RESOLUTION NO. 13-12-92

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE REQUEST BY EQUITY DEVELOPMENT GROUP LLC FOR A 2APS ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW PACKAGE SALES ONLY OF BEER AND WINE ON PROPERTY LOCATED NEAR MILE MARKER 83.2 BAYSIDE AT THE CORNER OF OVERSEAS HIGHWAY AND RUSSELL STREET ON UPPER MATECUMBE KEY WITH REAL ESTATE NUMBERS 00094940-000000, 00094950-000000, 00094920-000000, 00094930-000000 AND 00094960-000000, AS LEGALLY DESCRIBED IN EXHIBIT “A;” WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Equity Development Group, LLC (the “Applicant”), has applied for a 2APS Alcoholic Beverage Use Permit to allow package sales only of beer and wine in conjunction with the operation of a supermarket (the “Proposed Use”) on property located near Mile Marker 83.2 bayside at the corner of Overseas Highway and Russell Street on Upper Matecumbe Key with Real Estate Numbers 00094940-000000, 00094950-000000, 00094920-000000, 00094930-000000 and 00094960-000000, as legally described in Exhibit “A” (the “Property”); and

WHEREAS, the Director of Planning and Development Services (the “Director”) has recommended to the Village Council (the “Council”) that the Proposed Use be approved; and

WHEREAS, pursuant to the applicable provisions of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”), the Council conducted a duly noticed public hearing (the “Public Hearing”) on December 12, 2013 regarding the Proposed Use.
NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The Village Council, having considered the Proposed
Use, the relevant support materials, the DRC's and Director's recommendations, public testimony
and evidence given at the hearing, does hereby find and determine:

1. The Council reviewed the application for the Proposed Use on December 12,
   2013.

2. The Public Hearing was properly noticed, the application for the Proposed Use
   was properly before the Council for consideration, and all interested parties concerned in the
   matter were given an opportunity to be heard.

3. In accordance with Code Section 30-1461, the Council considered whether or not
   the Proposed Use met the following criteria:

   a. The Proposed Use is compatible and generally consistent with the uses
      and character of the land surrounding and in the vicinity of the land proposed for
      development as represented by property owners within 500 feet of the premises;

   b. The Proposed Use is consistent with the purposes, goals, objectives and
      policies of the comprehensive plan and this chapter, including standards for building and
      structural intensities and densities, and intensities of use; and the suitability of the
      premises in regard to its location, site characteristics and intended purpose;

   c. The Proposed Use complies with Code Chapter 30, Article IV, Division 5
      (Concurrency Management); and

   d. The design of the Proposed Use minimizes adverse effects, including
      visual impact and intensity of the Proposed Use on adjacent lands.
4. The Director presented to the Council his written recommendation dated December 12, 2013 to approve with conditions the application for the Proposed Use.

5. The Applicant has demonstrated the Proposed Use meets all of the criteria to receive the requested Alcoholic Beverage Use Permit.

Section 2. Conclusions of Law. Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the Village Comprehensive Plan and Land Development Regulations, and will not be detrimental to the community as a whole; and

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

3. The Application for an Alcoholic Beverage Use Permit is hereby GRANTED.

Section 3. Violation of Conditions. The Applicant 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 applicable to the Proposed Use granted herein. In accordance with Code Section 30-224(e), the Council may revoke this approval upon a determination that the Applicant, 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 found violating the conditions shall be subject to the penalties prescribed by the Code.
Section 4. Effective Date. This Resolution shall not take effect until after 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.

The foregoing Resolution was offered by Councilman Forster, who moved for its adoption. This motion was seconded by Vice Mayor Gillis, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Ted Blackburn
Vice Mayor Deb Gillis
Councilman Mike Forster
Councilman Ken Philipson
Councilman Dave Purdo

YES
YES
YES
NO
YES

PASSED AND ADOPTED THIS 12TH DAY OF DECEMBER, 2013.

TED BLACKBURN, MAYOR

ATTEST:

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 13th day of Dec, 2013.

Village Clerk
CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Applicant, via U.S. certified mail, return receipt requested, addressed to Bernard Danzansky, Equity Development Group, LLC as Agent for Public Super Markets, Inc., 6420 Congress Avenue, #1800, Boca Raton, FL 33487, this 11th day of Dec., 2013.

[Signature]
Village Clerk