MAJOR CONDITIONAL USE MJ-15-02

RESOLUTION NO. 15-10-99

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CRP 80001 OVERSEAS, LLC FOR MAJOR CONDITIONAL USE APPROVAL OF THE RELOCATION AND ENLARGEMENT OF AN EXISTING POOL, RECONFIGURATION OF ON-SITE PARKING, ON-SITE LIGHTING, DEMOLITION OF EXISTING GAS STATION, AND SITE RECONFIGURATION FOR PROPERTY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT LOCATED AT 79971 AND 80001 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY WITH REAL ESTATE NUMBERS 0096660-000000, 00096740-000000, and 00096750-000000 AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, CRP 80001 Overseas, LLC (the “Owners”) are the owners of property located at 79971 and 80001 Overseas Highway on Upper Matecumbe Key with Real Estate numbers 0096660-000000, 00096740-000000, and 00096750-000000, and as legally described in Exhibit “A” (the “Property”); and

WHEREAS, Smith, Oropeza, Hawks, P.L., as the Agent/Applicant for the Owner Property (the “Agent/Applicant”), has applied for Major Conditional Use approval for the relocation and enlargement of an existing pool, reconfiguration of on-site parking, on-site lighting, demolition of existing gas station, and site reconfiguration of the Property; and

WHEREAS, pursuant to Section 30-693(d)(1) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”), hotels or motels having more than fifty (50) rooms within the Tourist Commercial (TC) Zoning District shall be reviewed as a Major
Conditional Use; and

WHEREAS, pursuant to Code Chapter 30, Article IV, Division 2, the Applicant has applied for Major Conditional Use Approval (MJ-15-02) for the redevelopment of the Property including the relocation and enlargement of an existing pool, reconfiguration of on-site parking, on-site lighting, demolition of existing gas station, and overall site reconfiguration (the "Request"); and

WHEREAS, the Village Development Review Committee (the "DRC") reviewed the Request during a meeting held on September 8, 2015 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 her Council Communication dated October 1, 2015 recommended to the Village Council that the Request be approved with conditions; and

WHEREAS, the Village Council has considered the Request, the relevant support materials, the DRC's and the Director's recommendations, public testimony and evidence given at a properly advertised public hearing held on October 1, 2015 (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 and evidence given at 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 Mixed Use (MU) Future Land Use Map (FLUM) category.

4. The Property is located within the Tourist Commercial (TC) 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 Village Comprehensive Plan and 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 competent substantial 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 lighting shall be brought into compliance with all applicable provisions set forth in Code Sections 30-792 and 30-1583.

2. Two (2) Fire Hydrants are required to be installed in a location and design approved by the Village Fire Chief prior to any final fire inspection.

3. The Applicant or permit holder shall obtain all applicable state and federal permits prior to the start of construction for the development authorized pursuant to this permit.

4. The Applicant shall obtain all FDOT permits necessary to construct the required Overseas Highway improvements, which include the modification of existing curb cuts to provide two points of ingress, as depicted on the site plan. A Letter of Intent from FDOT shall be required prior to issuance of any building permit. All improvements shall be completed by the Applicant at its sole expense. All improvements shall be accepted by FDOT prior to the issuance of a certificate of occupancy.

5. The fourteen (14) short term boat parking slips depicted on the site plan shall comply with Code Section 30-852(c)(3).

6. Sheet L-1.0 shall be updated within 10 days to reflect the relocation of the market rate units approved through MD-15-03, and to correct notation number 1 to reflect his space as storage prior to the issuance of any building permit associated with this request.

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 Owners/Applicant understand and acknowledge that he or she must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she 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 Owners/Applicant 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 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 73C-44.003 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 instrument 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 the Development Order is appealed under the LDRs or by the DEO, the above time limits shall be tolled until the appeals are resolved.

Motion to adopt by Councilman Dennis Ward, second by Councilman Chris Sante.

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

PASSED AND ADOPTED THIS 1st DAY OF OCTOBER, 2015.

ATTEST:

[Signature]
KELLY TOTH, VILLAGE CLERK

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

[Signature]
ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk on this 2nd day of Oct, 2015.

[Signature]
Kelly Toth, 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 Bryan Hawks, Smith, Oropeza, Hawks, P.L., 138-142 Simonton St, Key West, Florida, 33040, this 8th day of Oct., 2015.

