



VILLAGE OF KEY BISCAYNE

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Office of the Village Manager MEMORANDUM

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

Village Manager
John C. Gilbert

DATE: February 11, 2013
TO: Honorable Mayor and Members of the Village Council
FROM: John C. Gilbert, Village Manager
RE: Conditional Use Application to establish a package (liquor) store at 12-22-24 Crandon Boulevard with access from 51 Harbor Drive

RECOMMENDATION

It is recommended that the Village Council accept the attached Building, Zoning and Planning (BZP) Director's recommendations for the Conditional Use Application to establish a package store at 12-22-24 Crandon Boulevard with access from 51 Harbor Drive.

BACKGROUND

The Zoning and Land Development Regulations include criteria to evaluate an application for a Conditional Use relating to package stores. The Building, Zoning, and Planning (BZP) Director has compared the application with the criteria. The Director recommends approval of the Conditional Use Application subject to conditions as set forth in the attached Memorandum.



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

Office of the Village Manager

DT: February 11, 2014

TO: John C. Gilbert, Village Manager

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

RE: Supplemental report: Conditional Use Application to Establish a Package (Liquor) Store at 12-22-24 Crandon Boulevard

Village Council

Franklin H. Caplan, *Mayor*
Mayra P. Lindsay, *Vice Mayor*
Michael W. Davey
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James S. Taintor

Village Manager
John C. Gilbert

Application

The applicant has filed an application for a package (liquor) store at 12-22-24 Crandon Boulevard. The Zoning and Land Development Regulations provide criteria to review Conditional Use applications. These criteria were analyzed and presented to the Village Council in my December 3, 2013 memorandum.

During the December 3, 2013 meeting, the Council deferred consideration of the application for a Conditional Use as they felt there was a need for further traffic analysis. Subsequently, the services of Miles Moss and Associates, Inc. were retained to perform this work. Their "Traffic Generation, Distribution, Operation and Safety Study" is attached to this memorandum.

Analysis

This memorandum supplements my December 3, 2013 memorandum based upon the findings and conclusions as set forth in the Moss Study. My December 3, 2013 memorandum included a statement that the findings and conclusions were based upon the best available data as set forth in the Atkins Study and that such findings and conclusions were subject to change if a specialized Trip Generation Study presented different conclusions. The Atkins Study recommended that a specialized Trip Generation Study be prepared and that was included in the Moss Study. The Moss Study also further analyzed the safety and operational issues identified in the Atkins Study.

The following is an analysis of the Conditional Use Review Criteria 2 based upon the findings and conclusions as presented in the Atkins and Moss Studies. The analysis presented in my December 3, 2013 report for all of the other criteria remain as originally submitted.

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

There are four (4) ingress and egress locations to access the property. Two are located on Crandon Boulevard. The first is a one way "in" driveway at the north end of the site. The second one is located in the middle of the property and it will function as the primary access to the property from Crandon Boulevard as it leads directly to a parking lot and entrances to the building. A third way to enter the property is from the driveway at Harbor Plaza leading to the proposed development site. The applicant has filed a cross-access agreement which permits this circulation pattern to occur. The fourth is an alley located on the west side of the Harbor Plaza property. This alley provides access for service vehicles and leads to the proposed development. The circulation system provides for the movement of vehicles to travel around the proposed development site and through to the Harbor Plaza property.

The Village contracted with two different traffic engineers to determine the impact that the proposed project will have on vehicular and pedestrian traffic on and off the site. These engineers were Atkins North America and Miles Moss and Associates Inc. The Atkins Study provided traffic counts and trip generation rates based on the Institute for Traffic Engineers (ITE) standard formulas that are used throughout the country and provided conclusions regarding the movement of traffic on and off the site.

The Moss Study further examined Atkins's conclusions and conducted a study of the conditions at CVS at 700-726 Crandon Boulevard and an analysis of the safety and operational aspects of the site. Chapter 4 of the Trip Generation handbook provides for a local jurisdiction to conduct its own trip generation rate to validate the equations and used by ITE. This work was performed by Moss.

The Atkins Study determined that:

"based on observations there are a lot of driveways within close proximity and a large volume of traffic utilizing Harbor Drive to access Harbor Plaza. The exit and entrance to Harbor Plaza has existing safety and operational issues. The exit from Harbor Plaza and entrance are counter intuitive to traffic patterns. Typically there is an entrance access before the exit and the driveways are only 20 ft. apart. Also, you have an eastbound left turn to enter Harbor Plaza and an exit from the Oasis parking lot into the exit for Harbor Plaza. When vehicles back out from a parking (space) this blocks through traffic from being able to enter Harbor Plaza creating a spillback onto Harbor Drive and not allowing vehicles to be able to exit as well".

Atkins observed there were changes to the median in front of and slightly west of Harbor Plaza. These changes occurred approximately 13 years ago and were designed to facilitate the movement of traffic on Harbor Drive to Crandon Boulevard during the peak morning times. The Atkins Study determined that there are operational and safety issues that exist today an additional analysis was needed. As noted above, the Moss prepared this additional analysis.

The Moss Study determined that the existing conditions at Harbor Plaza property at the public sidewalk along Harbor Drive, the ingress and egress drives and within the parking lot are currently "hazardous". They quantified this finding with accident reports and a significant increase in daily trips of 2,278 and at 100 trips at the peak morning hour and 185 trips the peak evening hour. They also concluded that 36% of all accidents within the routes used to the proposed development occur within the Harbor Drive parking lot and that 50% of all traffic going to the proposed development will be using this parking lot. They determined that the "hazardous" conditions will become "substantially worse" if this property is used for ingress and egress for the proposed development. The Moss Study also determined that additional traffic accidents, injuries or fatalities are likely.

