

MINUTES

ZONING MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, MARCH 15, 2005

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 Enrique Garcia, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman, Vice Mayor Robert L. Vernon and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Miami-Dade County Commissioner Carlos Gimenez led the Pledge of Allegiance.
3. **AGENDA:** Mayor Oldakowski requested the addition of an update from the Manager regarding Beach Concessions as Item 7D6 and also requested the addition of an update regarding the Crandon Boulevard/Galen Intersection as Item 7D7 and Councilmember Weinman requested the addition of a discussion regarding speed bumps on Fernwood as Item 7A2. There was no objection to the agenda changes.
4. **APPROVAL OF MINUTES:** Councilmember Liedman made a motion to approve the Minutes of the March 8, 2005 Regular Council Meeting. The motion was seconded by Councilmember Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.
5. **ORDINANCES:** The Clerk read the following ordinance on second reading, by title:

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AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 101 HARBOR DRIVE FROM VR (VILLAGE RESIDENTIAL) TO I (INSTITUTIONAL); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE.

Councilmember Liedman made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Weinman.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A DEVELOPMENT ORDER AUTHORIZING THE ESTABLISHMENT OF A HOUSE OF WORSHIP FOR THE PROPERTY LOCATED AT 101 HARBOR DRIVE; PROVIDING FOR EFFECTIVE DATE.

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

The Attorney and Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council regarding the development order.

Lucia Dougherty and Mario Garcia-Serra, Greenberg Traurig attorneys representing the applicant stated the applicant is in agreement with the conditions set forth in the development order.

Santiago Echemendia, Tew Cardenas Rebak Kellog Lehman DeMaria Tague Raymond & Levine, P.A., representing the neighbors addressed the Council.

The Mayor opened the public hearing. John Festa, 695 Harbor Lane; Carlos Gimenez, Miami-Dade County Commissioner District 7; Jim Taintor, 355 Harbor Drive; Matthew Buttrich, 180 Buttonwood Drive; Mortimer Fried, 291 Harbor Court; Derek L. Gaubatz, Washington, D.C., The Becket Fund for Religious Liberty and Rabbi Yoel Caroline, 211 Buttonwood Drive addressed the Council. The Mayor closed the public hearing.

Timothy J. Plummer, Traffic Planner for the applicant, addressed the Council.

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There was extensive discussion from Council regarding this matter.

It was the consensus of Council to amend the conditions by amending the landscape plan to reflect a dense and continuous hedge along the rear and interior side Property lines; to specify that the second floor of the existing building on the Property shall be limited in use to a single family residence for Chabad's principal or assistant rabbi; to specify that the acquisition, directly or indirectly, of any additional property adjacent to the Property shall be deemed a violation of this Development Order and shall cause the Development Order to be void and that this Development Order shall be reviewed by the Village Council after three years from the issuance of the certificate of use and may be rescinded at that time by the Village Council if the Council finds that the use of the Property is inconsistent with the Village Comprehensive Plan.

The resolution, including the proposed amendments to the resolution and the development order, was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes. Councilmember Garcia and Vice Mayor Vernon voting No.

Councilmember Mendia made a motion to remove the ordinance from the table. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The applicant requested withdrawal of the application.

Councilmember Liedman made a motion to accept the applicant's withdrawal of the ordinance. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

At 9:25 p.m. the Mayor requested a five minute recess. The meeting was reconvened at 9:35 p.m.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE VISION PLAN AND EVALUATION AND APPRAISAL REPORT COMMITTEE; PROVIDING, AMONG OTHER THINGS, THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS, RULES OF PROCEDURE AND THE DUTIES AND RESPONSIBILITIES OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Councilmember Garcia made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Liedman.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The Mayor proposed the amendment of the following categories as follows: 35 persons who possess a demonstrated knowledge in community affairs and/or planning; 42 former members of the Council recognized for her/his knowledge of municipal planning principles and practices; ~~1 General contractor who is recognized for building single family homes within the Village~~; 2 Registered Architects or Registered Landscape Architects and the Mayor of the Key Biscayne Youth Council. There was no objection to the request.

