

MINUTES
ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MAY 27, 2003

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, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. PLEDGE OF ALLEGIANCE: Susana Leal-Khouri led the Pledge of Allegiance.

3. AGENDA: Mayor Oldakowski requested the addition of a discussion regarding direction to the Manager for an update on the Goals and Objectives, as Item 10A1; the Mayor also requested the addition of a discussion regarding the establishment of an Advisory Board for the Community Center as Item 10A2 and Councilmember Broucek requested the addition of a discussion regarding the youth of Key Biscayne and the Miami-Dade County Curfew Ordinance. There was no objection to the agenda changes.

4. APPROVAL OF MINUTES: Councilmember Peters made a motion to approve the minutes of the May 13, 2003 Regular Council Meeting. 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.

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

Hearing Number RV 14. Jeffrey S. Bartel, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., representing the applicant, Wachovia Bank, NA, 100 Crandon Boulevard, is requesting the following variances: 1.) waive 20 ft. of the required 20 ft. south side yard setback in order to construct the building along the south lot line; 2.) waive 12 ft. of the required 20 ft. north side yard setback in order to construct the drive-through 8 ft. from the north lot line and 3.) waive 5 ft. of the required 5 ft. south side yard setback in order to construct a surface parking lot and walkway along the south lot line.

The Attorney addressed the Council regarding this hearing.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation of approval of the above variances subject to the following conditions: 1.) The exit from the drive thru shall be directly to Crandon Boulevard with stacking of cars along the north property line and into the parking lot; 2.) Subject to a detailed landscape and irrigation plan being submitted with the

building permit application. Trees shall be placed on Crandon Boulevard consistent with the Master Plan that is currently being developed. A building permit shall not be issued until the Building, Zoning and Planning Department approves the landscape and irrigation plan. A Certificate of Occupancy shall not be issued until the landscaping and irrigation has been installed and approved by the Department; 3.) The applicant shall install curbing and a 10 ft. wide decorative sidewalk along Crandon Boulevard and on the driveway apron. The median on the access drive shall also have curbing. 4.) A cross access agreement shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit. The Agreement will provide for access into the 100 Crandon Boulevard site from the access driveway that leads to the 104 Crandon Boulevard office building. The Agreement must be approved by the Village Attorney prior to recordation; 5.) That the Building, Zoning and Planning Director is authorized to approve minor modifications to the plans when it is determined by the Director that such modifications are in substantial conformance with the plans as approved by Council; 6.) Signage on the building is limited to the business that occupies the largest amount of floor area. Secondary signage is permitted through a directory sign on exterior of the building. The size of the directory sign shall conform with the Zoning and Land Development Regulations; 7.) There shall be a 2.6 ft. landscaped median between the sidewalk and the driveway that leads to 104 Crandon Boulevard Site; 8.) The stairs which discharge into the garage must be redesigned in a manner consistent with the Fire Rescue Department's regulations and 9.) This resolution shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit.

The Mayor opened the public hearing. Jeff Bartel, 150 West Flagler Street; Nicholas Puglisi, with Elements Architect and Susana Leal-Khoury, 180 Crandon Boulevard addressed the Council.

There was extensive discussion from Council regarding this request.

Councilmember Broucek made a motion to continue this hearing on June 10, 2003. The motion was seconded by Councilmember Peters 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.

Hearing Number SP 7. Elements Architect (for Wachovia Bank, NA), 100 Crandon Boulevard, the applicant is requesting approval of a site plan.

Director Kurlancheek addressed the Council stating his recommendation of approval of the site plan subject to the following conditions: 1.) The exit from the drive thru shall be directly to Crandon Boulevard with stacking of cars along the north property line and into the parking lot; 2.) Subject to a detailed landscape and irrigation plan being submitted with the building permit application. Trees shall be placed on Crandon Boulevard consistent with the Master Plan that is currently being developed. A building permit shall not be issued until the Building, Zoning and Planning Department approves the landscape and irrigation plan. A Certificate of Occupancy shall not be issued until the landscaping and irrigation has been installed and approved by the Department; 3.) The applicant shall install curbing and a 10 ft. wide decorative sidewalk along Crandon Boulevard and on the driveway apron. The median on the access drive shall also have curbing. 4.) A cross access agreement shall be recorded in the public records of Miami-Dade County prior to the issuance of

a building permit. The Agreement will provide for access into the 100 Crandon Boulevard site from the access driveway that leads to the 104 Crandon Boulevard office building. The Agreement must be approved by the Village Attorney prior to recordation; 5.) That the Building, Zoning and Planning Director is authorized to approve minor modifications to the plans when it is determined by the Director that such modifications are in substantial conformance with the plans as approved by Council; 6.) Signage on the building is limited to the business that occupies the largest amount of floor area. Secondary signage is permitted through a directory sign on exterior of the building. The size of the directory sign shall conform with the Zoning and Land Development Regulations; 7.) There shall be a 2.6 ft. landscaped median between the sidewalk and the driveway that leads to 104 Crandon Boulevard Site; 8.) The stairs which discharge into the garage must be redesigned in a manner consistent with the Fire Rescue Department's regulations and 9.) This resolution shall be recorded in the public records of Miami-Dade County prior to the issuance of a building permit.

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

Councilmember Broucek made a motion to continue the public hearing on June 10, 2003. The motion was seconded by Councilmember Peters 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.

Hearing Number RV 15. Armando Chapelli, 925 Mariner Drive, the applicant is requesting the following variances: 1.) waive the maximum 10 ft. extension of a dock into a canal, lake or waterway in order to permit a dock to extend 35 ft. 6 in. into a canal; 2.) waive the maximum 4 ft. 4 in. (10% of the width of a canal) extension of a boat lift into a canal, lake, or waterway in order to permit a boat lift to extend 8 ft. into a canal.

The Mayor opened the public hearing. Mr. Jose Calvo with Bunnell Foundation requested that the hearing be continued on August 26, 2003.

Councilmember Fried made a motion to continue the public hearing on August 26, 2003. The motion was seconded by Councilmember Vernon 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. ORDINANCES: There were no ordinances considered by Council.

9. RESOLUTIONS: The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING A BID TO CONSTRUCT A BUS SHELTER NEAR THE CURRENT STOP AT CRANDON BOULEVARD NORTH OF OCEAN LANE DRIVE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Broucek made a motion to approve the resolution. The motion was seconded by Councilmember Peters.

The Attorney and Director Kurlancheek addressed the Council regarding this resolution.

There was extensive discussion from Council regarding the bus shelter.

It was the consensus of Council to direct the manager to re-negotiate the contract and bring it back before the Council on June 10, 2003.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding direction to the Manager on the Goals and Objectives. It was the consensus of Council to direct the Manager to prepare an update of the Goals and Objectives and bring it before Council at the June 10, 2003 meeting.

Mayor Oldakowski also addressed the Council regarding the recommendation of the Community Center Committee to establish and Advisory Board. It was the consensus of Council to direct the Manager to bring a proposal to Council regarding this issue.

Councilmember Broucek addressed the Council regarding the youth of Key Biscayne and the implementation of the Miami-Dade County Curfew Ordinance.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council the Certification of the May 20, 2003 special election results. A motion to accept the certification was made by Councilmember Fried. 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, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Village Manager. The Manager did not submit a report.

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

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

13. ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 10th day of June , 2003:

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.