

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

MONDAY, FEBRUARY 26, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

Architect Willie Borroto led the Pledge of Allegiance.

2. **AGENDA:** Councilmember Liedman requested the addition of a report regarding Beach Renourishment as Item 8A2; requested the addition of a statement regarding the Police/Fire Pension Board as Item 8A3 and also requested a report regarding the Proposed Tax Reform as Item 8A4. There was no objection to the agenda changes.

3. **SPECIAL PRESENTATION:** Youth Council Mayor Blanca Begert, Patricia Waninkopf, Virginia Cutler and Alexa Ray addressed the Council reporting on their recent trip to the National League of Cities Conference.

Dr. Henny Groschel-Becker, Chair of the Crandon Boulevard Master Plan Implementation Committee, Ramon Castella with 3CTS and Paul Abbott, Project Manager addressed the Council regarding a request from The Towers of Key Biscayne that pavers be installed at the intersection of Crandon Boulevard and the entrance to The Towers of Key Biscayne. Dr. Becker stated that

funds are not available in the Phase III budget for this project. The decision by the Master Plan Committee, which included a Towers resident, to not include a full intersection treatment was as follows: Crandon Boulevard does not have a traffic signal and vehicular/pedestrian traffic in and out of the entrance. The CBMPIC unanimous vote recommends reconstruction of Crandon Boulevard at the Towers entrance as approved without the addition of a paver infield, but with the following modifications that address residents' concerns: 1. Traffic buttons will be installed at intervals along the lane divider stripe on the northbound lanes exiting the State Park. The speed of vehicles leaving the park should be reduced and through drivers encouraged to use the west-side lane closest to the median and 2. The traffic routing device will be changed to a raised area with curbs for visibility at the recommendation of Miami-Dade County plan/permit reviewers. The previous design included painted stripes flushed with the pavement.

Ricardo Martinez, 1111 Crandon Boulevard, representing The Towers Condominium Association addressed the Council.

Vice Mayor Mendia made a motion to approve the installation of pavers at the entrance to The Towers Condominium. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

4. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the February 13, 2007 Regular Council Meeting. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

5. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Hearing Number RV 21. The applicant, Tesaurus Holdings Incorporated, 200 Crandon Boulevard, is requesting the following variances related to signage for a shopping center: 1. To permit signs on the front of the building for stores which do not face the front of the property (Section 30-195(2)); 2. To waive the requirement that signs must face a public street in order to install a wall sign on side of the property (Section 30-195(2)); 3. To waive the requirement that signs use reverse channel letters in order to permit flat signs (Section 30-195(2)); 4. To waive the requirement that signs be uniform in order to permit signs with different fonts, colors, and sizes (Section 30-197(a)(1)); 5. To exceed the 32 sq. ft. maximum size for a directory sign in order to permit a directory sign with 44 sq. ft. (Section 30-195(5)); 6. To exceed the 4 sq. ft. Maximum size for an instructional sign in order to permit a 4.3 sq. ft. instructional sign facing Fernwood Road (Section 30-195(7)); 7. To waive the prohibition of projecting signs in order to permit projecting signs facing the interior court yard.

February 26, 2007

Hearing Number Sign - 04. The applicant, Tesaurus Holdings Incorporated, 200 Crandon Boulevard, is requesting the approval of a multi tenant shopping center sign program: 1. Approval of a 20 sq. ft. Monument sign facing Crandon Boulevard; 2. Approval of 6 flat wall signs facing Crandon Boulevard with sign areas ranging from 12.6 sq. ft. to 21 sq. ft. and with varying letter styles, font sizes, and colors as set forth on the plans; 3. To permit signage using company logos as set forth on the plans; 4. To permit one directory sign facing Crandon Boulevard as set forth on the plans; 5. To permit 2 building identification signs with a maximum size of 19.6 sq. ft., one facing Crandon Boulevard and one Facing Fernwood Road; 6. To permit one projecting sign per storefront as set forth on the plans; 7. To permit two instructional signs with a maximum size of 4.3 sq. ft. with copy reading "Parking" and "Exit" for the garage as set forth on the plans; 8. All signs are non-illuminated.

Jud Kurlancheek, Building, Zoning and Planning Director address the Council with regards to the two applications dealing with signage at a new shopping center located at 200 Crandon Boulevard recommending approval of Sign Variances 1 and 7 and denial of items 2-6 of the Sign Program.

Architect for the project Willie Borroto, Dick Bugdal with the Bugdal Group and Carter McDowell, Attorney representing the applicant, addressed the Council.

The Mayor opened the public hearing. Charles Viscito, 141 Crandon Boulevard; Mortimer Fried, 291 Harbor Court; Rafael Perez-Blanco, 524 Fernwood Road and Camille Guething, 260 Seaview Drive addressed the Council. The Mayor closed the public hearing.

The applicant withdrew the request for a monument sign.

