

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAIYNE, FLORIDA

TUESDAY, OCTOBER 9, 2012

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 W. Davey, Enrique Garcia, Robert Gusman, Mayra P. Lindsay (arrived at 7:09 p.m.), James S. Taintor, Vice Mayor Michael E. Kelly and Chairman Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Vice Mayor Kelly made a motion to approve the minutes of the March 13, 2012 Local Planning Agency Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman Lindsay, Taintor, Vice Mayor Kelly and Chairman Caplan voting Yes.

Mayor Caplan requested to hear Item 5A2 before Item 5A1. There was no objection to the request.

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5. **ORDINANCES:** A public meeting and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinance:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTIONS 30-33(3) AND 30-73(G) OF THE VILLAGE CODE OF ORDINANCES, AMENDING THE SITE PLAN REVIEW PROCEDURES TO PROHIBIT THE APPROVAL OF ADDITIONAL DENSITY IN EXCESS OF DENSITY PREVIOUSLY APPROVED PURSUANT TO A VALID DEVELOPMENT ORDER; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Davey made a motion to recommend the adoption of the ordinance to the Council as it is consistent with the Master Plan. The motion was seconded by Councilmember Garcia.

The Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Santiago Echemendia and Bob de la Fuente, Attorneys representing the Red Dragon Sands, Ltd. and Charles Sieger, 14121 SW 119 Avenue, Miami also on behalf of the Red Dragon Sands, Ltd. addressed the Council. The Mayor closed the public hearing.

Councilmember Davey made a motion to defer this ordinance. The motion was seconded by Councilmember Garcia and failed by a 1-6 voice vote. The vote was as follows: Councilmember Davey voting Yes. Councilmembers Garcia, Gusman, Lindsay, Taintor Vice Mayor Kelly and Chairman Caplan voting No.

The motion to recommend the proposed ordinance to the Village Council, as it is consistent with the Master Plan, including the vested rights procedure, was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Garcia, Lindsay, Taintor, Vice Mayor Kelly and Chairman Caplan voting Yes. Councilmembers Davey and Gusman voting No.

A public meeting and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinance:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 “HOTEL RESORT DISTRICT;” PROVIDING FOR AMENDMENTS TO SECTION 30-103(A) RELATING TO THE PURPOSE AND USES; PROVIDING FOR AMENDMENTS TO SECTION 30-103(B) RELATING TO THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 “AMOUNT OF REQUIRED OFF-STREET PARKING” RELATING TO THE REQUIRED OFF-STREET PARKING FOR HOTELS AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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Councilmember Davey made a motion to recommend the adoption of the ordinance to the Council as it is consistent with the Master Plan. The motion was seconded by Councilmember Lindsay.

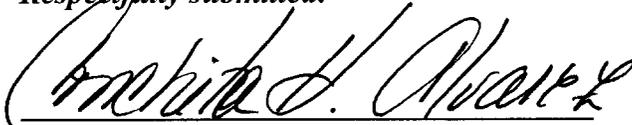
The Attorney addressed the Council regarding this ordinance recommending the adoption of the vested rights procedure.

The Mayor opened the public hearing. Charles Sieger, 14121 SW 119th Avenue addressed the Council on behalf of the Silver Sands. The Mayor closed the public hearing.

The motion to recommend the proposed ordinance, as amended, to the Council as it is consistent with the Master Plan, was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Chairman Caplan voting Yes.

6. **ADJOURNMENT:** The meeting was adjourned at 7:45 p.m.

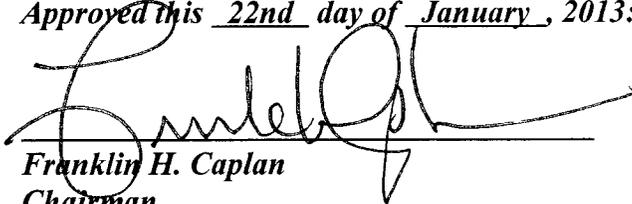
Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk



Approved this 22nd day of January, 2013:



Franklin H. Caplan
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.