

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

RESOLUTION NO. 22-03-23

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF SHIMA SUSHI, LLC. FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE, ON-PREMISES CONSUMPTION, ON PROPERTY LOCATED AT 88005 OVERSEAS HIGHWAY ON PLANTATION KEY, WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Shima Sushi, LLC. ("Owner/Applicant") has applied for an Alcoholic Beverage Use Permit to allow a 2COP Alcoholic Beverage Use Permit to allow Beer and Wine, on-premises consumption (the "Proposed Use") at property located within the Highway Commercial (HC) Zoning District; and,

WHEREAS, the subject property is located at 88005 Overseas Highway on Plantation Key, with Parcel Identification Number 00412920-000000, and as legally described below within Islamorada, Village of Islands, Florida (the "Village"); and

WHEREAS, on March 31, 2022, pursuant to the applicable provisions of the Village Code of Ordinances (the "Village Code"), the Village Council of Islamorada, Village of Islands, Florida (the "Village 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 March 31, 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:

LOTS 8 THROUGH 13, BLOCK 2, PLANTATION BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 76, OF 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 Mayor Pete Bacheler, seconded by Councilman David Webb.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Pete Bacheler	YES
Vice-Mayor Henry Rosenthal	YES
Councilman Joseph B. Pinder III	YES
Councilman Mark H. Gregg	YES
Councilman David Webb	YES

PASSED AND ADOPTED THIS 31st DAY OF MARCH, 2022.



PETE BACHELER, MAYOR

ATTEST:



STEPHANIE CONDE, ACTING VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY