RESOLUTION NO. 15-04-24

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A TIME EXTENSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 30-224 OF THE VILLAGE CODE OF ORDINANCES TO NIKI LESKO FOR THE COMPLETION AND MODIFICATION OF THE REQUIREMENTS OF THE MORATORIUM WAIVER AND MINOR CONDITIONAL USE APPROVALS SPECIFIED IN VILLAGE RESOLUTION 01-02-07, DEVELOPMENT ORDERS NO. 01-04 AND NO. 01-04-01, RESOLUTION 04-10-61 AND RESOLUTION 08-02-10 WHICH CONDITIONALLY APPROVED THE CONTINUED OPERATION OF THE ESTABLISHED BUSINESSES KNOWN AS ISLAMORADA BOAT CENTER AND CAPTAIN CANVAS AT PROPERTY DESCRIBED AS LOT 3 BLOCK 4, LOT 4 & SW 50 FT LOT 5 SQ 5, AND LOTS 22-23, BLOCK 5, STRATTONS SUBDIVISION, UPPER MATECUMBE, ISLAMORADA, FLORIDA WITH THE REAL ESTATE NUMBERS 00399390-000000, 00399740-000000, 00399730-000000, and 00399570-000000; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on the August 17, 2004, Islamorada, Village of Islands (the “Village”) recorded a Notice of Non-Compliance with the Monroe County Clerk of Circuit Court for Brian Lesko, Niki Lesko, and Loran Van Vleet d/b/a Islamorada Boat Center (the “Applicant”) for failure to comply with conditions set forth in Development Order No. 01-04 and No. 01-04-01; and

WHEREAS, on February 12, 2008, the Village again recorded a Notice of Non-Compliance with the Monroe County Clerk of Circuit Court for the Applicant’s failure to comply with conditions set forth in Resolution 01-02-07, Development Order No. 01-04 and No. 01-04-01,
and Resolution 04-10-61; and

WHEREAS, on March 24 2015, the Village again recorded a Notice of Non-Compliance with the Monroe County Clerk of Circuit Court for the Applicant’s failure to comply with conditions set forth in Resolution 01-02-07, Development Orders No. 01-04 and No. 01-04-01, Resolution Nos. 04-10-61 and 08-02-10; and

WHEREAS, Staff prepared status reports in 2004, 2007, 2008 and 2015 on the development permits issued and presented its findings at a public hearing before the Village Council of Islamorada, Village of Islands (the “Village Council”); and

WHEREAS, the Village Council having considered the testimony and evidence presented by all parties, including the Applicant and Staff, does hereby find and determine as provided below.

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

Section 1. Findings of Fact.

(1) The Village Council heard the request on the April 9, 2015.

(2) Public notice of the hearing was provided compliant with Section 30-224 of the Village Code (the “LDRs”) and the request was properly heard before the Village Council for its consideration.

(3) The Director of Planning presented the Village Council with Staff’s written recommendation dated April 9, 2015.

Section 2. Conclusions of Law.

(1) Village Staff issued a Notice of Non-Compliance in accordance with Section 30-224 of the LDRs.

(2) That in rendering its decision as reflected in this Resolution, the Village Council
has:

(a) Acceded procedural due process; and

(b) Observed the essential requirements of the law; and

(c) Supported its decision by substantial competent evidence of record.

The Application is hereby approved, subject to the conditions set forth below.

Section 3. Conditions Imposed. Passage and adoption of this Resolution is subject to the following conditions:

1. The Applicant shall be limited to one access from the Property; that access being the existing permitted access on US1.

2. Stacking of boats or the performance of hull maintenance, painting or repair work on the Property is prohibited.

3. The Applicant shall apply for Major Conditional Use Approval no later than July 9, 2015.

4. The Applicant shall submit an application into the Nonresidential Building Permit Allocation System (BPAS) for an office no later than October 31, 2015.

Section 4. 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 Village Code, the more restrictive shall apply.

Section 5. Violation of Conditions. The Applicant understands and acknowledges that he must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he may commence construction or operation of any use authorized herein. In accordance with Section 30-224(c) of the LDRs, these approvals may be revoked by the Village Council upon a determination that applicant or its successor or designee is in non-compliance with this Resolution or the Village
This Resolution was filed in the Office of the Village Clerk of this 9th day of April, 2015.

ATTEST:

MIKE FORSTER, MAYOR

KELLY TOTH, VILLAGE CLERK

ROGET V. BRAYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 9th day of April, 2015.

Kelly Toth, Village Clerk