



CFN 2011R0876628
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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. 2011-23

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING AN
APPLICATION FOR A VARIANCE FROM THE SIDE
SETBACK AND ROOFTOP STRUCTURE FLOOR AREA
REQUIREMENTS FOR THE PROPERTY LOCATED AT 350
OCEAN DRIVE; PROVIDING FOR CONDITIONS; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Consultatio Key Biscayne LLC (the “Applicant”) is the owner of approximately 10.11 acres of real property located at 350 Ocean Drive, Key Biscayne, Florida, and legally described on Exhibit “A” (the “Property”); and

WHEREAS, pursuant to Sections 30-63 and 30-66 of the Village Code of Ordinances (the “Village Code”), the Applicant has submitted a Planning and Zoning Application, bearing Public Hearing # RV-32, seeking to vary the north and south side setback requirements of Section 30-103(b) of the Village Code, and the rooftop structure floor area requirements of Section 30-112(h) of the Village Code (the “Variances”); and

WHEREAS, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Findings. The Village Council finds that the Applicant has met all of the requirements in Sections 30-63 and 30-66 of the Village Code. Specifically, the Village Council finds that the Variances will: (a) result in conditions that maintain and are consistent in all material respects with the intent and purpose of the Village Code, and that the general welfare, stability and

appearance of the community will be protected and maintained; and (b) be compatible with the surrounding land uses, and otherwise consistent with the Village Code and the Comprehensive Plan, and will not be detrimental to the community.

Section 3. Approval of Variance for the North Side Setback. The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-103(b) of the Village Code to permit a north side setback variance of 79 degrees where 63 degrees is required for floors 7 through 15.

Section 4. Approval of Variance for the South Side Setback. The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-103(b) of the Village Code to permit a south side setback variance of 79 degrees where 63 degrees is required for floors 7 through 15.

Section 5. Approval of Variance for the Rooftop Structure Floor Area. The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-112 of the Village Code to permit a rooftop structure floor area of 38% where a maximum of 10% is permitted.

Section 6. Conditions. The approvals granted by this Resolution are subject to compliance with the following condition, to which the Applicant stipulated and agreed to at the public hearing:

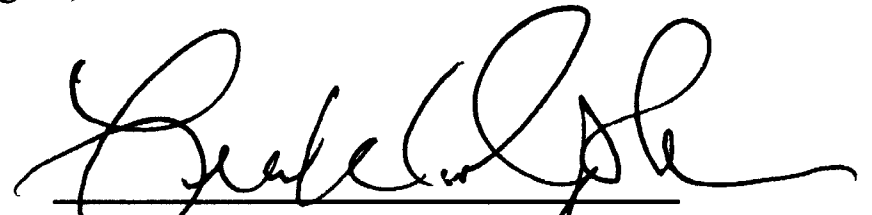
1. The Property is developed in accordance with the site plan prepared by Arquitectonica International Corporation, entitled "Proposed Site Plan," dated July 15, 2011, and consisting of 37 pages.

Section 7. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the

proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 8. **Effective Date.** This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 22nd day of August, 2011.


MAYOR FRANKLIN H. CAPLAN

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY.