The findings from Moss and Atkins, when taken together, clearly indicate that the existing configuration and design of the Harbor Plaza site is "hazardous" and does not provide for safe movement of vehicles, bicycles and pedestrians. In order to be consistent with this criteria, the Harbor Plaza site including ingress and egress and turning movements from Harbor Drive would have to be redesigned.

Based upon the forgoing, I have determined that ingress and egress from Harbor Drive through the Harbor Plaza property to the proposed market/pharmacy is not consistent with Criteria 2. The Moss Study determined that the current "hazardous" conditions at Harbor Plaza will become "substantially worse" if Harbor Drive provides ingress and egress to the prosed development site.

Finding: Not consistent

RECOMMENDATION

It is recommended that the Conditional Use Application be approved subject to:

1. the approval of a site plan by the Village Council; and,
2. access shall be prohibited from the Harbor Plaza property to the proposed development. In order to prevent access the following shall be provided:

- a. a three (3) ft. CBS wall at the along the rear property line from Calusa Park to the Harbor Plaza Building;
- b. a three (3) ft. CBS wall located at the common property line at the proposed cross-access area;
- c. a 6 ft. black vinyl coated chain link fence from the cross-access area along the common property line to the sidewalk at Harbor Drive.

LOCATION MAP SCALE: 1"=100'



LEGAL DESCRIPTIONS:

PARCEL 1:
That part of Tract 1, of Subdivision of a portion of **MATHESON ESTATE**, according to the Plat thereof, recorded in Plat Book 46, at Page 86 of the Public Records of Dade County, Florida, described as follows:
Beginning at the Northeast corner of Tract 1, run Southwesterly along the Easterly line of said Tract 1 a distance of 150 feet to a point; thence run West parallel to the North line of said Tract 1, a distance of 250 feet to a point; thence run Northeastly parallel to the Easterly line of said Tract 1 a distance of 150 feet to a point on the North line of said Tract 1, thence run East along the North line of said Tract 1, a distance of 250 feet to the Point of Beginning.
PROPERTY ADDRESS: 12 CRANDON BOULEVARD. Key Biscayne, Florida. 33139

AND

PARCEL 2:
A portion of Tract 1, Subdivision of a portion of **MATHESON ESTATE**, according to the Plat thereof, as recorded in Plat Book 46, at Page 86 of the Public Records of Dade County, Florida, described as follows:
Commencing at the Northeast corner of said Tract 1, thence run Southwesterly along the Easterly line of said Tract 1, a distance of 150 feet to the point of beginning of the parcel of Parcel 1 hereinafter to be described; thence run Southwesterly along the Easterly line of said Tract 1, a distance of 113.32 feet to a point; thence run West parallel to the North line of said Tract 1, a distance of 250 feet to a Point; thence run Northeastly parallel to the Easterly line of Tract 1, a distance of 113.32 feet to a point; thence run East parallel to the North line of Tract 1, a distance of 250 feet to the Point of Beginning.
PROPERTY ADDRESS: 22-24 CRANDON BOULEVARD. Key Biscayne, Florida. 33139

LEGEND:

- F.N. = FOUND NAIL
- S.I.P. = SET IRON PIPE
- L.F.E. = LOWEST FLOOR ELEVATION
- (R) = RECORD
- (M) = MEASURED
- E— = WOOD POLE WITH OVERHEAD ELECTRIC LINE
- ▨ = CONCRETE AREAS
- ▩ = PAVED AREAS
- O— = 6' HIGH METAL FENCE
- X— = CHAIN LINK FENCE
- EM = ELECTRIC METER
- = CATCH BASIN
- C.B.S. = CONCRETE BLOCK STRUCTURE
- ⊗ = WATER METER
- ⊙ = SANITARY SEWER MANHOLE
- ☀ = CONC. LIGHT POLE
- ☎ = PHONE BOOTH
- C/O = CLEAN OUT
- ⊕ = CENTER LINE

