MAJOR CONDITIONAL USE MJ-12-02

RESOLUTION NO. 12-10-92

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA CHAMBER OF COMMERCE, INC. FOR MAJOR CONDITIONAL USE APPROVAL FOR THE DEVELOPMENT OF A 2,419 SQUARE FOOT VISITOR CENTER AND OFFICES FOR THE ISLAMORADA CHAMBER OF COMMERCE ON PROPERTY LOCATED AT 87100 OVERSEAS HIGHWAY ON PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A;” WITHIN THE RECREATION (R) ZONING DISTRICT; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada Chamber of Commerce, Inc. (the “Lessee”) is the Lessee of a approximately 6,400 square foot property located at 87100 Overseas Highway on Plantation Key, with Real Estate Number 00093330-000101 and as legally described in Exhibit “A” (the “Property”); and

WHEREAS, pursuant to Section 30-702(d)(4) of the Code of Ordinances (the “Code”) of the Islamorada, Village of Islands, Florida (the “Village”), a chamber of commerce office and supportive facility and a visitor center within the Recreation (R) Zoning District shall be reviewed as a Major Conditional Use; and

WHEREAS, pursuant to Code Chapter 30, Article IV, Division 2, the Lessee has applied for Major Conditional Use Approval (MJ-12-02) for the development of a 2,419-square-foot visitor center and offices for the Islamorada Chamber of Commerce (the “Request”); and
WHEREAS, the Village Development Review Committee (the “DRC”) reviewed the Request during a meeting held on September 25, 2012 and recommended approval of the Request with conditions to the Director of Planning and Development Services (the “Director”); and

WHEREAS, pursuant to the applicable provisions of the Code, the Director in his Council Communication dated October 25, 2012 recommended to the Village Council that the Request be approved with conditions; and

WHEREAS, the Village Council considered the Request, the relevant support materials, the DRC's and the Director's recommendations, public testimony given and all substantial competent evidence entered into the record during a properly advertised public hearing held on October 25, 2012 (the “hearing”).

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Findings of Fact. The Village Council, having considered the Request, the relevant support materials, the DRC's and Director's recommendations, public testimony given and all substantial competent evidence entered into the record during the hearing, does hereby find and determine:


2. The Request consists of a Site Plan attached as Exhibit “B” depicting the Request’s configuration, layout and level of impacts.
3. The Property is located within the Recreation (RO) Future Land Use Map (FLUM) category.

4. The Property is located within the Recreation (R) Zoning District.

5. The Request complies with the standards of Code Section 30-216(d) for considering Conditional Uses.

6. The Request complies with the Concurrency Management and other applicable requirements of Code Chapter 30, Land Development Regulations (the “LDRs”).

7. The Request is consistent with the purposes, goals, objectives and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

Section 3. Conclusions of Law. Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

1. The Request has been processed in accordance with the applicable provisions of the LDRs, and will not be detrimental to the community as a whole.

2. In rendering its decision as reflected in this Resolution, the Village Council has:
   (a) Accorded procedural due process;
   (b) Observed the essential requirements of the law; and
   (c) Supported its decision by substantial competent evidence of record.

3. The Request is hereby APPROVED, subject to the conditions imposed below.

Section 4. Conditions Imposed. Granting of the Request is subject to the following conditions:

1. The Request shall be consistent with the site plan (attached as Exhibit “B”) signed and sealed on October 5, 2012 by Dave Boerner, Registered Architect.
2. An approved Affordable Housing Agreement, pursuant to Code Section 30-638(b)(7), shall be required prior to issuance of any building permits. The payment of the in-lieu fee shall be made at the Lessee’s expense prior to issuance of any building permits.

3. The Lessee shall be responsible for all required permits from FDOT for the pedestrian walkway connection within the Overseas Highway right-of-way which shall be obtained by the Lessee, prior to issuance of a Certificate of Occupancy.

4. The Lessee shall provide a painted bike lane with a bicycle shall be striped from the existing bike path west of the parking lot to the bicycle path northwest of the building.

5. Unity of Title required between parcels with Real Estate numbers 00093330-000000, 00093330-000101 and 00093330-000100, in a form acceptable to the Village Attorney, prior to the issuance of any building permits.

**Section 5. Conflicting Provisions.** In the event the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the LDRs are in conflict, the more restrictive shall apply.

**Section 6. Violation of Conditions.** The Lessee understands and acknowledges that it must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before it may commence construction or operation of any use authorized herein. In accordance with Code Section 30-224, this approval may be revoked by the Village Council upon a determination that the Lessee or its successor or designee is in non-compliance with this Resolution or the Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons or corporations found violating the conditions shall be subject to the penalties prescribed by the Code.
Section 7. Effective Date. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the rendition to the Florida Department of Economic Opportunity (the “DEO”), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Section 8. Term. This Development Order shall become null and void, with no further notice required by the Village, unless a complete building permit application for site preparation and building construction is submitted to the Village Building Official within the time frame specified in the LDRs. Commencement of development shall occur within three (3) years of the date of this Development Order unless a time extension is granted by the Director or the Village Council, pursuant to Code Section 30-225. If this Development Order is appealed under the LDRs or by the DEO, the above time limits shall be tolled until the appeal is resolved by agreement or order.

The foregoing Resolution was offered by Councilman Reckwerdti, who moved for its adoption. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:
FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Ken Philipson      YES
Vice Mayor Ted Blackburn  YES
Councilman Don Achenberg YES
Councilman Dave Purdo     YES
Councilman Michael Reckwerdt  YES


KEN PHILIPSON, MAYOR

ATTEST:

DEPUTY VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY:

VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk on this 30th day of October, 2012.

Deputy Village Clerk
CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Lessee, via U.S. certified mail, return receipt requested, addressed to Judy Hull, Islamorada Chamber of Commerce, Inc., PO Box 915, Islamorada, Florida 33036, this ___ day of ___, 2012.

Kyrie Wagner, Deputy Village Clerk
A portion of Section 18, Township 63 South, Range 38 East, Plantation Key, Monroe County, Florida and being more particularly described as follows: Commencing at the intersection formed by the West line of Section 18 with the Northwesterly right-of-way line of U.S. Highway No. 1; thence run N. 66° 23' 46" E. along the Northwesterly right-of-way of U.S. Highway No. 1 for a distance of 268.86 feet to a point of curvature of a circular curve concave to the Northwest, thence continue in a Northeasterly direction along the Northwesterly right-of-way line of U.S. Highway No. 1 and along said curve having for its elements a radius of 2814.93 feet, chord distance of 303.44 feet, for an arc distance of 303.59 feet to the Point of Beginning of the Lease Parcel hereinafter described: From said Point of Beginning continue along the arc of said curve for 103.42 feet, thence bear N. 30° 27' 22" W. for a distance of 50.42 feet, then run S. 79° 32' 56" W. for 18.57 feet, thence run S. 71° 24' 30" W. for 35.12 feet, thence run S. 62° 21' 32" W. for 28.39 feet, thence run S. 60° 20' 20" W. for 23.24 feet, then S. 30° 27' 22" E. for 66.40 feet back to the Point of Beginning. Containing 6,404± sq. ft.