

Prepared by and return to:
Planning and Development Services Department
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036

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

RESOLUTION NO. 22-12-140

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ST OCEANSIDE/RALPH SANCHEZ TO ALLOW FOR A REDUCTION IN THE REQUIRED BUFFER YARD FROM THE MINIMUM REQUIRED TWENTY (20) FEET TO TEN (10) FEET. THE PROJECT IS LOCATED AT 109 CARROLL STREET ON UPPER MATECUMBE KEY, WITHIN THE TOURIST COMMERCIAL (TC) DISTRICT, REAL ESTATE NUMBER 00400720-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ST OCEANSIDE LLC (the "Applicant") is the owner of property located at 109 Carroll Street on Upper Matecumbe Key, with Parcel Identification Number 00400720-000000 and legally described below (the "Property") within Islamorada, Village of Islands, Florida (the "Village"); and,

WHEREAS, the Applicant has submitted an application for a Buffer Relaxation to allow for a buffer of ten (10) feet instead of the minimum required twenty (20) feet, on the Property legally described below; 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 Buffer Relaxation Request (the "Request").

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 Subdivision, Plat Book 2, Page 38, Upper Matecumbe NE ½ Lot 2 Square 10 and 33 63 37 Bay Bottom Southwardly Adjacent to Northeasterly ½ Lot 2 Block 10, 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 nine (9) single family residences.
2. A prior buffer relaxation was approved by the Planning and Development Services Assistant Director on August 13, 2021 (associated planning application PLAV20210131). This buffer relaxation approved a reduction in the minimum required buffer area from twenty (20) feet to fifteen (15) feet. An additional buffer relaxation shall be deemed approved as a part of this

resolution. The existing fifteen (15) foot buffer area adjacent to Houses #7, #8, and #9 may be reduced to ten (10) feet.

3. Applicant/owner shall submit a planting plan for review and approval to the Department of Planning and Development Services prior to the issuance of any building permits for Houses Numbered #7, #8 and #9. Applicant/owner agrees to provide all required plantings associated with a conforming twenty (20) foot buffer on site pursuant to the direction of the Department of Planning and Development Services.

4. Applicant/owner agrees to address any ongoing drainage issues associated with the subject parcel as a condition of approval. Any needed mitigation measures shall be completed prior to the issuance of a Certificate of Occupancy for any of the proposed residences. All stormwater shall be contained on site in accordance with Village standards.

5. 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 and/or fines shall be paid prior to the issuance of any permits for the proposed development.

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

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

8. 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.

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 Mark Gregg, second by Elizabeth Jolin.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Councilman Mark Gregg	<u>Yes</u>
Councilwoman Elizabeth Jolin	<u>Yes</u>
Councilman Joseph B. Pinder III	<u>Yes</u>
Councilwoman Sharon Mahoney	<u>Yes</u>
Councilman 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