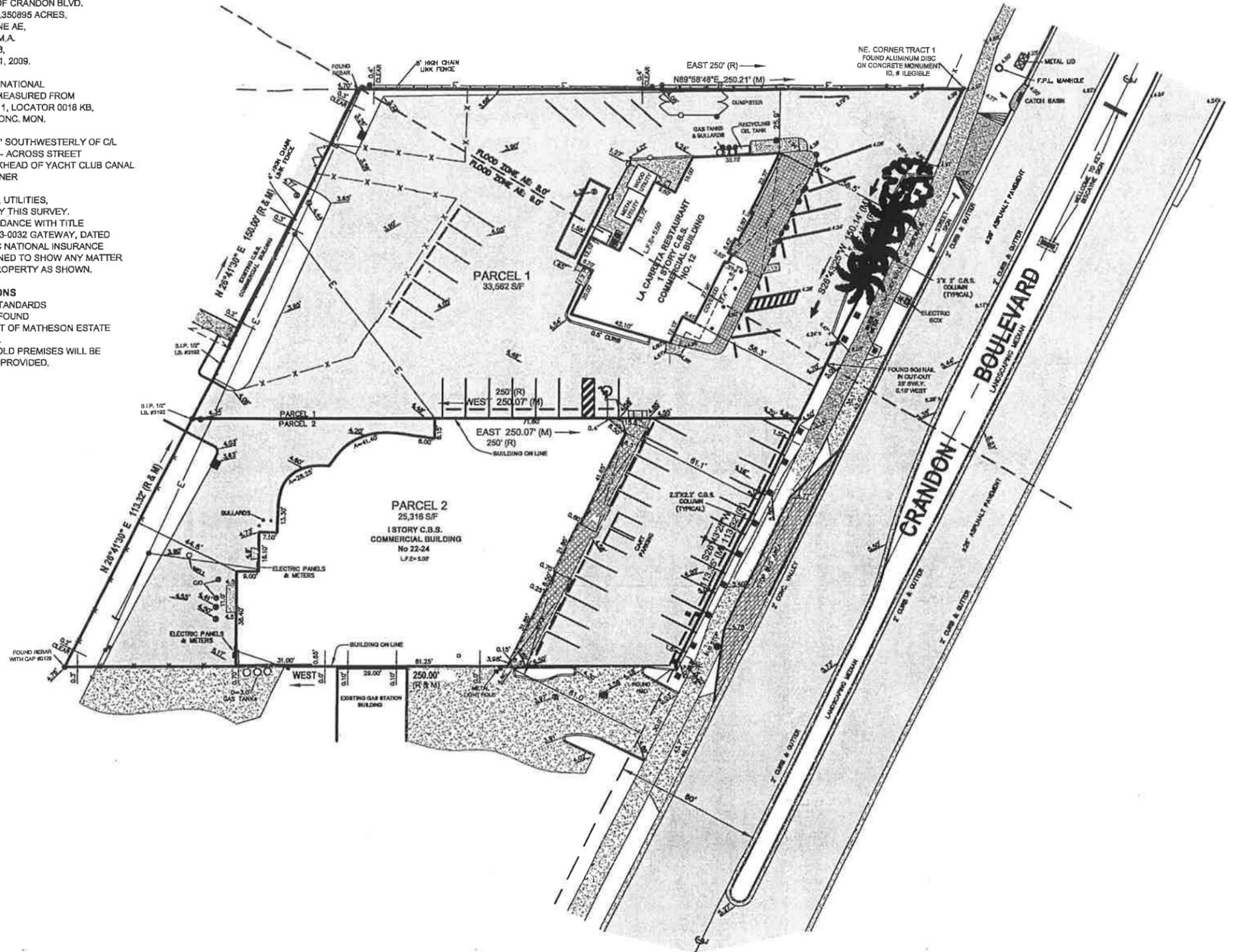
SURVEYOR'S NOTES:

- 1- TYPE OF SURVEY: BOUNDARY & ELEVATIONS
- 2- BEARINGS & DISTANCES SHOWN ARE IN SUBSTANTIAL COMPLIANCE WITH THOSE RECORDED UNLESS OTHERWISE NOTED.
- 3- BEARINGS ARE BASED ON AN ASSUMED VALUE OF S 26°41'30" W ALONG THE WEST R/W LINE OF CRANDON BLVD.
- 4- PROPERTY AREA: 58,845 SQUARE FEET = 1,350895 ACRES.
- 5- THIS PROPERTY IS LOCATED IN FLOOD ZONE AE, BASE FLOOD ELEVATION: 9.0', AS PER F.E.M.A. MAP COMMUNITY No.120648, PANEL No.0483, SUFFIX L, LAST REVISED ON SEPTEMBER 11, 2009.
- 6- ALL ELEVATIONS THUS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, AS MEASURED FROM MIAMI DADE COUNTY, BENCHMARK No MI-11, LOCATOR 0018 KB, ELEVATION: 4.35' AND IS A BRASS BAR IN CONC. MON. HARBOR DRIVE — 48' NORTH OF C/L KEY BISCAIYNE YATCH CLUB DRIVE — 32.7' SOUTHWESTERLY OF C/L OF GATE ADDRESS # 191 HARBOR DRIVE — ACROSS STREET 15.8' NORTHEASTERLY OF NE. END OF BULKHEAD OF YACHT CLUB CANAL
- 7- LEGAL DESCRIPTION AS PROVIDED BY: OWNER
- 8- USE OF PROPERTY: COMMERCIAL
- 9- UNDERGROUND FOOTINGS, FOUNDATIONS, UTILITIES, OR SEPTIC TANKS WHERE NOT LOCATED BY THIS SURVEY.
- 10- THIS SURVEY HAVE BEEN MADE IN ACCORDANCE WITH TITLE COMMITMENT AGENT'S FILE REFERENCE 13-0032 GATEWAY, DATED MARCH 22, 2013, ISSUED BY OLD REPUBLIC NATIONAL INSURANCE COMPANY, FURNISHED TO THE UNDERSIGNED TO SHOW ANY MATTER OF RECORDS AFFECTING THE SUBJECT PROPERTY AS SHOWN.

SCHEDULE B-2 EXCEPTIONS

- ITEMS 1, 2, 3, 5, 6, 7, 8, 9, 10 AND 11 ARE STANDARDS
- ITEM 2C: NO ENCRoACHMENT HAS BEEN FOUND
- ITEM 4: MATTERS CONTAINED ON THE PLAT OF MATHESON ESTATE AFFECT THE SUBJECT PROPERTY.
- ITEM 12: LEGAL DESCRIPTION OF LEASEHOLD PREMISES WILL BE PREPARED WHEN BOUNDARIES BE PROVIDED.

