

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 11, 2014

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 Theodore Holloway, Michael E. Kelly, Mayra Lindsay, Edward London, James S. Taintor, Vice Mayor Michael W. Davey and Mayor 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 Miguel Bager, II, St. Christopher's by the Sea, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.

At this time, Chief of Police Charles Press addressed the Council regarding a crime of opportunity that occurred last Saturday within the Village.

4. **BRIEF COMMENTS BY COUNCIL:** Councilmember Kelly addressed the Council regarding the new streets signs; Councilmember Holloway and Mayor Caplan addressed the Council regarding the success of the concert last Sunday thanking the organizers and Councilmember Davey addressed the Council thanking the organizers of the Home Tour.

5. **SPECIAL INTRODUCTIONS:** There were no Special Introductions.
6. **PUBLIC COMMENTS:** This item was heard after the approval of the minutes.
7. **AGENDA:** Mayor Caplan requested the addition of an appointment to the Sustainability/Green Committee as Item 12A2. There was no objection to the agenda change.
8. **APPROVAL OF MINUTES:** Mayor Caplan made a motion to approve the minutes of the January 28, 2014 Zoning Meeting, as amended. The motion was seconded by Vice Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Councilmember Holloway made a motion to defer Item 9A to the Council Meeting of April 22, 2014. The motion was seconded by Mayor Caplan.

There was extensive discussion from Council on the deferral of Item 9A.

The Holloway motion was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Holloway, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmembers Kelly, London, and Vice Mayor Davey voting No.

At this time public comments were heard. The following residents addressed the Council: Max Puyanic, 480 South Mashta Drive; Sally Brody, 180 Harbor Drive; Pat Molinari, 276 Seaview Drive; Allene Nicholson, 769 Allendale Road; Conchita Suarez, 201 Crandon Boulevard; Ray Sullivan, 625 Harbor Circle; Mortimer Fried, 291 Harbor Court; Ed Stone, 1121 Crandon Boulevard; Cliff Brody, 180 Harbor Drive; Oria Perez, 575 Crandon Boulevard; Bobby Savage, 640 Ridgewood Road; Pat Woodson, 940 Mariner Drive; Gary Gross, 211 Island Drive; JoAnn Pisacane, 155 Ocean Lane Drive; Andrew Lemke, 155 Ocean Lane Drive; Cecile Sanchez, 260 Cypress Drive and William Krauss, 555 Crandon Boulevard.

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

Public Hearing. The applicant, the Village Manager, 530 Crandon Boulevard, is requesting to consider a dog park as the main permitted use on the property. This hearing was deferred to the April 22, 2014 Zoning Meeting.

Hearing Number SP-22. The applicant, Morgan Property Group, 12-22-24 Crandon Boulevard with access from 51 Harbor Drive, is requesting the approval of a site plan for a multi-tenant commercial building.

Building, Zoning and Planning Director Kurlancheek addressed the Council recommending approval of the site plan subject to the following conditions: 1.) Prior to the demolition of the property, the Village will be given an opportunity to remove the trees that will not be kept on the property and plant them within the Village; 2.) The eight (8) ft. high chain link fence along the north property line adjacent to Calusa Park shall be replaced with a six (6) ft. high black vinyl coated chain link fence; 3.) The site plan shall be amended to show that all water (runoff) is contained on the site. The grass area in front of the entrance to the market/pharmacy shall be finished in concrete and the entire entrance area shall be designed as a plaza to enhance the entrance. The design shall be approved by the Building, Zoning, and Planning Director; 4.) The proposed 5 ft. pedestrian sidewalk in the parking lot shall be concrete and clearly marked and signed as a sidewalk. Speed bumps shall be approved by the Building, Zoning, and Planning Director and located at the entrance and exit from the driveway to Crandon Boulevard and along the north driveway. The stop sign shall be placed on the exit at a location determined by the Building, Zoning, and Planning Director; 5.) All glass shall be clear. The merchandising cabinets adjacent to the windows shall be no higher than the window sill. Merchandise may be displayed on top of the cabinets but not stacked upon one another. No machine or equipment shall be placed inside the store which blocks views into the store; 6.) The first letter of the signs shall be capitals with the remaining letters in each sign small case. The maximum height of the letters shall not exceed 14 inches for the market/pharmacy and liquor store signs. (See Building, Zoning and Planning Director's December 3, 2013 for an analysis of the sign program); 7.) There is a proposed fire hydrant at the northeast portion of the site. Fire Department Staff have commented that the hydrant should be relocated to the entrance to Walgreens with a second hydrant at the south side of the property labeled "Future Stand Alone Building"; 8.) Access from the Harbor Plaza property to the proposed development shall be prohibited. In order to prevent access the following shall be provided: a. A three (3) ft. CBS wall along the rear property line from Calusa Park to the Harbor Plaza Building; b. A three (3) ft. CBS wall located at the common property line at the proposed cross-access area; c. A 6 ft. black vinyl coated chain link fence from the cross-access area along the common property line to the sidewalk at Harbor Drive and 9.) Fully comply with all subdivision regulations prior to the issuance of a principle permit to construct the building.

Neisen Keisden, Attorney with Ackerman representing the Applicant and Michael Winkleman, Attorney representing the property owners addressed the Council.

