013	17:00	8	7	8/21/2013	17:00	10	13
8/20/2013	17:15	5	5	8/21/2013	17:15	7	11
8/20/2013	17:30	7	9	8/21/2013	17:30	5	5
8/20/2013	17:45	10	14	8/21/2013	17:45	6	5
8/20/2013	18:00	6	7	8/21/2013	18:00	8	5
8/20/2013	18:15	2	4	8/21/2013	18:15	6	5
8/20/2013	18:30	6	4	8/21/2013	18:30	4	7
8/20/2013	18:45	7	10	8/21/2013	18:45	7	5
8/20/2013	19:00	6	3	8/21/2013	19:00	4	7
8/20/2013	19:15	2	4	8/21/2013	19:15	6	5
8/20/2013	19:30	3	2	8/21/2013	19:30	4	5
8/20/2013	19:45	2	5	8/21/2013	19:45	5	5
8/20/2013	20:00	7	5	8/21/2013	20:00	2	3
8/20/2013	20:15	3	5	8/21/2013	20:15	2	2
8/20/2013	20:30	3	1	8/21/2013	20:30	6	3
8/20/2013	20:45	4	3	8/21/2013	20:45	2	3
8/20/2013	21:00	5	5	8/21/2013	21:00	5	3
8/20/2013	21:15	1	3	8/21/2013	21:15	4	5
8/20/2013	21:30	3	2	8/21/2013	21:30	4	6
8/20/2013	21:45	5	4	8/21/2013	21:45	6	5
8/20/2013	22:00	1	3	8/21/2013	22:00	0	3

TIME	IN	OUT
12:00	7	8
12:15	7	6
12:30	7	6
12:45	7	8
13:00	5	5
13:15	6	6
13:30	6	6
13:45	8	7
14:00	5	6
14:15	7	7
14:30	4	4
14:45	8	6
15:00	7	8
15:15	10	9
15:30	6	8
15:45	8	7
16:00	6	8
16:15	10	6
16:30	5	8
16:45	8	8
17:00	9	10
17:15	6	8
17:30	6	7
17:45	8	10
18:00	7	6
18:15	4	5
18:30	5	6
18:45	7	8
19:00	5	5
19:15	4	5
19:30	4	4
19:45	4	5
20:00	5	4
20:15	3	4
20:30	5	2
20:45	3	3
21:00	5	4
21:15	3	4
21:30	4	4
21:45	6	5
22:00	1	3

Conchita Alvarez

From: Jud Kurlancheek
Sent: Thursday, February 06, 2014 10:24 AM
To: Stephen Helfman; Chad Friedman (cfriedman@wsh-law.com)
Cc: Conchita Alvarez; Jud Kurlancheek
Subject: FW: 12-22-24 CRANDON BOULEVARD

Hi Conchita,

Pls place the below e main into the site plan and conditional use hearing files and place a copy on the Council dais.

Thank you.



Jud Kurlancheek, AICP, Director
Village of Key Biscayne, Fl
Building, Zoning, and Planning Director
88 W. McIntyre St.
Key Biscayne, FL 33149

Office 305 365 8908
Fax 305 365 5556
Web www.keybiscayne.fl.gov

From: NicoMavris@aol.com [mailto:NicoMavris@aol.com]
Sent: Friday, November 15, 2013 11:25 AM
To: Jud Kurlancheek
Subject: Re: 12-22-24 CRANDON BOULEVARD

Hi Jud,

When I took over the property on March 7, 1997 the properties were all connected, open access, the deal that the Rice's had with the old owners (Stefano Brandino and Don Berg) was that during the week the tenants of the 7-11 mall were able to use the parking lots of Stefano's and La Caretta and on the weekends Stefano's clients were able to park their cars at the 7-11 mall.

I was approached by the owner of the then Fresh Market who asked me to allow for his produce trucks etc. to park all week long day and night on the Stefano's lot and promised to remove the trucks on Friday so I could have all the space possible for my own customers on my heavy nights Friday-Saturday.

It became a habit for James Massari the owner of the Fresh Market to not remove the trucks on the weekend always coming up with an excuse. So I decided sometime in 1998 to go through the process of putting up the fence in order to protect my business interests.

My fence went through hell as somebody always late at night would break on purpose the fence. I just repaired and kept up all through my ownership of the property which lasted until February of 2007 (10 years)at which time I sold to a group of Spanish investors that were represented by Jaime Orosco.

Jaime, opened up the access once again sometime late 2007.

Best regards,
Nico

In a message dated 11/15/2013 9:21:08 A.M. Eastern Standard Time, jkurlancheek@keybiscayne.fl.gov writes:

HI Nick,

Please send me the dates that the fence between the two properties (51 Harbor Dr. and 12-22-24 Crandon) was opened and/or closed during your ownership of the property.

Thank you



Jud Kurlancheek, AICP, Director

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