SKETCH OF SURVEY SCALE: 1"=20'



J. F. LOPEZ & ASSOCIATES, INC.

CONSULTING LAND SURVEYORS AND PLANNERS

CERTIFICATE N° LB.3192, STATE OF FLORIDA

7900 NW. 155th ST, SUITE 104, MIAMI LAKES, FL.33016

Ph: (305) 828-2725 Fax: (305) 828-3589

I HEREBY CERTIFY: THAT A SURVEY OF THE PROPERTY AS DESCRIBED IN THE FOREGOING CAPTION HAS BEEN MADE UNDER MY DIRECTION, AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17-05, OF FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT.

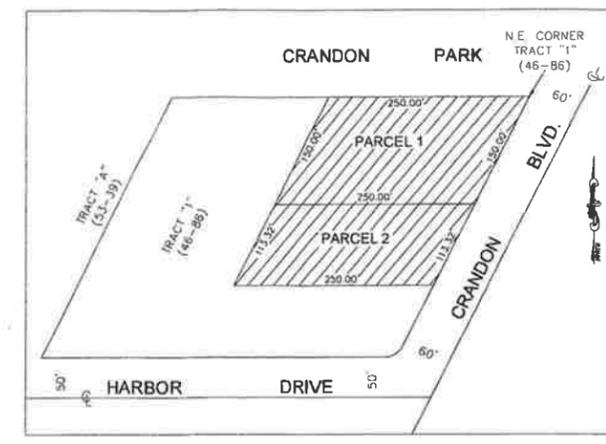
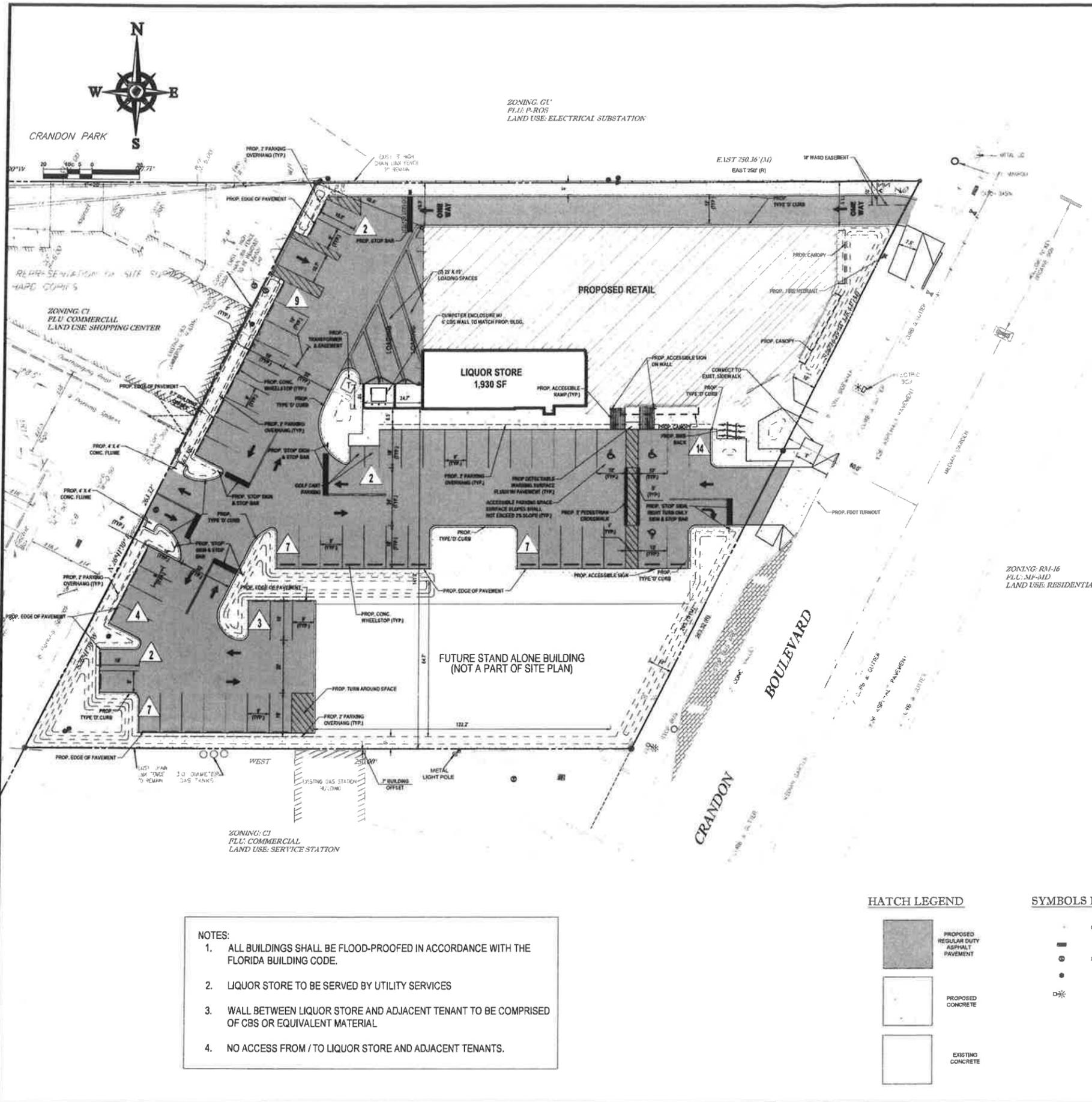
THIS IS NOT A VALID SURVEY WITHOUT THE UNDERSIGNED SURVEYOR'S SIGNATURE AND EMBOSSED RAISED SEAL.

