SITE PLAN APPROVAL SP-16-01

RESOLUTION NO. 16-12-84

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS FOR SITE PLAN APPROVAL OF A NEW 35,697-SQUARE-FOOT COURTHOUSE AND DETENTION FACILITY AND FOR THE RENOVATION AND REPURPOSING OF THE EXISTING COURTHOUSE AND DETENTION FACILITY BUILDING ON PROPERTY LOCATED AT 88770 OVERSEAS HIGHWAY, RANDALL ADAMS AND KEY HEIGHTS SECTION 2 SUBDIVISIONS ON PLANTATION KEY, WITHIN THE PUBLIC AND SEMI-PUBLIC SERVICES (PS) ZONING DISTRICT, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Monroe County Board of County Commissioners (the “Owner”) is the owner of property located at 88770 Overseas Highway on Plantation Key with Real Estate numbers 00416020-000000, 00092730-000000, and 00418900-000000, as legally described in Exhibit “A” (the “Property”); and

WHEREAS, pursuant to Code Chapter 30, Article IV, Division 2 of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”), Currie Sowards Aguila Architects, as the Agent/Applicant for the Property (the “Agent/Applicant”), has applied for Site Plan approval of a new 35,697-square-foot courthouse and detention facility and for the
renovation and repurposing of the existing courthouse and detention facility building at the Property (the “Request”); and

WHEREAS, pursuant to Section 30-701(b)(8) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”), detention facilities are a permitted use within the Public and Semi-Public Services (PS) Zoning District; and

WHEREAS, pursuant to Section 30-701(b)(11) of the Code, government offices are a permitted use within the PS Zoning District; and

WHEREAS, pursuant to Section 30-701(b)(15) of the Code, residential-institutional uses are a permitted use within the PS Zoning District; and

WHEREAS, the Village Development Review Committee (the “DRC”) reviewed the Request during a meeting held on November 15, 2016 and recommended approval of the Request with conditions to the Director of Planning (the “Director”); and

WHEREAS, pursuant to the applicable provisions of the Code, the Director in her Council Communication dated December 15, 2016 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 December 15, 2016 (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 Public and Semi-Public Services (PS) Future Land Use Map (FLUM) category.

4. The Property is located within the Public and Semi-Public Services (PS) Zoning District.

5. The Request complies with the standards of Code Section 30-215(h) for site plan approval.

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. A final stormwater management plan shall be reviewed and approved by the Village’s Stormwater Engineer prior to the issuance of any building permit associated with this Proposed Development.

2. An updated Mitigation Plan addressing the Applicant’s landscaping plan revisions submitted July 1, 2016 shall be reviewed and approved by the Village prior to the issuance of any building permit associated with the Proposed Development.

3. The applicant is required to retain the 13,231-square-foot section of Hardwood Hammock along the southwestern boundary of the property line as noted in the landscaping plan revisions sheet submitted July 1, 2016 (Attachment D). Any change to this area proposed for retention shall require prior approval in writing from the Village.

4. Prior to the issuance of any building permit for the Request, the Applicant shall provide the Village with the fee-in-lieu payment of $438,508.33 as required by the Affordable Housing Agreement pursuant to Code Section 30-638(b)(7).

5. Pursuant to Code Section 30-215(d)(20)(n), the Applicant shall install improvements to the Florida Keys Overseas Heritage Trail multi-use path directly in front of the Property consisting of installation of standard "Share the Road" or "Bike Route" signage, pavement markings, striping, colored asphalt and widening to at least the minimum standard width
where sufficient right-of-way and clearance exists, at their expense. All improvements shall be completed prior to issuance of any certificate of occupancy associated with the Request.

6. All new structures shall be sprinkled.

7. Aldridge Benge Signage is required where applicable.

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 they must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before they 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. The Village shall record a certified copy of the Resolution in the public records of Monroe County at the applicant's sole cost and expense.

**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 two (2) 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 Mike Forster, second by Vice Mayor Chris Sante.

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

Mayor Jim Mooney
Vice Mayor Chris Sante
Councilwoman Deb Gillis
Councilman Mike Forster
Councilwoman Cheryl Meads

YES
YES
YES
YES
YES

PASSED AND ADOPTED THIS 15TH DAY OF DECEMBER, 2016.

**ATTEST:**

JIM MOONEY, MAYOR

KELLY TOTH, 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 21st day of Dec, 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 Applicant, via U.S. certified mail, return receipt requested, addressed to Currie Sowards Aguila Architects, 185 NE 4th Avenue, Suite 101, Delray Beach, Florida, 33483, this 21st day of Dec., 2016.

