RESOLUTION NO. 14-01-03

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY H&C ISLANDER RESORT, LLC FOR A VARIANCE FROM SECTION 30-693(E)(4) “SITE DEVELOPMENT STANDARDS” TO ALLOW FOR A REDUCTION IN THE REQUIRED FRONT YARD SETBACKS FOR THE CONSTRUCTION OF A PUMP STATION AND ACCESSORY STRUCTURES ON A PORTION OF PROPERTY LOCATED AT APPROXIMATELY MM 81.2 OLD HIGHWAY WITH REAL ESTATE NUMBER 00400810-000000 ON UPPER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A;” WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, H&C Islander Resort, LLC (the “Owner”) is the owner of property located at approximately MM 81.2 Old Highway on Upper Matecumbe Key, with Real Estate Number 00400810-000000 and as legally described in Exhibit “A” (the “Property”) within Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, the Owner has applied to the Village for Minor Conditional Use approval for the development of a pump station and accessory structures on the Property; and

WHEREAS, the Village intends to purchase the Property for the development of a pump station and accessory structures thereupon; and
WHEREAS, the Owner has submitted an application for a variance from Section 30-693(e)(4) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the “Code”) to allow for a reduction to the front yard setbacks (the “Request”), on property legally described in Exhibit “A;” and

WHEREAS, the Property is located within the Tourist Commercial (TC) Zoning District; and

WHEREAS, the Village Development Review Committee (the “DRC”) reviewed the Request during a meeting held on November 19, 2013 and recommended approval of the Request with conditions to the Director; and

WHEREAS, on January 9, 2014 the Village Council of Islamorada, Village of Islands, Florida (the “Village Council”) conducted a duly noticed public hearing regarding the Variance Request.

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, and public testimony given at the Hearing, does hereby find and determine:

1. The Property is located within the Mixed Use (MU) Future Land Use Map (FLUM) category.

2. The Property is located within the Tourist Commercial (TC) Zoning District.
3. The Request complies with the standards of Code Section 30-221(d) for considering variances.

4. 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; and
   (b) Observed the essential requirements of the law; and
   (c) Supported its decision by substantial competent evidence contained within the record; and

(3) The Request is hereby APPROVED.

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 Village Code.
The foregoing Resolution was offered by Councilman Ken Philipson, who moved for its adoption. This motion was seconded by Vice Mayor Deb 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      YES
Vice Mayor Deb Gillis    YES
Councilman Mike Forster  YES
Councilman Ken Philipson  YES
Councilman Dave Purdo     YES

PASSED AND ADOPTED THIS 9th DAY OF JANUARY, 2014.

DEB GILLIS, VICE MAYOR

ATTEST:

SYNTHIA LANKFORD, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk on this 10th day of Jan., 2014.

Synthia Lankford, Village Clerk
CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Owner, via U.S. certified mail, return receipt requested, addressed to H&C Islander Resort, PO Box 126, Fort Smith, AR 72902, as agent for the Owner, this 14th day of Jan., 2014.

Synthia Lankford, Village Clerk