VILLAGE OF KEY BISCAYNE

Office of the Village Manager

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

Village Manager
John C. Gilbert

DATE: October 8, 2013

TO: Honorable Mayor and Members of the Village Council

FROM: John C. Gilbert, Village Manager

RE: 971 Crandon Boulevard (L'Esplanade): Change of Zoning

RECOMMENDATION

It is recommended that the Local Planning Agency (LPA) find that the proposed change of zoning at 971 Crandon Boulevard from "O-1 Light Intensity Office" to "C-1 Light Intensity "Commercial" is consistent with the Master Plan.

BACKGROUND

On August 27, 2013, the Village Council approved on first reading an Ordinance which changes the zoning district classification for 971 Crandon Boulevard from "O-1 Light Intensity Office" to "C-1 Light Intensity Commercial". The memorandum from the Building, Zoning, and Planning Director included a finding that the change of zoning is consistent with the Master Plan. The property has a Master Plan Future Land Use Map designation of "Commercial". The BZP Director found that the proposed C-1 "Light Intensity Commercial District" is consistent with the "Commercial" designation in the Master Plan as this category permits commercial uses.

ORDINANCE NO. 2013 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REZONING PROPERTY LOCATED AT 971 CRANDON BOULEVARD FROM O-1 LIGHT INTENSITY OFFICE TO C-1 LIGHT INTENSITY COMMERCIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the "Village") Village Council desires to rezone property located at 971 Crandon Boulevard (the "Property") so that it is consistent with the adopted Comprehensive Plan; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, the Village Council finds that the changes within this Ordinance meet the applicable review criteria set forth in Section 30-71(b) of the Code; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interest of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS[1]:

Section 1. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. **Rezoning Approved**. Zoning of the approximately 1.829 acre Property, as legally described on the attached Exhibit "A," is changed as follows:

Existing: O-1 Light Intensity Office

New: C-1 Light Intensity Commercial

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[1] Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text. Hightlighted words are changes made between First and Second Reading.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 27th day of August, 2013.

PASSED AND ADOPTED on second reading this _____ day of _____, 2013.

_____
MAYOR FRANKLIN H. CAPLAN

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY

EXHIBIT "A"

Commence at the intersection of the north line of Tract 1 of Canoga Properties, Plat Book 65, page 88 of the public records of Maimi-Dade County, Florida, with the Northeasterly right of way line of Crandon Boulevard, as the same is shown on the plat of Cape Florida subdivision, Section 1, Plat Book 68, at Page 81 of the public records of Miami-Dade County, Florida; thence run North 89 degrees 52 minutes 45 seconds East along the North line of said Tract 1 for a distance of 515.93 feet; thence run South 00 degrees 07 mintues 15 seconds East for a distance of 30.00 feet to the point of the beginning of the parcel of the land herein described; thence continue South 00 degrees 07 minutes 5 seconds East for a distance of 320 feet; thence run south 89 degrees 52 minutes 40 seconds West for a distance of 30.00 feet to a point on the Northeasterly right of way line of Crandon Boulevard; thence run North 54 degrees 19 minutes 08 seconds West, along the Northeasterly right of way line of Crandon Boulevard for a distance of 469.63 feet to the beginning of a tangential circular curve; thence run Northwesternly, Northerly and Northeasterly along said circular curve concave to the East having a radius of 25 feet through a central angle of 144 degrees, 11 minutes 53 seconds for an arc distance of 62.92 feet to the end of said curve, thence run North 89 degrees 52 minutes 45 seconds East for a distance of 396.94 feet to the Point of beginning containing 1.829 acres more or less.