

After recording, please return to:
Planning and Development Services Department
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036

RESOLUTION NO. 22-12-139

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ISLAND CONSTRUCTION MANAGEMENT (CORAL BAY MARINA) FOR SITE PLAN APPROVAL TO ALLOW THE RE-DEVELOPMENT OF THE SUBJECT PROPERTY WITH A MIXED-USE PROJECT CONSISTING OF AN EXISTING 3,483 SQUARE FOOT SHOP BUILDING AND A RECONSTRUCTED 3,200 SQUARE FOOT BUILDING WITH EIGHT (8) AFFORDABLE HOUSING UNITS. THE APPLICATION ALSO INVOLVES LANDSCAPING, PARKING AND SETBACK RELAXATIONS INCLUDING A SHORELINE SETBACK VARIANCE AND FRONT YARD SETBACK VARIANCE. THE PROJECT IS LOCATED AT 601 MASTIC STREET ON UPPER MATECUMBE KEY, WITHIN THE MARINE USE (MR) ZONING DISTRICT, REAL ESTATE NUMBER 00399050-000000 AND 00399080-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ARROW DEVELOPMENT INC (the "Applicant") is the owner of property located at 601 Mastic Street on Upper Matecumbe Key, with Real Estate Number 00399050-000000 and 00399080-000000 and legally described below (the "Property") within Islamorada, Village of Islands, Florida (the "Village"); and,

WHEREAS, the Applicant has submitted an application for Site Plan approval along with associated setback, parking, and landscaping variances including shoreline and front yard setback variances; and,

WHEREAS, on December 6, 2022, the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") conducted a duly noticed Public Hearing regarding the Site Plan approval and associated setback, landscaping, and parking variances.

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

Doc # 2400722 Blk# 3205 Pg# 97
Recorded 12/15/2022 1:38 PM Page 1 of 6

**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 and public testimony given at the Hearing, does hereby find and determine:

1. The Request complies with the standards of Code Sec. 30-221(d) for considering Variances.
2. The Request is consistent with the goals, objectives, and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
3. The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:
 - a. The Application for a Variance does meet the requirements set forth in Code Section 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and,
 - b. The Village Council approves the Request submitted by the Applicant, for the following described property:

STRATTONS SUB PB2-38 UPPER MATECUMBE PT LOTS 1 & 2 & ALL LOTS 3-4 & 5 BLK 1 G24-94 G37-363 G38-61 as shown in the Public Records of Monroe County.

Together with:

STRATTONS SUBD PB 2-38 UPPER MATECUMBE LOTS 6-7-8 & 9 & LOT 10 LESS NE 10' BLK 1 G24-94 G46-539 G47-380 G49-172 G56-315 as shown in the Public Records of Monroe County.

c. The request is subject to the following Condition of Approval:

1. Use of the subject property shall be limited to a marina including an existing shop building, office, and eight (8) affordable housing units as detailed on the site plan prepared by Orlando Perez, Jr, Architect dated 07-23-2021 and entitled CBS COMMERCIAL BUILDING FOR ARROW DEVELOPMENT INC, 601 MASTIC ST, ISLAMORADA, FLORIDA 33036, RE# 00399080-000000.

A maximum of twenty (20) wet slips, and twelve (12) dry slips as detailed on the site plan prepared by Orlando Perez, Jr, Architect dated 07-23-2021 and entitled CBS COMMERCIAL BUILDING FOR ARROW DEVELOPMENT INC, 601 MASTIC ST, ISLAMORADA, FLORIDA 33036, RE# 00399080-000000 shall be permitted on-site. The applicant/owner shall submit proof of any live aboard slips to the Department of Planning and Development Services prior to the issuance of any permits.

2. Landscaping shall be provided in substantial conformance with the site plan prepared by Orlando Perez, Jr, Architect dated 07-23-2021 and entitled CBS COMMERCIAL BUILDING FOR ARROW DEVELOPMENT INC, 601 MASTIC ST, ISLAMORADA, FLORIDA 33036, RE# 00399080-000000. The final landscaping plan shall be subject to the review and approval of the Department of Planning and Development Services prior to the issuance of a building permit.

3. The five (5) parking spaces depicted in the right-of-way along Mastic Street on the site plan prepared by Orlando Perez, Jr, Architect dated 07-23-2021 and entitled CBS COMMERCIAL BUILDING FOR ARROW DEVELOPMENT INC, 601 MASTIC ST, ISLAMORADA, FLORIDA 33036, RE# 00399080-000000, shall be removed from the final site plan. Parking within the right-of-way shall be prohibited. The Department of Planning and Development Services shall be authorized to reduce the minimum required parking for the site by up to five (5) spaces to accommodate the removal of any existing parking spaces within the right-of-way for Mastic Street.

