RESOLUTION NO. 16-11-75

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY 90515 OLD HIGHWAY LLC FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW PACKAGE SALES AND ON-PREMISES CONSUMPTION OF BEER AND WINE ON PROPERTY LOCATED WITHIN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT AT 90515 OLD HIGHWAY ON PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Clayton and Isa Burdick, on behalf of 90515 Old Highway, LLC, (the “Applicant”), has applied for a 2COP Alcoholic Beverage Use Permit to allow package sales of beer and wine and on-premises consumption (the “Proposed Use”) on property located within the Village Commercial (VC) zoning district at 90515 Old Highway, as legally described in Exhibit “A” (the “Property”); and

WHEREAS, the owner of the Property is 90515 Old Highway, LLC (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 November 3, 2016, 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 November 3, 2016.

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

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 her written recommendation dated October 17, 2016 to the Council 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 Mike Forster, second by Councilman Chris Sante.

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

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

PASSED AND ADOPTED THIS 3RD DAY OF NOVEMBER, 2016.

DEB GILLIS, MAYOR

ATTEST:

KELLY TOOTH, 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 7th day of November, 2016.

Kelly Toth, Village Clerk

cc: Florida Department of Economic Opportunity
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 90515 Old Highway, LLC P.O. Box 1705, Tavernier, FL 33070, this 7th day of Nov, 2016.

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Kelly Toth, Village Clerk
Parcel ID No. 00437700-000000

Alternative Key: 1536911

Legal Description

BK 1 LT 20 BOATMANS COLONY PB3-90 PLANTATION KEY OR494-484 OR504-51Q OR878-1896 OR1036-183 OR1148-291/92 OR1559-894 OR1645-2186/87 OR1702-2284 OR1973-1666Q/C-R/S OR2168-2071/72 OR2168-2073/77AFF OR2168-2078/82AFF OR2346-2300/10F/J OR2358-591/96C/T OR2380-515 OR2387-1677/85C OR2656-1331/32