The ordinance, as amended, was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING CONSTRUCTION OF SIDEWALKS ON WEST MASHTA DRIVE; PROVIDING FOR EFFECTIVE DATE.

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

Director of Public Works Armando Nunez and Mr. Mark Wolfe with Tetra Tech, Inc. addressed the Council regarding this resolution.

Mortimer Fried, 291 Harbor Court; Gloria Johnson, 269 West Mashta Drive; Peter Evans, 285 West Mashta Drive; Ward Rathbone, 275 West Mashta Drive; Rob de Cespedes, 188 West Mashta Drive; Chris Johannsen, 212 West Mashta Drive; Dr. Henny Groschel-Becker, 290 West Mashta Drive and John Festa, 695 Harbor Lane addressed the Council.

It was the consensus of Council to defer this resolution to the April 12, 2005 Council Meeting.

The Clerk read the following resolution by title:

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A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; AUTHORIZING PURCHASE OF STREET TREES FOR THE IMPLEMENTATION OF THE CRANDON BOULEVARD MASTER PLAN; PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council regarding this resolution.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Thornton.

Ed Meyer, 100 Sunrise Drive addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, APPROVING HURRICANE FRANCES FHWA EMERGENCY RELIEF PROGRAM AGREEMENT BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION AND VILLAGE OF KEY BISCAIYNE; PROVIDING FOR REIMBURSEMENT TO THE VILLAGE; PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council regarding this resolution.

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

7. REPORTS AND RECOMMENDATIONS: The following items were discussed:

Mayor and Councilmembers. The Mayor addressed the Council regarding the appointments of the new members of the Vision Plan and Evaluation Appraisal Report Committee (EAR). The Mayor, with the consensus of Council, would like to appoint the following persons: Henny Groschel-Becker, Crandon Boulevard Master Plan Implementation Committee; Willie Borroto, Crandon Boulevard Zoning and Development Committee; Bonnie Cooper, Community Center Advisory Board; Veronica Scharf-Garcia, Art in Public Places Board; Luis Arrondo, Noise Ordinance Review Committee; Ana Rasco, Principal of the Key Biscayne Community School; Marco Selva (pending residency), engaged in the hotel industry within the Village; Bob Maggs, representing senior citizens organizations;

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Mathias Kammerer and Mary Trague, representatives of members of the Key Biscayne Chamber of Commerce; Ed Meyer, Ed Easton, Amy Eke, Linda Hannan and Nancy Doke- Harrison, persons who possess a demonstrated knowledge in community affairs and/or planning; Bill Thompson, representing the Key Biscayne Athletic Club; Father Jose Luis Hernando, Clergy practicing in the Village; Martha Fernandez-Leon Broucek and Alan Fein, former members of Council recognized for their knowledge of municipal planning principles and practices; Deborah de Leon and Ron Oprzadek, Architects or Landscape Architects; Councilmember Jorge E. Mendia, Non-voting member of Council who serves in an ex-officio capacity and the Mayor of the Key Biscayne Youth Council.

Councilmember Mendia made a motion to approve the nominations to the EAR as recommended by the Mayor. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

Mayor Oldakowski also recommended Mr. Ed Easton as Chairman of this Committee. There was no objection to the recommendation.

Councilmember Weinman addressed the Council regarding speed bumps on Fernwood Road.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding the remaining surplus from the year ended September 30, 2004.

The Manager will present, at the next Council Meeting, recommendations for allocation of this surplus.

The Manager submitted to the Council the following quarterly reports: Special Masters, Noise Ordinance Review Committee, Crandon Boulevard Zoning and Development Committee and the Art in Public Places Board.

The Manager gave an update on the Beach Concession issue.

Director Nunez gave an update regarding the work on Crandon Boulevard/Galen Drive/West McIntyre Street.

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

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

10. **ADJOURNMENT:** The meeting was adjourned at 10:50 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 12th day of April, 2005:

*Robert Oldakowski
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.