4. A shoreline setback variance shall be deemed granted as a part of this application to allow for the proposed mixed-use office, shop and affordable housing structure as shown on the site plan prepared by Orlando Perez, Jr, Architect dated 07-23-2021 and entitled CBS COMMERCIAL BUILDING FOR ARROW DEVELOPMENT INC, 601 MASTIC ST, ISLAMORADA, FLORIDA 33036, RE# 00399080-000000. A minimum setback of five (5) feet shall be provided instead of the required twenty (20) feet. Applicant/owner shall provide a five (5) year water quality monitoring plan pursuant to Comprehensive Plan Policy 5-1.2.13 (10)(a) as noted below:

Special Approvals:

a. For structures serving commercial uses, public uses, or more than three dwelling units, the Director of Planning and Development Services may approve deviations from the adopted standards as a minor conditional use. Such approval may include additional structures or uses provided that such approval is consistent with any permitted uses, densities, and intensities of the land use district, furthers the purposes of this plan, is consistent with the general standards applicable to all uses, and the proposed structures are in a disturbed area of an altered shoreline. Such additional uses are limited to waterfront dining areas, pedestrian walkways, public monuments or statues, informational kiosks, fuel or septic facilities and water-dependent marina uses. Any such development shall make adequate provision for a water quality-monitoring program for a period of five (5) years after the completion of the development.

Applicant/owner agrees to submit a water quality monitoring plan for review and approval to the Department of Planning and Development Services prior to the issuance of any permits for the proposed site improvements.

5. A front yard setback for the proposed mixed-use office, shop, and affordable housing structure shall be deemed granted as a part of this application in accordance with the site plan prepared by Orlando Perez, Jr, Architect dated 07-23-2021 and entitled CBS COMMERCIAL BUILDING FOR ARROW DEVELOPMENT INC, 601 MASTIC ST, ISLAMORADA, FLORIDA 33036, RE# 00399080-000000.

6. Applicant/owner agrees to comply in all respects with Village wastewater requirements. All existing and proposed structures shall be connected to the Village wastewater system in accordance with Village standards. Any wastewater fees shall and/or fines shall be paid prior to the issuance of any permits for the proposed development.

7. Applicant/owner agrees to comply in all respects with Village stormwater requirements.

8. Except as otherwise provided herein, applicant/owner agrees to comply in all respects with any applicable Federal, State, County, or local rules and regulations.

9. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village Council reserves the right after due public hearing, to rescind any prior approvals and/or terminate operation of the existing use if violation of the conditions persists.

10. Applicant/owner shall obtain a Certificate of Occupancy or Certificate of Compliance for any existing structures and/or uses prior to the issuance of any permits for the proposed redevelopment of the site.

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 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; and,
- (b) Observed the essential requirements of the law; and,
- (c) Supported its decision by substantial competent evidence contained within the record.

(3) The Request is hereby approved.

Section 4. 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 Applicant until forty-five (45) days following the rendition to the Department of Economic Opportunity (DEO), pursuant to Chapter 9J-1 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 Resolution until the appeal is resolved by agreement or order.

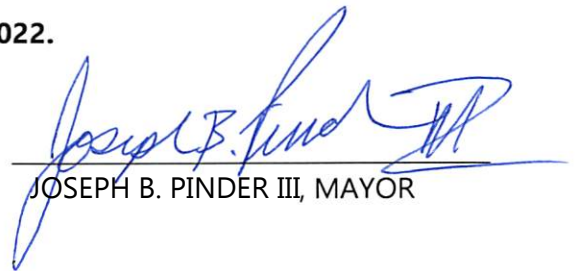
Motion to adopt by Council Member Mark Gregg, second by Council Member Elizabeth Jolin.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Council Member Mark Gregg	<u>Yes</u>
Council Member Elizabeth Jolin	<u>Yes</u>
Council Member Sharon Mahoney	<u>Yes</u>
Council Member Joseph B. Pinder III	<u>Yes</u>
Council Member Henry Rosenthal	<u>Yes</u>

PASSED AND ADOPTED THIS 6th DAY OF DECEMBER, 2022.


JOSEPH B. PINDER III, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, ESQ., INTERIM VILLAGE ATTORNEY