BY: *Jose Lopez*
JOSE F. LOPEZ, P.S.M.
Professional Surveyor & Mapper
N°3086, State of Florida.

CERTIFIED TO:

Walgreens Co.,
Attorneys' Title Fund Services, LLC,
Key Biscayne Gateway Partners, Ltd., a Florida limited partnership,
and Florida Investment Partners, Inc.

APRIL 6, 2013	120813	JFL	ON FILE	110638-110617	ADD NEW TITLE COMMITMENT
SEPTEMBER 8, 2012	120813	JFL	ON FILE	110638-110617	REVISED, UPDATED & RECERTIFIED
MAY 21, 2012	120507	JFL	H6-45	110638	RECERTIFICATION
JUNE 18, 2011	110617	JFL	H6-45	110617	REVISED & UPDATED
MAY 23, 2009	090515	JFL	H6-45	090515	REVISED & UPDATED
APRIL 04, 2007	070370	MT.P.	H6-45	070370	REVISED & UPDATED
DECEMBER 04, 2006	061133	MT.P.	H6-45	061133	BOUNDARY SURVEY & ELEVATIONS
DATE OF FIELD WORK:	ORDER N°	DRAWN BY:	FIELD BOOK:	CAD FILE:	REVISIONS:



LOCATION MAP
SCALE 1"=100'

SITE DATA

ZONING C-1 (COMMERCIAL LOW INTENSITY)
 FLU COMMERCIAL

USE	AREA	RATIO	SPACES
PROPOSED RETAIL (FIRST FLOOR)	10,000 SF		
PROPOSED RETAIL STORAGE (MEZZANINE)	2,628 SF		
LIQUOR STORE	1,930 SF		
TOTAL AREA	14,558 SF		

	TOTAL	CENTER	FUTURE STAND ALONE BUILDING
LOT AREA	58,815 SF (1.35 AC) 100%	46,844 (84.8%)	8,971 (15.2%)
PERVIOUS AREA	11,234 SF (0.26 AC) 19.1%	2,263 (3.9%)	8,971 (15.2%)
IMPERVIOUS AREA	47,581 SF (1.09 AC) 80.9%	47,581 (80.9%)	0 (0%)

	REQUIRED		
MAX. LOT COVERAGE	35%	20.3%	0%
FAR (MAX.)	0.5	0.25	0.0
MAX. HEIGHT	3 STORY (35')	1 STORY (30.68')	N/A

MINIMUM SETBACKS	FRONT (EAST)	REAR (WEST)	SIDE (NORTH)	SIDE (SOUTH)
	10'	0'	0'-30"	0'-30"
		10'	48.4'	141.2'

REQUIRED USE	AREA	RATIO	SPACES
PROPOSED RETAIL (FIRST FLOOR)			
RETAIL	9,380 SF	1/220	42.6
STORAGE	620 SF	1/2,000	0.3
PROPOSED RETAIL (MEZZANINE)	2,628 SF	1/2,000	1.3
LIQUOR STORE			
RETAIL	1,430 SF	1/220	6.5
STORAGE	500 SF	1/2,000	0.3
TOTAL			51 SPACES

PROVIDED	REGULAR SPACES	ADA SPACES	GOLF CART	TOTAL
	52	3	2	57

FEMA FLOOD ZONE AE (EL. 8.0 & 9.0 NGVD)

- NOTES:**
- ALL BUILDINGS SHALL BE FLOOD-PROOFED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.
 - LIQUOR STORE TO BE SERVED BY UTILITY SERVICES
 - WALL BETWEEN LIQUOR STORE AND ADJACENT TENANT TO BE COMPRISED OF CBS OR EQUIVALENT MATERIAL
 - NO ACCESS FROM / TO LIQUOR STORE AND ADJACENT TENANTS.

HATCH LEGEND

- PROPOSED REGULAR DUTY ASPHALT PAVEMENT
- PROPOSED CONCRETE
- EXISTING CONCRETE

SYMBOLS LEGEND

- CHAINLINK FENCE
- STORM INLET
- SANITARY SEWER
- EXIST. POWER POLE
- LIGHT POLE

ALL BUILDINGS SHALL BE FLOOD-PROOFED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

BOHLER ENGINEERING
 CORPORATE OFFICE
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CIVIL & CONSULTING ENGINEERS
 SURVEYORS
 PROJECT MANAGERS
 ENVIRONMENTAL CONSULTANTS
 LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	DESCRIPTION	BY
1	04-08-13	REVISED PER CITY COMMENTS	LDI
2	10-10-13	ADDRESS CITY COMMENTS	JPV

NOT FOR CONSTRUCTION

PROJECT No.: F120079
 DRAWN BY: JPV
 CHECKED BY: AS NOTED
 DATE: 01-16-13
 SCALE: AS NOTED
 CAD I.D.: F120079 SITE PLAN

CRANDON BLVD. & CRANDON PARK
 FOR
MORGAN PROPERTIES

VILLAGE OF KEY BISCAYNE
 MIAMI-DADE COUNTY, FLORIDA

BOHLER ENGINEERING
 PROFESSIONAL ENGINEER
 MICHAEL A. TROXELL
 November 19, 2013
 FLORIDA LICENSE NO. 59772
 FLORIDA BUSINESS CERT. 06/01/13-12/31/13