Kelly Toth, Village Clerk
LEGAL DESCRIPTIONS

OFFICIAL RECORDS BOOK 744, PAGE 318

A portion of Government Lot 2, according to the MacDonald’s Plat of Gov’t Lots 3, 4 and 5, Section 8, Township 63 S, Ranges 36 E and Gov’t Lot 1, Section 7, Township 63 S, Range 36 W, Plantation Key, as recorded in Plat Book 1 at Page 58 in the Public Records of Monroe County, Florida, more particularly described by metes and bounds as follows:

Beginning at the intersection of the Northerly Right of Way line of State Road No. 5 (U.S. No. 1) with the South line of Randol Adams’ Subdivision recorded in Plat Book 1 at Page 110, Public Records of Monroe County, Florida, run Westerly along the South line of Randol Adams’ Subdivision for 839.87 feet to the East line of Lot 4, Blk. 3, Amended and Extended Plat High Point recorded in Plat Book 8 at Page 10, Public Records of Monroe County, Florida;

thence Westwardly along said East line of Lot 4, Blk. 3, for 63.83 feet to the North line of Key Heights, Section 2, recorded in Plat Book 3, at Page 108, of the Public Records of Monroe County, Florida;

thence due West 93°17’31” and run Easterly along said North line of Key Heights, Section 2, for 611.55 feet to the aforementioned Northerly Right of Way line of State Road No. 5 (U.S. No. 1);

thence due East 30°29’ 16” and run Northerly along said Right of Way line of 49.17 feet to the Point of Beginning.

AND

The North 112.5 feet of Lot 12 and the South 112.5 feet of Lot 13, of RANDAL ADAMS SUBDIVISION, on Plantation Key, according to the Plat thereof, as recorded in Plat Book 1 at Page 110, of the Public Records of Monroe County, Florida;

Less the Westerly 150 feet thereof; and LESS the following described property:

Port of Lot 12, RANDAL ADAMS SUBDIVISION, on Plantation Key, according to the Plat thereof, as recorded in Plat Book 1 at Page 110, of the Public Records of Monroe County, Florida, more particularly described as follows:

Commence at the Northeast corner of the above said Lot 12; thence South 88°13’00” East along the Southerly right of way line of High Point Road, said Southerly right of way line being also the North line of said Lot 12, of RANDAL ADAMS SUBDIVISION, for 130 feet to the point of beginning;

thence continue South 88°13’00” East along the said Southerly right of way line of High Point Road for 275.44 feet; thence North 88°13’00” West for 82 feet; thence North 88°13’00” West and parallel to the said Southerly right of way line of High Point Road for a distance of 275.44 feet; thence at right angles North 1°47’00” East for a distance of 82 feet to the point of beginning.

AND

OFFICIAL RECORDS BOOK 1544, PAGE 279, "PARCEL E"

Port of Lot 12, RANDAL ADAMS SUBDIVISION, on Plantation Key, according to the Plat thereof, as recorded in Plat Book 1 at Page 110, of the Public Records of Monroe County, Florida, more particularly described as follows:

Commence at the Northeast corner of the above said Lot 12; thence South 88°13’00” East along the Southerly right of way line of High Point Road, said Southerly right of way line being also the North line of said Lot 12, of RANDAL ADAMS SUBDIVISION, for 130 feet to the point of beginning;

thence continue South 88°13’00” East along the said Southerly right of way line of High Point Road for 275.44 feet; thence South 1°47’00” West for 82 feet; thence North 88°13’00” West and parallel to the said Southerly right of way line of High Point Road for a distance of 275.44 feet; thence at right angles North 1°47’00” East for a distance of 82 feet to the point of beginning.

AND

OFFICIAL RECORDS BOOK 707, PAGE 648

LOT 1, BLOCK 4, of KEY HEIGHTS, SECTION TWO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3 AT PAGE 158, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

AND

OFFICIAL RECORDS BOOK 179, PAGE 188

LOTS 2 and 3, in BLOCK 4, of KEY HEIGHTS, SECTION 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3 AT PAGE 158, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

AND

OFFICIAL RECORDS BOOK 147, PAGE 410

LOTS 4 and 5, in BLOCK 4, of KEY HEIGHTS, SECTION 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3 AT PAGE 158, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

AND

OFFICIAL RECORDS BOOK 649, PAGE 309

LOT 6, BLOCK 4, of KEY HEIGHTS, SECTION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED ON PLAT BOOK 3 AT PAGE 158, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

LESS

OFFICIAL RECORDS BOOK 748, PAGE 100

THE WEST 10 FEET OF LOT 6, BLOCK 4, KEY HEIGHTS, SECTION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3 AT PAGE 158, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

Exhibit "A"