



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager



MEMORANDUM

Village Council

Mayra P. Lindsay, *Mayor*
Edward London, *Vice Mayor*
Franklin H. Caplan
Luis F. de la Cruz
Gary R. Gross
Theodore Holloway
Michael E. Kelly

DATE: June 28, 2016
TO: Honorable Mayor and Members of the Village Council
FROM: John C. Gilbert, Village Manager
RE: 401 Hampton Lane: Permanent Use Determination

Village Manager
John C. Gilbert

RECOMMENDATION

It is recommended that the Village Council approve the attached Resolution designating the permanent use of the Village owned property at 401 Hampton Lane as "Park". The recommendation is based on the Building, Zoning and Planning Director's determination that the project is consistent with the review criteria that are listed in the Zoning and Land Development Regulations.

BACKGROUND

The Zoning and Land Development Regulations contain criteria to evaluate the designation of approved uses for property owned by the Village. The Building, Zoning, and Planning Director compared the application with the criteria. The Director found that the request is consistent with the review criteria and has recommended that the permanent use of the property be designated by the Village Council as "Park".

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council
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DATE: June 28, 2016
TO: John C. Gilbert, Village Manager
FROM: Jud Kurlancheek, Building, Zoning and Planning Director
RE: 401 Hampton Lane: Permanent Use Determination

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

RECOMMENDATION

It is recommended that the Village Council designate the use of Village owned property at 401 Hampton Lane as "Park".

EXPLANATION

Zoning and Planning Process: As set forth in the Zoning and Land Development Regulations, the property is automatically zoned GU Government Use when it is purchased by the Village. The regulations require the Village Council to hold a public hearing to determine the use(s) of the property. A public hearing to consider the Site Plan is required because project includes the construction of structures.

Permitted Uses: The GU Government Use Zoning District permits the following uses: 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 provide for the selection of a permanent use of property that is zoned GU Government Use. The property at 401 Hampton Lane is in a GU Government Use District. The determination of a permanent use requires a finding by the Village Council that it is consistent with the review criteria. Below is an analysis of the proposed permanent use of the property as a Park with the review criteria.

Criteria 1 The proposed use is consistent with the uses listed in the District Purpose.

Analysis The purpose of the GU Government Use District is to permit land owned by the Village to be used for any public purpose and certain limited private activities. The list of permitted uses includes parks. As such, the proposed use of the property as a Park is consistent with the GU Government Use District Purpose since this use is for a public purpose.

Recommendation Consistent

Criteria 2 Considering among other factors a recommendation by the Village Manager (if any).

Analysis The Village conducted a scientific survey of residents to determine what they feel are the recreational and cultural needs of the Community. The survey found that pocket parks were highly desired by our residents. Based on this memorandum, the Village Manager has recommended that the property be designated as a "Park".

Recommendation Consistent.

Criteria 3 The public need.

Analysis Based on the Village's Master Plan Evaluation and Appraisal Report (EAR) and the 2010 U.S. Census, the Village has a shortfall of 5.66 acres of recreation and open space. The subject property contains 9,846 sq. ft. or .226 of an acre. After the home was demolished in 2006, children have been playing on the property.

Recommendation Consistent

Criteria 4 The existing land use pattern in the area.

Analysis The property is situated at the southeast corner of Hampton Lane and W. Heather Drive. It is presently vacant. The property is surrounded by single family homes. The location of a park in this neighborhood is consistent with the surrounding land uses.

Recommendation Consistent

RESOLUTION NO. 2016-

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DESIGNATING 401 HAMPTON LANE FOR PARK USE PURSUANT TO SECTION 30-102 OF THE VILLAGE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 29, 2016, the Village of Key Biscayne (the “Village”) acquired 401 Hampton Lane for purposes of a public park (the “Property”); 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, the Village Council now desires to establish that a public park be a permitted use on the Property; and

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

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE 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 that a public park use shall be permitted on Property.

Section 3. Effective Date. That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this ____ day of ____, 2016.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

VILLAGE ATTORNEY