C-1

Printed on Tuesday, November 19, 2013, 1:58 AM by: jbohn@bep.com



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

DT: December 3, 2013
TO: John C. Gilbert, Village Manager
FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

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

RE: Conditional Use Application to Establish
a Package (Liquor) Store at 12-22-24 Crandon Boulevard

APPLICATION SUMMARY

Request	Conditional Use Application to establish a package (liquor) store
Applicant	The Morgan Property Group
Site Address	12-22-24 Crandon Boulevard
Comprehensive Plan	Commercial
Zoning District	C-1 Light Intensity Commercial
File Number	CU -1 Conditional Use
Recommendation	Approval subject to conditions

EXPLANATION AND ANALYSIS

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

Criteria 1 The use is consistent with the Comprehensive Plan.

Analysis: The property will be used for a package store which is a commercial use. The Comprehensive Plan designates the property as "Commercial".

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 configuration and design of the site provides for the safe movement of vehicular and pedestrian traffic both internally and externally to the site. There are four (4) ingress and egress locations to access the property. Two are located on Crandon Boulevard. The first is a one way "in" driveway at the north end of the site. The second one is located in the middle of the property. It will function as the primary access to the property as it leads directly to a parking lot and entrances to the building. A third way to enter the property is from the driveway at 51 Harbor Drive that leads to the property at 12-22-24 Crandon Boulevard. The applicant has filed a cross-access agreement which permits this circulation pattern to occur. The fourth is an alley located on the west side of the 51 Harbor Drive property. This alley provides access for service vehicles and leads to the property at 12-22-24 Crandon Boulevard. There is employee parking at the north edge of the property between the building and Calusa Park.

The circulation system provides for the movement of vehicles to travel around the 12-22-24 Crandon property and through to the 51 Harbor Drive property. Sidewalks are adequately separated from the driveways. Pavement widths are sized to meet the needs of vehicles entering and leaving the property.

Finding: Consistent

Criteria 3 The proposed use shall be consistent with the existing natural environment and community character of the immediate neighborhood of the proposed use.

Analysis: The property is located at the entrance to the Village along Crandon Boulevard and is composed of commercial uses which are consistent with the immediate neighborhood. Crandon Boulevard separates the commercial uses on the west side from those on the east side. The property currently contains two (2) vacant structures that previously were used for two (2) restaurants, a small office and a parking lot. The present condition of the property is in state of disrepair. The proposed development will substantially improve the appearance of the property. A package store is a commercial use which is consistent with surrounding commercial uses to the west and south. The property to

the north is Calusa Park and immediately adjacent to the site are mangroves.

The project contains an extensive list of plantings which are supportive and consistent with the natural environment.

Finding: Consistent

Criteria 4 There are adequate setbacks, buffering, and general amenities, and general amenities in order to control any adverse effects of noise, light, dust, or other potential nuisances

Analysis: The package store is located in a shopping center that contains two (2) stores and is located at the entrance to the Village The package store is located towards the center of the property and faces the parking lot. To the north is Calusa Park and to the south and west are commercial uses. Across Crandon Boulevard is the Pankey Institute which is an advance teaching facility. The setbacks and landscaping as shown on the site plan are sufficient to buffer any adverse effects of noise, light, dust, or other potential nuisances to the adjacent properties.

Finding: Consistent

Criteria 5 That the application of the use at the subject location is consistent with the purpose of the underlying zoning district.

Analysis: The package store is located in a C-1 Light Intensity Commercial District. The package store is a commercial use. As such, it is consistent with the uses permitted in the zoning district.

Finding: Consistent

Criteria 6 Where the proposed Conditional Use is a package store, the Village Council shall consider the following additional criteria:

- (a) The adverse impacts 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 neighboring properties are to the north is Calusa Park and to the south and west are commercial uses. Across Crandon Boulevard is the Pankey Institute which is an advanced teaching facility. Adjacent to the Pankey Building is Ocean Village which is a residential building within the Key Colony development. The traffic pattern on the site does not result in light that affect apartments in Ocean Village. The distance to

these properties, the arrangement of the parking spaces and landscaping is sufficient to mitigate any adverse impacts resulting from noise and glare from exterior lighting or head lights.

Finding: Consistent

- (b) 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: The Key Biscayne Police Department provides for the protection of our residents and businesses. The package store is only 1,930 sq. ft. After discussions with the Police Chief and given the size and location of the package store, the Police Chief advised that there are adequate resources to address the need for law enforcement. Given the size of the liquor store and the adequate setbacks and buffers there are sufficient protection from noise. The lights in the parking lot, large clear windows, and interior lighting discourage vandalism.

Finding: Consistent

- (c) 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. The shopping center has 57 parking spaces which is five (5) more than required.

Finding: Consistent.

- (d) The proximity of the proposed Package Store to schools, parks, and places of worship.

Analysis: The proposed package store is immediately adjacent to Calusa Park. The walking distance from the package store to the gazebo in Calusa Park is approximately 982 linear feet. Also, the entrance to the Package Store is in the center of the site and faces the parking lot. As such, park users are not in physical or visual proximity of the package store.