Mr. Miles Moss with Miles Moss & Associates, Inc. gave an extensive explanation regarding the Moss traffic report on the proposed Walgreens. Mr. Joaquin E. Vargas, Traffic Consultant for the Applicant, also addressed the Council.

February 11, 2014

At this time Vice Mayor Davey made a motion to extend the meeting until 11:30 p.m. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

There was extensive discussion from Council regarding the increase in traffic due to the proposed traffic pattern.

Mr. Michael Rice and Mr. Max Puyanik addressed the Council regarding the easement between the proposed Walgreens and the Harbor Plaza Shopping Center. Mr. Troy Morgan with Morgan Property Group also addressed the Council.

Vice Mayor Davey made a motion to extend the meeting to midnight. The motion was seconded by Mayor Caplan and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Mayor opened the public hearing. The following residents addressed the Council: David Puyanik, 30 West Mashta Drive; Linda Davitian, 720 Myrtlewood; Andres Caceres, 151 Crandon Boulevard; Max Puyanik, 480 S. Mashta Drive; Luis Lauredo, 201 Crandon Boulevard; Antonio Camejo, 151 Crandon Boulevard; Karen Beber, 796 Woodcrest Road; Jeannie Regan, 881 Ocean Drive; Pat Woodson, 940 Mariner Drive; Ray Sullivan, 625 Harbor Circle; Lois, Greenberg, 1121 Crandon Boulevard; Cecile Sanchez, 260 Cypress Drive; Sally Brody, 180 Harbor Drive; Cliff Brody, 180 Harbor Drive; Aurelio Fernandez, 400 S. Mashta Drive; Laura Pearson, 255 Sunrise Drive; Christian Malvante, 789 Allendale Road; Rabbi Yoel Caroline, 211 Greenwood Drive and Nicholas Mavris, 201 Crandon Boulevard. The Mayor closed the public hearing.

Mayor Caplan made a motion to extend the meeting to 12:30 a.m. The motion was seconded by Vice Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

There was extensive discussion regarding the site plan.

February 11, 2014

Vice Mayor Davey made a motion to extend the meeting to 1:00 a.m. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Vice Mayor Davey made a motion to approve the site plan subject to the above staff recommendations. The motion was seconded by Councilmember Lindsay.

Extensive discussion regarding the site plan continued.

Councilmember London made an amending motion to provide a golf cart, bicycle and pedestrian access through the CBS wall between the Harbor Plaza Property and the proposed Walgreens property. The motion was seconded by Vice Mayor Davey and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Holloway, London, Taintor and Mayor Caplan voting Yes. Councilmembers Kelly, Lindsay and Vice Mayor Davey voting No.

Vice Mayor Davey made a motion to extend the meeting to 1:30 a.m. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The motion to approve the site plan subject to the conditions stated above, as amended, was approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Holloway, London, Taintor and Mayor Caplan voting Yes. Councilmembers Kelly, Lindsay and Vice Mayor Davey voting No.

Hearing Number CU-04. The applicant, Morgan Property Group, 12-22-24 Crandon Boulevard with access from 51 Harbor Drive, is requesting the approval of a conditional use for a package liquor store.

The Manager and Director Kurlancheek addressed the Council recommending that the Conditional Use Application be approved subject to: 1.) The approval of a site plan by the Village Council; and 2.) Access shall be prohibited from the Harbor Plaza property to the proposed development. In order to prevent access the following shall be provided: a. A three (3) ft. CBS wall at the along the rear property line from Calusa Park to the Harbor Plaza Building; b. A three (3) ft. CBS wall located at the common property line at the proposed cross-access area with an access ; c. A 6 ft. black vinyl coated chain link fence from the cross-access area along the common property line to the sidewalk

at Harbor Drive.

Vice Mayor Davey made a motion to approve the Conditional Use Application subject to the conditions stated above with the following amendment: to provide a golf cart, bicycle and pedestrian access through the CBS wall between the Harbor Plaza Property and the proposed Walgreens property and the hours should be those as adopted by Ordinance of the Village from time to time. The motion was seconded by Councilmember Kelly.

The motion to approve the Conditional Use Application subject to the conditions stated above, as amended, was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Holloway, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember Kelly voting No.

Councilmember Kelly made a motion to strike from the record the evidence entitled "Supplemental Traffic Exhibits" dated February 11, 2014, submitted by the Applicant. The motion was seconded by Vice Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

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

11. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. There were no reports submitted by the Mayor or Councilmembers.

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 and the public reminding them that a Stormwater Management Workshop will take place next Tuesday February 18, 2014 at 7:00 p.m. in the Council Chamber.

February 11, 2014

13. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further discussion.
14. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
15. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
16. **ADJOURNMENT:** The meeting was adjourned at 1:25 a.m.

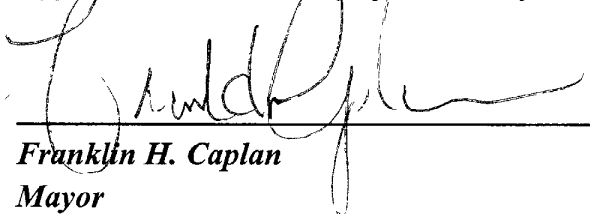
Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk



Approved this 25th *day of* February *2014:*



Franklin H. Caplan
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.