

After recording return to:
Craig Southern, CFM, Senior Planner
Planning and Development Services Dept.
Islamorada, Village of Islands
86800 Overseas Hwy
Islamorada FL 33036

RESOLUTION NO. 20-09-85

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY SHAWN TOLLEY WITH SALTWATER OUTFITTERS, INC. ON BEHALF OF MM81.9 LLC FOR A 2APS ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE PACKAGE SALES ON-PREMISES FOR SALTWATER OUTFITTERS, INC. ON THE PROPERTY LOCATED AT 81915 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY, WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT AS LEGALLY DESCRIBED BELOW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Shawn Tolley with Saltwater Outfitters, Inc. on behalf of MM81.9 LLC (“Applicant”), is requesting a 2APS Alcoholic Beverage Use Permit to allow beer and wine package sales on-premise for an existing low intensity gift shop, Saltwater Outfitters, Inc. (the “Proposed Use”); and,

WHEREAS, the Proposed Use is located within the Village Center (VC) Zoning District at 81915 Overseas Highway on Upper Matecumbe Key, with Parcel Identification Number 00400090-000100 as legally described below within Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, on September 17, 2020, pursuant to the applicable provisions of the Village Code of Ordinances (the “Code”), the Village Council of Islamorada, Village of Islands, Florida (the “Council”) conducted a duly noticed 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 September 17, 2020.
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 regarding 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. Village Staff presented their written recommendation dated September 17, 2020 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.
3. The Application for an Alcoholic Beverage Use Permit is hereby **GRANTED**, for the following described property:

Lots 3, 4 and 5 of Block 8, Stratton's Subdivision, according to the plat thereof as recorded in Plat Book 2, Page 38, in the Public Records of Monroe County, Florida

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 Jim Mooney, second by Councilwoman Deb Gillis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES
Seat 4 Vacant	

PASSED AND ADOPTED THIS 17TH DAY OF SEPTEMBER, 2020.



MIKE FORSTER, MAYOR

ATTEST:




KELLY S. TOTH, CMC, 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 21st day of September, 2020.



Kelly S. Toth, CMC, 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 MM 81.9, LLC. Attn: Shawn Tolley, 102411 Overseas Highway, Key Largo, FL 33037, this 21st day of September, 2020.



Kelly S. Toth, Village Clerk