

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAIYNE, FLORIDA

TUESDAY, FEBRUARY 9, 2010

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Chairman at 7:00 p.m. Present were Councilmembers Michael Davey, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Vice Mayor Enrique Garcia and Chairman Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorneys Stephen J. Helfman and Chad Friedman.
2. **INVOCATION:** Father Jose Luis Hernando, Saint Agnes Catholic Church, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the January 26, 2010 Local Planning Agency Meeting. The motion was seconded by Vice Mayor Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Mendia and Mayor Vernon voting Yes.
5. **ORDINANCES:** A continuation public hearing from the January 26, 2010 Local Planning Agency Meeting and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinance:

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AN ORDINANCE OF THE VILLAGE OF KEY BISCAZYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT; AMENDING THE HOUSING ELEMENT; AMENDING THE INFRASTRUCTURE ELEMENT; AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Local Government Comprehensive Planning Act requires each municipality to complete an Evaluation and Appraisal Report (EAR) of their Master Plan. The next step in the process is to amend the Master Plan to comply with the recommendations that were approved in the EAR. These changes affect the following elements in our Master Plan: Traffic Circulation, Housing, Infrastructure, Conservation and Coastal Management, Intergovernmental Coordination, Capital Improvements, Recreation and Open Space, and Future Land Use. The amendment process starts with the Local Planning Agency and Village Council hearing. The decision of these agencies are then forwarded to DCA who will provide the Council with their comments. Following receipt of the DCA comments, the Council will hold a second hearing. The process takes approximately six to nine months.

Councilmember Davey made a motion to recommend to the Council the adoption of the ordinance amending the Master Plan. The motion was seconded by Vice Mayor Garcia.

The Manager and Building Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the proposed amendments.

The Chairman opened the public hearing. Stephen Olmore, 750 Fernwood Road; Ed Meyer, 798 Crandon Boulevard; Paul Malavenda, 785 Fernwood Road; Mary Jo Pinedo, 365 Atlantic Road; Rafael Rojas, 971 Crandon Boulevard and Julio Padilla, 325 Atlantic Road addressed the Council. The Chairman closed the public hearing.

Proposed changes to the Future Land Use Map for the Pankey Institute (from Medium Density Multiple Family Residential to Public and Institutional), Public Library (from Medium Density Multiple Family Residential to Public and Institutional), Key Biscayne K-8 Center (from Public Recreation and Open Space-building portion site to Public and Institutional), Village Lake Park (from Low Density Multiple Family Residential to Public Recreation and Open Space) and the Village Beach Park (from Multiple Family Residential and Hotel Resort to Public Recreation and Open Space) were approved by a 7-0 voice vote. The vote was as follows: Councilmember Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Chairman Vernon voting Yes.

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Proposed change to the Future Land Use Map for 701-798 Fernwood Road (from Two Family Residential to Single Family Residential) was approved by a 5-2 voice vote. The vote was as follows: Councilmembers Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmembers Davey and Gusman voting No.

Proposed change to the Future Land Use Map for L'Esplanade (from Low Density Multiple Family Residential to Commercial) was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia and Vice Mayor Garcia voting Yes. Councilmembers Kelly, Thornton and Chairman Vernon voting No.

Councilmember Kelly made a motion to move the Houses of Worship Category from the Single Family Home Category to the Office and Commercial Category. The motion was seconded by Vice Mayor Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Chairman Vernon voting Yes.

It was the consensus of Council to amend **Policy 1.2.2** under the Transportation Element as follows: The Village shall consider pedestrian, bikeway and golf cart access points at the rear property lines of commercial properties which are bounded on the rear property line by Fernwood Road.

It was the consensus of Council to amend **Policy 1.61** under the Transportation Element as follows: The Village shall, to the extent financially feasible, explore and develop programs to encourage non-motorized and golf cart transportation by continued improvements and enhancements to its pedestrian, bikeway and golf cart systems.

It was also the consensus of Council to remove **Policy 1.3.1** under the Infrastructure Element, since it no longer applies.

It was the consensus of Council to eliminate “and a community center” from **Policy 1.3.4** under the Recreation and Open Space Element, since this goal was achieved.

It was the consensus of Council to eliminate the word “semi” from **Objective 1.4 Open Space** under the Recreation and Open Space Element.

It was also the consensus of Council to eliminate the word “residential” from **Policy 1.41** under the Recreation and Open Space Element.

It was the consensus of Council to eliminate the Solid Waste paragraph in **Policy 1.21** under the Intergovernmental Coordination Element, since it no longer applies.

It was the consensus of Council to eliminate the Solid Waste paragraph in **Policy 1.21** under the Capital Improvements Element, since it no longer applies.

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The motion to recommend to the Council the adoption of the ordinance amending the Master plan was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Vice Mayor Mendia and Mayor Vernon voting Yes.

6. **ADJOURNMENT:** The meeting was adjourned at 9:45 p.m.

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this __ day of ____, 2010:

*Robert L. Vernon
Chairman*

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.