Kelly Toth, Village Clerk
Legal Description:

ISLAND OF UPPER MATECUMBE PT GOVT LOTS 1 2 - 3 (3.279 AC) (PT PARCELS 1 - 2) AND 2.12 ACRES ADJ BAY BOTTOM (F/K/A OCEAN 80 RESORT A TIMESHARE CONDOMINIUM) OR499-227/34 OR514-757/67 OR752-787/90 OR846-138/42 OR849-474/614DEC OR853-1941/43AMD OR863-1218/19 OR1151-1546/47 OR1301-904/08 OR1342-153T/D OR1342-155T/D OR1347-150 OR1347-151 OR1410-1443/47(TERM) OR1492-1976/80 OR2670-469/73
AMARA CAY RESORT
Islamorada, Florida
80001 Overseas Highway, Islamorada, FL 33036

AMENDMENT TO MAJOR CONDITIONAL USE SUBMITTAL SET
April 27, 2015

CONTACT:
State of Florida Architect of Record
Malcolm Berg, AIA
License No. AR94424
1929 Ponce de Leon Blvd.
Coral Gables, Florida 33134
305-444-0990
EoA, Inc.
1929 Ponce de Leon Blvd.
Coral Gables, Florida 33134
305-444-0990
CEoA, Inc. 2015

LOCATION PLAN

AREA OF SCOPE

PROJECT MANAGER
Baker Project Consulting
Contact: Rob Baker
1805 N St. Suite 1120
Washington, DC 20036
Tel: (202)-470-5793

LIGHTING:
CMKLING + ASSOCIATES INC
Architectural Lighting Design
Contact: David Ghatan
1411 King Street | Alexandria
VA 22314
Tel: (703) 684-6270

CONSULTANTS
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Traf Tech ENGINEERING / KBP CONSULTING
8400 N. University Drive, Suite 309
Tamarac, Florida 33321
Tel: (954) 560-7103

BIOLOGIST:
Karen Sunderland
Environmental Consultant
381 Plantation Drive
Plantation Key, Florida 33070-2316
Mobile: 305.522.3373

OWNER:
The Carlyle Group
1001 Pennsylvania Avenue
Washington, DC 20004-2505
Tel: 202-729-5373

CONSULTANTS

ARCHITECTURAL

CONSULTANTS

CIVIL ENGINEER
CES
1050 N NORTH KENDALL DRIVE
SUIT 400
MIAMI, FL. 33176
Tel: (305) 378-5555

LANDSCAPE ARCHITECT
THRESHOLD WORKSHOP
520 Orton Avenue
Box 204
Ft. Lauderdale, FL. 33304
Tel: (954) 361-4721

LOCATION PLAN

SCOPE OF WORK

OWNER:
The Carlyle Group
1001 Pennsylvania Avenue
Washington, DC 20004-2505
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381 Plantation Drive
Plantation Key, Florida 33070-2316
Mobile: 305.522.3373
AMARA CAY RESORT
80001 Overseas Highway, Islamorada, FL 33036
AMENDMENT to MCU SET
APRIL 27, 2015
REVISION 01 : JULY 2, 2015

SCALE: 1"=30'-0"
AMARA CAY RESORT
8001 Overseas Highway, Islamorada, FL 33036
AMENDMENT to MCU SET
APRIL 27, 2015
REVISION 01: JULY 2, 2015
1. STAFF HOUSING
2. FORMAL LAWN
3. POOL EQUIPMENT/PROPANE TANKS
4. ZERO EDGE SWIMMING POOL
5. OUTDOOR SHOWER
6. CABANA STRUCTURE
7. POOL FENCE 4' HEIGHT
8. CORAL STONE STEPS
9. BBQ / OUTDOOR DINING AREA
10. OCEAN DINING TERRACE
11. RENOVATED TIKI BAR
12. SEATING TERRACE
13. WATER GARDEN
14. PRIVATE GARDEN TERRACES
15. ADA ACCESSIBLE ROUTE
16. BIKE RACK
17. LANDSCAPE PLANTER
18. ENTRY ARBOR STRUCTURE
19. PARKING LOT LANDSCAPE BUFFER