The walking distance from the package store to St. Agnes Catholic Church and the Chabad is approximately 920 linear ft. Also, the entrance to the package store is in the center of site and faces the

parking lot. As such, worshippers at both locations are not in physical or visual proximity of the package store.

Finding: Consistent

RECOMMENDATION

It is recommended that the Conditional Use Application be approved.



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning
88 West McIntyre Street, Suite 250 Key Biscayne, FL 33149
Phone (305) 365-5512 Fax (305) 365-5556
www.keybiscayne.fl.gov

PLANNING AND ZONING APPLICATION

Date Filed: 3-6-13

File #: CU-04
(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:

Conditional use approval for a 1,930 sf liquor store.

2. Street Address of Property: 12, 22, & 24 Crandon Boulevard

Legal Description: Lot(s) Block

Subdivision: Matheson Estates

3. Name of Applicant: Morgan Property Group

Mailing Address of Applicant: c/o Neisen O. Kasdin, Esq.

1 SE 3rd Avenue, Suite 2500, Miami, Florida 33131

Business Telephone: (305) 982.5629 Home Telephone:

Fax: (305) 374.5095 Email: neisen.kasdin@akerman.com

4. Name of Property Owner if Different from Applicant: Key Biscayne Gateway Partners, LTD

Address of Property Owner if Different from Applicant: 30 West Mashta Drive, Suite 400
Key Biscayne, FL 33149

Business Telephone: (305) 365.2600 Home Telephone: (305) 710.9289

Fax: (305) 365.0800 Email: maxp@commodorerealty.com

5. Contact Person: Name Neisen O. Kasdin, Esq.

Address 1 SE 3rd Avenue, Suite 2500, Miami, Florida 33131

Telephone: (305) 982.5629 Fax: (305) 374.5095

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

Max D. Puyanic, Key Biscayne Gateway Partners, LTD, 30 W. Mashta Dr., Suite 400, Key Biscayne, FL 33149
Mario Garcia-Serra, Esq., Greenberg Traurig, PA, 333 S.E. 2nd Avenue, Miami, FL 33131

7. If applicant is owner, indicate date purchased: _____

8. If applicant is lessee, indicate date leased _____ Years _____

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

10. Is the request the result of a violation notice? NO If yes, attach a copy of the violation.

11. Existing use of property Restaurant. If residential, how many apartments _____?

hotel units _____? If commercial, how many sq. ft. in your space 15,551 _____?

Single family home? Yes () No (x)

12. If this application pertains to an Appeal of an 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.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

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Date	Name (Type or Print)	Address	Signature

Date	Name (Type or Print)	Address	Signature

Date Name (Type or Print) Address Signature

Date Name (Type or Print) Address Signature

Date Name (Type or Print) Address Signature

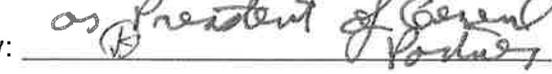
If you need additional signatures please use the above format.

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 3/6/13

Signature of Owner:  Date _____

Application Received by:  as President of General Property Date 3-6-13

Approved by: _____ Date _____

AFFIDAVITS

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

Developer for Tenant

~~MIAMI-DADE~~ Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, Morgan Property Group, being first duly sworn, depose and say that I am the Developer for 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, Morgan Property Group, 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~~ North Carolina
COUNTY OF ~~MIAMI-DADE~~ mecklenburg

[Signature]
Signature of Applicant

Sworn to (or affirmed) and subscribed before me this 5 day of April, by George A. Morgan III.
Name of person making statement

[Signature]
Signature of Notary Public - State of Florida NC

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



Corporation Affidavit

I, George A. Morgan III, 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, George A. Morgan III, 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~~ North Carolina
COUNTY OF ~~MIAMI-DADE~~ mecklenburg

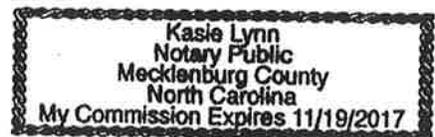
[Signature]
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this 5 day of April, by George A. Morgan III.
Name of person making statement

[Signature]
Signature of Notary Public - State of Florida NC

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



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

General Partner of the aforesaid limited partnership

I, Max D. Puyanik, being first duly sworn, depose and say that ~~we are~~ ^{I am} 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. ~~limited partnership~~

limited partnership

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STATE OF FLORIDA
COUNTY OF MIAMI-DADE

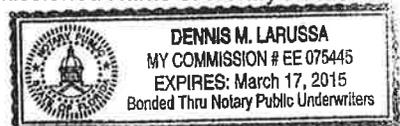
M(DP)
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this
6th day of March 2013, by Max D. Puyanik
Name of person making statement

Dennis M. Larussa
Signature of Notary Public - State of Florida

Dennis M. Larussa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification N/A
Type of Identification Produced N/A - Known



President of the General Partner of
the Limited Partnership which owns

Owner/Power of Attorney Affidavit

I, Max D. Puyanik, 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: Site plan approval

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

I, Max D. Puyanik, 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

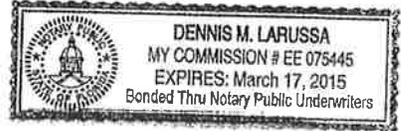
[Signature]
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this
6th day of March 2013, by MAX D. PUYANIK
Name of person making statement

[Signature]
Signature of Notary Public - State of Florida

Dennis M. Larussa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification N/A
Type of Identification Produced N/A - Known





VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning
88 West McIntyre Street, Suite 250 Key Biscayne, FL 33149
Phone (305) 365-5512 Fax (305) 365-5556
www.keybiscayne.fl.gov

PLANNING AND ZONING APPLICATION

Date Filed: 3-6-13

File #: CU-04
(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:

Conditional use approval for a 1,930 sf liquor store.

