

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

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

RESOLUTION NO. 22-04-09

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 RENTALS, LLC. FOR A 5COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER, WINE, AND LIQUOR, ON-PREMISES CONSUMPTION AND PACKAGE, ON PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY, WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CBT Construction ("Owner/Applicant") has applied for an Alcoholic Beverage Use Permit to allow for a 5COP Alcoholic Beverage Use Permit to allow beer, wine, and liquor, on-premises consumption, and package; and,

WHEREAS, the Proposed Use is located within the Village Center (VC) Zoning District at 90184 Overseas Highway on Plantation Key, with Parcel Identification Number 00431870-000000, and as legally described below within Islamorada, Village of Islands, Florida; and

WHEREAS, on April 21, 2022, Pursuant to the applicable provisions of the Code of Ordinances 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 April 21, 2022.

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. 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, subject to the following conditions:

BLOCK 17, LOTS 1, 2, 3, 26, 27, AND 28 OF PLANTATION KEY COLONY, FIRST ADDITION, AS RECORDED IN PLAT BOOK 4, AT PAGE 4 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

1. Prior to the issuance of any Certificates of Occupancy, the Applicant, their Successors or Assigns, shall provide and have approved by the responsible agency, a Landscape Plan meeting the minimum requirements of Section 30-816 of the Code of Ordinances to include Buffers and Plantings around the building to the greatest extent possible.
2. The applicant shall install a right-turn only lane at the project's access onto Palm Avenue and provide signage;
3. The hours of operation of the Brewpub/Restaurant/Distillery interior shall be limited to the following:
 - A. Sunday through Thursday 11:00 am – 11:00 pm; and Friday, Saturday and Holidays 9:00 am – 1:00 am.

The applicant/owner reserves the right to request a modification of the hours of operation after due public hearing. Any extension of the hours of operation shall be evaluated based upon potential impacts to surrounding residential development, including a review of past noise complaints.
 - B. The hours of operation of the outdoor seating area shall be limited to 11:00 am to 10:00 pm Sunday through Thursday and 9:00am to 10:00 pm Friday and Saturday. The use of live amplified music shall be limited to 8:00 pm during the week and 9:00 pm on weekends.
4. The establishment shall be required to adhere to the Village Noise Ordinance; and,
5. Employee and Tenant parking shall be restricted to the Gardenia Street access point.

Section 3. Violation of Conditions. The Applicant understands and acknowledges that it must comply with all 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 Mayor Bacheler, second by Vice-Mayor Rosenthal.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Peter Bacheler	YES
Vice-Mayor Henry Rosenthal	YES
Councilman Joseph B. Pinder III	YES
Councilman Mark H. Gregg	YES
Councilman David Webb	NO

PASSED AND ADOPTED THIS 21st DAY OF APRIL, 2022.


JOSEPH B. PINDER III, MAYOR (AS OF 12/6/2022)

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

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



JOHN QUICK, INTERIM VILLAGE ATTORNEY