Councilmember Davey made a motion to approve Sign Variance 1: To permit signs on the front of the building for stores which do not face the front of the property. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Vice Mayor Mendia made a motion to approve Sign Variance 2: To waive the requirement that signs must face a public street in order to install a wall sign on side of the property. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Weinman made a motion to approve Sign Variance 3: To waive the requirement that signs use reverse channel letters in order to permit flat signs. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor

Vernon voting Yes.

Councilmember Liedman made a motion to amend variance 4: To waive the requirement that signs be uniform in order to permit signs with different fonts, with letters not larger than 14", Starbucks logo should be no larger than 2' in diameter and if they choose to abandon the logo sign, flat letters with same color as other signage no greater than 14" in size will be acceptable. The motion was seconded by Councilmember Thornton and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes. Councilmember Garcia and Mayor Vernon voting No.

Councilmember Davey made a motion to approve Sign Variance 7: To waive the prohibition of projecting signs in order to permit projecting signs facing the interior court yard. The motion was seconded by Councilmember Liedman and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Davey made a motion to approve the Sign Program items 2 through 8 subject to variances and conditions imposed on Public Hearing RV-21. The motion was seconded by Councilmember Weinman and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

6. **ORDINANCES:** There were no ordinances considered by Council.

It was the consensus of Council to switch the order of the resolutions and hear Item 7B before Item 7A.

7. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE ATTACHED PROFESSIONAL RECREATIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND DAVID PALMER AND YANIS PIKIERIS' MAXDANCE THEATRE, INC. AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROFESSIONAL RECREATIONAL SERVICES AGREEMENT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE PROFESSIONAL RECREATIONAL SERVICES AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Davey.

February 26, 2007

Camille Guething, 260 Seaview Drive; Alan Fein, 525 Allendale Road; Linda Bailey, 840 Harbor Drive, Rosa Johnson, 141 Crandon Boulevard and David Palmer with Maxdance Theatre, Inc. addressed the Council.

Councilmember Liedman withdrew his motion.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING THE ATTACHED LEASE AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND PARADISE MALL, INC. AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE LEASE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Liedman made motion to approve the resolution. The motion was seconded by Councilmember Davey.

Councilmember Weinman addressed the Council giving a presentation regarding the proposed Performing Arts Conservatory.

Todd Hofferberth, Parks and Recreation Director addressed the Council.

The Manager and the Attorney addressed the Council regarding this resolution. There was extensive discussion from Council regarding this resolution.

Councilmember Davey made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Weinman made a motion to endorse the Performing Arts Conservatory Program pending approval of lease agreement, services agreement and budget amendment. The motion was seconded by Councilmember Liedman.

Councilmember Liedman withdrew his motion.

8. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

February 26, 2007

Mayor and Councilmembers. Mayor Vernon addressed the Council regarding the appointment of the members to the Community Center Advisory Board. The Mayor, with consensus of Council, appointed the following residents to a 2 year term: Eileen Ortega, Carlos Battle and Ernesto Alvarez and the following residents to a 1 year term: Sixto Campano, Susie Westfall, Jim Leavitt and Bonnie Cooper.

It was the consensus of Council to approve the Mayor's appointments to the Community Center Advisory Board.

Councilmember Liedman addressed the Council thanking the Police/Fire Pension Board for a great job.

Manny Reyes with Gomez Barker & Associates address the Council regarding the proposed tax reform.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of February: proclaiming March 1, 2007 as "Rotary Club of Miami Day."

Village Manager. Finance Director Randolph G. White addressed the Council regarding the allocation of the remaining surplus in the amount of \$866,233.

Vice Mayor Mendia made a motion to make the following allocations to designated reserves: \$300,000 for Recreational Facilities, \$175,000 to Roadway Improvements for pavers for the entrance to The Towers and \$391,233 to Master Plan Initiatives. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Davey made a motion to extend the meeting until midnight. The motion was seconded by Mayor Vernon and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Manager addressed the Council requesting for Council direction concerning an amendment to the Zoning and Land Development regulations regarding Liquor Store regulations.

Mario Garcia-Serra, 101 Ocean Lane Drive addressed the Council regarding the Liquor Store regulations.

February 26, 2007

It was the consensus of Council to direct staff to bring before Council an ordinance regarding Liquor Store regulations.

The Manager also addressed the Council requesting authorization to go out to bid for Zones 1 and 4 of the Sanitary Sewer Project.

It was the consensus of Council to authorize the Manager to go out to bid for Zones 1 and 4 of the Sanitary Sewer Project.

Patricia Carney with PBS& J and Lourdes Abadin with Estrada Hinojosa addressed the Council regarding the proposed Sanitary Sewer Project.

The Manager introduced Mr. Jose Lopez, formerly Miami-Dade County Head Engineer with DERM for Water and Sewer who will assist the Village with this project.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events were presented to the Council.

11. **ADJOURNMENT:** The meeting was adjourned at 11:35 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 13th day of March, 2007:

Robert L. Vernon
Mayor

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.