RESOLUTION NO. 14-12-95

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY FLORIDA KEYS BREWING COMPANY LLC FOR A 2COP AND A CMB ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW PACKAGE SALES AND ON-PREMISES CONSUMPTION OF BEER AND WINE AND A MICROBREWERY ON PROPERTY LOCATED AT 200 MORADA WAY ON UPPER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A;” WITHIN THE INDUSTRIAL (I) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Craig McBay on behalf of Florida Keys Brewing Company, LLC, (the “Applicant”), has applied for a 2COP and CMB Alcoholic Beverage Use Permit to allow package sales of beer and wine and on-premises consumption and a microbrewery (the “Proposed Use”) on property located at 200 Morada Way as legally described in Exhibit “A” (the “Property”); and

WHEREAS, the owner of the Property is Baldwin Industrial, Inc. (the “Property Owner”); and

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

WHEREAS, on December 18, 2014, 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”) 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 Council having considered the testimony and evidence presented by all parties, including the Applicant, does hereby find and determine:

1. The Council reviewed the application for the Proposed Use on December 18, 2014.

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 her written recommendation dated December 18, 2014 to approve the application for the Proposed Use.
5. The Applicant **has** demonstrated that 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 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 Village Code.

Motion to adopt by Councilman Chris Sante, second by Vice Mayor Deb Gillis.

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

Mayor Mike Forster       YES
Vice Mayor Deb Gillis    YES
Councilman Jim Mooney    YES
Councilman Chris Sante   YES
Councilman Dennis Ward   YES

PASSED AND ADOPTED THIS 18th DAY OF DECEMBER, 2014

MIKE FORSTER, MAYOR

ATTEST:

KELLY TOKH, 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 of this 32 day of December, 2014.

cc: Florida Department of Economic Opportunity

Kelly Toth, 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 Baldwin Industrial, Inc. 200 Morada Way, Islamorada, Fl 33036, this 23 day of Dec., 2014.

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Kelly Toth Village Clerk
Portion of Lot 1 of a "Subdivision of a part of Government Lot 1 and all of Government Lots 2 and 3 of Section 32-63-37" made by George L. MacDonald, C.E., plat of which is recorded in Plat Book 1 at Page 41, said portion also being a portion of a strip of land 125 feet wide, more or less, between the Southwesterly side of "Hatecumbe Beach" as recorded in Plat Book 1 at Page 133 and the Northwesterly side of "Grove Park Addition" as shown in Plat Book 1 at Page 196, all as shown in the Public Records of Monroe County, Florida, on Upper Hatecumbe Key and being more particularly described as follows:

Comencing at the intersection of the Northwesterly side of said plat of "Grove Park Addition" said Northwesterly side also being the dividing line between Lots 1 and 2 of Plat Book 1 at Page 41, with the Southwesterly right of way line of Old State Road 4-A, thence proceed Southwesterly along said Northwesterly side of Grove Park Addition, 630 feet to the Point of Beginning of the tract of land hereinafter described;

thence continue Southwesterly along said Northwesterly side of Grove Park Addition, 137 feet to the most Easterly corner of Lot 2, Block 10 of said Plat of Grove Park Addition;

thence proceed Northwesterly and parallel to the Southwesterly right of way line of Old State Road 4-A, 10 feet;

thence proceed Southwesterly and parallel to said Northwesterly side of Grove Park Addition, 11 feet, more or less, to the most Easterly corner of that property described in Official Record Book II-1, at page 30 of the Public Records of Monroe County, Florida;

thence proceed Northwesterly and parallel to the Southwesterly right of way line of Old State Road 4-A, 114.65 feet to the Southwesterly side of Hatecumbe Beach;

thence proceed Northwesterly along said Southwesterly side of Hatecumbe Beach, 140 feet more or less;

thence proceed Southwesterly and parallel to said Southwesterly right of way line of Old State Road 4-A, 125 feet to the Point of Beginning.

ALSO

A portion of Lot 1 of a "Subdivision of a part of Government Lot 1 and all of Government Lots 2 and 3 of Section 32-63-37" made by George L. MacDonald, C.E., plat of which is recorded in Plat Book 1 at Page 41, said portion also being a portion of said strip of land 125 feet wide, more or less, between the Southwesterly side of "Hatecumbe Beach" as recorded in Plat Book 1 at Page 133 and the Northwesterly side of Grove Park Addition" as shown in Plat Book 1 at Page 196, all as shown in the Public Records of Monroe County, Florida, on Upper Hatecumbe Key and being more particularly described as follows:
Commencing at the intersection of the Northeasterly side of said plat of "Grove Park Addition", said Northeasterly side also being the dividing line between lots 1 and 2 of Plat Book 1, Page 41, with the Southeasterly right of way line of Old State Road 4-A; thence proceed Southeasterly along said Northeasterly side of Grove Park Addition, 230 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along said Northeasterly side of Grove Park Addition, 420 feet; thence proceed Northwesterly and parallel to the Southeasterly right of way line of Old State Road 4-A, 125 feet to the Southwesterly side of Hacocumbe Beach; thence proceed Northwesterly along said Southwesterly side of Hacocumbe Beach 420 feet; thence proceed Southwesterly and parallel to said Southeasterly right of way line of Old State Road 4-A, 125 feet to the Point of Beginning.

LESS and EXCEPT the following described property, to-wit:

Commencing at the intersection of the Northeasterly side of said plat of "Grove Park Addition", said Northeasterly side also being the dividing line between lots 1 and 2 of Plat Book 1, Page 41, with the Southeasterly right of way line of Old State Road 4-A; thence proceed Southeasterly along said Northeasterly side of Grove Park Addition, 230 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along said Northeasterly side of Grove Park Addition, 20 feet; thence proceed Northwesterly and parallel to the Southeasterly right of way line of Old State Road 4-A, 125 feet to the Southwesterly side of Hacocumbe Beach; thence proceed Northwesterly along said Southwesterly side of Hacocumbe Beach, 20 feet; thence proceed Southwesterly and parallel to said Southeasterly right of way line of Old State Road 4-A, 125 feet to the Point of Beginning.