

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MAY 25, 2004

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 Martha F. Broucek, Carol Diaz-Castro, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez and Village Attorney Stephen P. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mr. Glenn Waldman led the Pledge of Allegiance.
3. **AGENDA:** Councilmember Broucek requested the addition of a discussion regarding the Crocodile at Crandon Park as Item 8A2; Councilmember Fried requested the addition of a discussion regarding the adoption of a color chart for buildings on Key Biscayne as Item 8A3 and the addition of a discussion regarding landscaping required under the Code as Item 8A4 and Mayor Oldakowski requested the addition of a public comment. There was no objection to the agenda changes.

At this time the following resident addressed the Council: Ms. Margarita Nate, 605 Ocean Drive.

4. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the May 11, 2004 Regular Council Meeting. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.
5. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public

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hearings were sworn in by the Attorney.

Hearing Number V-18. Roger K. Khouri, 580 Crandon Boulevard, the applicant, is requesting the following variances associated with the construction of a commercial building: 1.) Waive 10 ft. of the required 20 ft. North sideyard setback; 2.) Waive 7 ft. 6 in. of the required 10 ft. South sideyard setback facing West Enid Drive; 3.) Provide a 15 ft. front yard setback along Crandon Boulevard for portions of the building instead of the required 10 ft. setback; 4.) Waive 4 of the required 35 parking spaces.

Hearing Number SP-11. Roger K. Khouri, 580 Crandon Boulevard, the applicant, is requesting approval of site plan for a commercial building.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council recommending denial of the above mentioned four variances and site plan.

The Mayor opened the public hearing. Susana Leal-Khouri, 580 Crandon Boulevard and George Azze, Architect for the project addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding these two hearings.

The Attorney addressed the Council regarding these two hearings.

Councilmember Fried made a motion to defer Hearing Numbers V-18 and SP-11 to the Zoning Meeting of June 22, 2004. The motion was seconded by Vice Mayor Mendia and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek voting No.

6. **ORDINANCES:** The Attorney read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 17 "NOISE," BY AMENDING SECTION 17-5 "EXEMPTIONS", AT PARAGRAPH (b) THEREOF, TO CREATE SUBPARAGRAPH (3) TO PROVIDE FOR AN EXEMPTION FOR PUBLIC SCHOOL CONSTRUCTION WORK; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

The Manager and the Attorney addressed the Council regarding this ordinance.

Councilmember Fried made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Vernon.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor

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Oldakowski voting Yes.

The second reading of this ordinance will be on June 22, 2004.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE CRANDON BOULEVARD ZONING AND DEVELOPMENT 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.

The Manager, Director Kurlancheek and the Attorney addressed the Council regarding this ordinance.

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

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

Councilmember Broucek made an amending motion to change the composition of the Committee as follows: all five members shall be residents of the Village of Key Biscayne with at least one registered professional architect and one property owner. The motion was seconded by Councilmember Fried and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Fried made an amending motion to amend **Section 2-173. Jurisdiction, Duties** (2) as follows: "Provide recommendations to the Village Manager and Village Council for use, design and development regulations for the Crandon Boulevard corridor." The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Fried made an amending motion to amend **Section 2-173. Jurisdiction, Duties** as follows: "The jurisdiction of the Board shall be solely advisory. Action of the Board shall be in the form of a written recommendation to the Village Local Planning Agency, the Village Manager and the Village Council." The motion was seconded by Vice Mayor Mendia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon,

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Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The ordinance, as amended, was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING THE USES FOR THAT CERTAIN VACANT PARCEL OF VILLAGE OWNED PROPERTY SITUATED AT 530 CRANDON BOULEVARD, KEY BISCAYNE, FLORIDA, AS SUCH PROPERTY IS FURTHER DESCRIBED HEREIN, PURSUANT TO SECTION 30-102 "GU GOVERNMENT USE DISTRICT" OF THE VILLAGE CODE; PROVIDING FOR EFFECTIVE DATE.

The Attorney, the Manager, Director Kurlancheek and Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this resolution.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

The Vice Mayor opened the public hearing. Glenn Waldman, 240 Woodcrest Road; Wilfredo Borroto, 241 Harbor Drive; John McCloud, 250 Glenridge Road; Steve Simon, 335 Harbor Lane and Ed Meyer, 100 Sunrise Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this resolution.

Vice Mayor Mendia made a motion to direct the Manager to study options to reconfigure the Village Green and report back to Council. The motion was seconded by Councilmember Diaz-Castro and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Fried made a motion to defer this resolution to the November 9, 2004 Council Meeting. The motion died for lack of a second.

Councilmember Diaz-Castro made a motion to defer this resolution pending the results of the Village Green Study. The motion was seconded by Councilmember Peters and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Fried voting No.

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

Mayor and Councilmembers. Mayor Oldakowski reported on the Crandon Park Amendment Committee.

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 use of motorized vessels on Village ocean front.

The Attorney addressed the Council regarding the use of motorized vessels.

The following individuals addressed the Council: Matthias Kammerer, 765 Curtiswood Road; Michael Carsh, representing the Ritz-Carlton, Key Biscayne; Andy Langesfeld, El Club Watersports, Grand Bay Club; Wilfredo Borroto, 241 Harbor Drive and Don Henderson, 575 Crandon Boulevard.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct the Manager to look into this issue and report back to Council.

Councilmember Diaz-Castro addressed the Council regarding Virginia Key.

Councilmember Fried made a motion to extend the meeting to 11:20 p.m. The motion was seconded by Councilmember Diaz-Castro and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Broucek addressed the Council regarding the Crandon Park crocodile.

It was the consensus of Council to direct the Manager to contact the proper authority to remove this crocodile.

Councilmember Fried addressed the Council regarding landscaping and proposed color chart for homes.

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

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10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
11. **ADJOURNMENT:** The meeting was adjourned at 11:20 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 22nd day of June, 2004:

*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.