VILLAGE ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I

ALL THAT PIECE, PARCEL OR LOT OF LAND SITUATE, LYING AND BEING IN THE SW 1/4, SECTION 32 AND FRACTIONAL SECTION 33. TOWNSHIP 54 SOUTH. RANGE 42 EAST. IN THE CITY OF KEY BISCAIYNE. COUNTY OF MIAMI-DADE. STATE OF FLORIDA. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF TRACT 6. SUBDIVISION OF A PORTION OF MATHESON ESTATE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 PAGE 86 OF THE PUBLIC RECORDS OF DADE COUNTY. FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF TRACT 6. EAST FOR A DISTANCE OF 1200.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND. SAID POINT OF BEGINNING ALSO BEING THE S.E. CORNER OF THE PLAT OF HOLIDAY COLONY AS RECORDED IN PLAT BOOK 50 AT PAGE 87. OF THE PUBLIC RECORDS OF DADE COUNTY. FLORIDA. THENCE CONTINUE EAST FOR A DISTANCE OF 761.0 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE MEANDER NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN FOR A DISTANCE OF 518.3 FEET MORE OR LESS TO A POINT LYING 500.00 FEET NORTH OF THE SOUTH LINE OF TRACT 6 EXTENDED EAST AS MEASURED AT RIGHT ANGLES; THENCE RUN WEST ALONG A-LINE 500.00 FEET NORTH OF, AND PARALLEL TO, THE SOUTH LINE OF SAID TRACT 6, AS MEASURED AT RIGHT ANGLES, FOR A DISTANCE OF 631.9 FEET MORE OR LESS TO A POINT; THENCE RUN SOUTH 0°38'55" WEST FOR A DISTANCE OF 327.79 FEET TO A POINT; THENCE RUN NORTH 89°24'30" WEST FOR A DISTANCE OF 157.55 FEET TO A POINT OF NON-TANGENCY WITH A CIRCULAR CURVE CONCAVE TO THE WEST, THE CENTER OF WHICH BEARS NORTH 89°51'26" WEST FROM THE AFOREMENTIONED POINT OF NON-TANGENCY; SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF BLOCK 5 OF THE PLAT OF HOLIDAY COLONY, AS RECORDED IN PLAT BOOK 50, PAGE 87 OF THE PUBLIC RECORDS OF DADE COUNTY. FLORIDA. THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 3°14'04" AND A RADIUS OF 3081.59 FEET FOR A DISTANCE OF 173.96 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2

ALL THAT PIECE, PARCEL OR LOT OF LAND SITUATE, LYING AND BEING IN THE SW 1/4, SECTION 32, TOWNSHIP 54 SOUTH, RANGE 42 EAST, IN THE CITY OF KEY BISCAYNE, COUNTY OF MIAMI-DADE. STATE OF FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF TRACT 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46, PAGE 86 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF TRACT 6, EAST FOR A DISTANCE OF 1200.00 FEET TO A POINT OF NON-TANGENCY WITH A CIRCULAR CURVE CONCAVE TO THE WEST THE CENTER OF WHICH BEARS NORTH 86°37'22" WEST FROM THE AFOREMENTIONED POINT OF NON-TANGENCY, SAID POINT ALSO BEING THE SE CORNER OF THE PLAT OF HOLIDAY COLONY, AS RECORDED IN PLAT BOOK 50, PAGE 87 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE. HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 3°14'04" AND A RADIUS OF 3081.59 FEET FOR A DISTANCE OF 173.96 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 10°46'23" AND A RADIUS OF 3081.59 FEET FOR A DISTANCE OF 579.42 FEET TO A POINT; SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF EAST DRIVE; THENCE RUN ALONG THE SAID RIGHT WAY LINE, EAST FOR A DISTANCE OF 160.62 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 80°19'47" AND A RADIUS OF 25.00 FEET FOR A DISTANCE OF 35.03 FEET TO A POINT OF COMPOUND CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OCEAN BOULEVARD; THENCE RUN SOUTHERLY ALONG THE SAID WESTERLY RIGHT OF WAY LINE ON THE ARC OF THE CIRCULAR CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 4°03'53" AND A RADIUS OF 3260.29 FEET FOR A DISTANCE OF 231.29 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF WAY LINE, RUN WEST 1.87 FEET TO A POINT; THENCE RUN SOUTH 0°38'55" WEST FOR A DISTANCE OF 327.79 FEET TO A POINT ; THENCE RUN NORTH 89°24'30" WEST FOR A DISTANCE OF 157.55 FEET TO THE POINT OF BEGINNING.



V I L L A G E O F K E Y B I S C A Y N E

Office of the Village Clerk


Village Council

Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Taintor

Village Clerk

Conchita H. Alvarez, *MMC*

I, Myriam Restrepo, hereby certify that Resolution 2011-23 was filed in the official records of the Village of Key Biscayne on September 7, 2011.


Myriam Restrepo
Assistant to the Village Clerk
Village of Key Biscayne