2. Street Address of Property: 12, 22, & 24 Crandon Boulevard

Legal Description: Lot(s) Block

Subdivision: Matheson Estates

3. Name of Applicant: Morgan Property Group

Mailing Address of Applicant: c/o Neisen O. Kasdin, Esq.

1 SE 3rd Avenue, Suite 2500, Miami, Florida 33131

Business Telephone: (305) 982.5629 Home Telephone:

Fax: (305) 374.5095 Email: neisen.kasdin@akerman.com

4. Name of Property Owner if Different from Applicant: Key Biscayne Gateway Partners, LTD
Address of Property Owner if Different from Applicant: 30 West Mashta Drive, Suite 400
Key Biscayne, FL 33149

Business Telephone: (305)365.2600 Home Telephone: (305)710.9289
Fax: (305)365.0800 Email: maxp@commodorerealty.com

5. Contact Person: Name Neisen O. Kasdin, Esq.
Address 1 SE 3rd Avenue, Suite 2500, Miami, Florida 33131
Telephone: (305)982.5629 Fax: (305)374.5095

6. Name/address of anyone else who should receive notice of the hearing?
Max D. Puyanic, Key Biscayne Gateway Partners, LTD, 30 W. Mashta Dr., Suite 400, Key Biscayne, FL 33149
Mario Garcia-Serra, Esq., Greenberg Traurig, PA, 333 S.E. 2nd Avenue, Miami, FL 33131

7. If applicant is owner, indicate date purchased: _____

8. If applicant is lessee, indicate date leased _____ Years _____

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

10. Is the request the result of a violation notice? NO If yes, attach a copy of the violation.

11. Existing use of property Restaurant. If residential, how many apartments _____?
hotel units _____? If commercial, how many sq. ft. in your space 15,551?
Single family home? Yes () No (x)

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

N/A

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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.
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ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature

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Date	Name (Type or Print)	Address	Signature

Date	Name (Type or Print)	Address	Signature

Date Name (Type or Print) Address Signature

Date Name (Type or Print) Address Signature

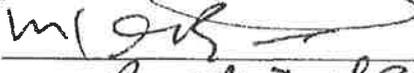
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Signature of Applicant:  Date 3/6/13

Signature of Owner:  Date _____

Application Received by: as President of General Property Date 3-6-13

Approved by: _____ Date _____

AFFIDAVITS

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

Developer for Tenant

~~Notary Public~~ Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, Morgan Property Group, being first duly sworn, depose and say that I am the Developer for 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.

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STATE OF ~~FLORIDA~~ North Carolina
COUNTY OF ~~MIAMI-DADE~~ Mecklenburg

[Signature]
Signature of Applicant

Sworn to (or affirmed) and subscribed before me this 5 day of April, by George A. Morgan III.
Name of person making statement

[Signature]
Signature of Notary Public - State of Florida NC

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



Corporation Affidavit

I, George A. Morgan III, 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.

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STATE OF ~~FLORIDA~~ North Carolina
COUNTY OF ~~MIAMI-DADE~~ mecklenburg

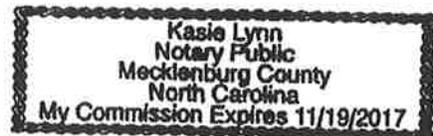
[Signature]
Signature of President (Corp. Seal)

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Name of person making statement

[Signature]
Signature of Notary Public - State of Florida NC

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



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)

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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 Applicant

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

General Partner of the aforesaid limited partnership

I, Max D. Puyanik, being first duly sworn, depose and say that ^{I am} ~~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. ~~limited partnership~~

I, Max D. Puyanik, 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

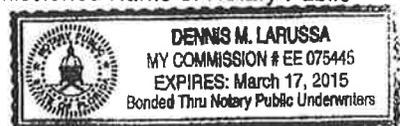
Sworn to (or affirmed) and subscribed before me this 04th day of March 2013, by Max D. Puyanik
Name of person making statement

M/GH
Signature of President (Corp. Seal)

[Signature]
Signature of Notary Public - State of Florida

Dennis M. Larussa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification N/A
Type of Identification Produced N/A - KNOWN



President of the General Partner of
the Limited Partnership which owns

Owner/Power of Attorney Affidavit

I, Max D. Puyanik, 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: Site plan approval

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

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STATE OF FLORIDA
COUNTY OF MIAMI-DADE

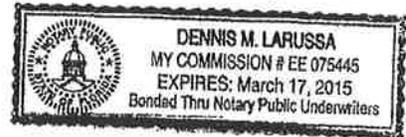
[Signature]
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this
6th day of March 2013, by MAX D. PUYANIK
Name of person making statement

[Signature]
Signature of Notary Public - State of Florida

Dennis M. Larussa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification N/A
Type of Identification Produced N/A - known



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

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

"Under Florida's public records laws, e-mails and e-mail addresses, as well as all forms of electronic communication directed to the Village of Key Biscayne and its employees, may be considered public records subject to inspection by or disclosure to the public. If you do not wish to have your e-mail address possibly 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."