

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

Variance PLVAR20170009

RESOLUTION NO. 17-04-26

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CRAIG & CHERYL MCBAY OF FLORIDA KEYS BREWING CO, LLC FOR VARIANCES PURSUANT TO THE VILLAGE CODE OF ORDINANCES OF SECTION 30-814 "SCENIC CORRIDOR AND MAJOR STREET BUFFERYARDS" NOT REQUIRING A CLASS "B" MAJOR STREET BUFFERYARD, SECTION 30-851 "GENERALLY" TO ALLOW FOR BACKING INTO THE RIGHT-OF-WAY, SECTION 30-852 "OFF-STREET PARKING" TO NOT BE REQUIRED TO HAVE OFF-STREET PARKING SET BACKS, PARKING AISLE, AND A REDUCTION OF REQUIRED PARKING SPACES, ON PROPERTY LOCATED AT 81611 OLD HIGHWAY ON UPPER MATECUMBE KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT, WITH THE PARCEL IDENTIFICATION NUMBER 00401790-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

Doc# 2127972
Bk# 2860 Pg# 2 9

WHEREAS, Craig & Cheryl McBay of Florida Keys Brewing Co, LLC (the "Owner/Applicant") is the owner of property located at 81611 Old Highway on Upper Matecumbe Key, with Parcel Identification Number 00401790-000000 and as legally described in Exhibit "A" (the "Property") within Islamorada, Village of Islands, Florida (the "Village"); and

WHEREAS, the Applicant has submitted an application for variances from (a) Sec. 30-814 Class "B" Major Street Bufferyard required along the Old Highway, (b) Sec. 30-851(e)(10) "except for residential uses, parking and loading spaces shall be located or served by a driveway

that requires no backing movements or other maneuvering within a street right-of-way other than an alley”, (c) Sec. 30-852(a)(2) “the edge of parking areas shall be set back a minimum of five feet from the front property line(s)”, (d) Sec. 30-852(b)(2) “Access aisle requirements”, and (e) Sec. 30-852(c)(2) number of off-street parking spaces of the Code of Ordinances of Islamorada, Village of Islands, Florida (the “Code”) to not require the Class “B” Major Street Bufferyard, to allow for the continuation of backing into the right-of-way, to reduce the required setback for off-street parking spaces from five (5) feet to zero (0) feet, to not require access aisles, and to reduce the total required off-street parking spaces from nineteen (19) to eleven (11) (the “Requests”), on property legally described in Exhibit “A”; and

WHEREAS, on March 21, 2017, the Village Development Review Committee (the “DRC”) reviewed the Requests and a motion to deny the requests was recorded with a 3-3 vote; and

WHEREAS, on April 20, 2017 the Village Council of Islamorada, Village of Islands, Florida (the “Village Council”) conducted a duly noticed public hearing regarding the Variance Requests.

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 Requests, the relevant support materials, the DRC's and Director's recommendations, and public testimony given at the Hearing, does hereby find and determine:

1. The Property is located within the Mixed Use (MU) Future Land Use Map (FLUM) category.
2. The Property is located within the Village Center (VC) Zoning District.
3. The Requests **comply** with the standards of Code Sec. 30-221(d) for considering variances.
4. The Requests **are** consistent with the purposes, goals, objectives and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

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 Requests have 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; and
- (3) The Requests are hereby **APPROVED**.

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 Requests herein shall be subject to appeal as provided in the Village Code.

Motion to adopt by Councilwoman Cheryl Meads, second by Councilwoman Deb Gillis.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

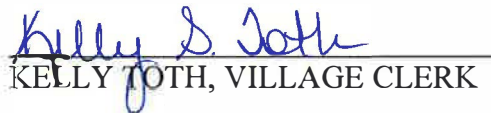
Mayor Jim Mooney	YES
Vice-Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

PASSED AND ADOPTED THIS 20TH DAY OF APRIL, 2017.



JIM MOONEY, MAYOR

ATTEST:



KELLY TOTH, 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 25 day of April, 2017.



Kelly Toth, Village Clerk

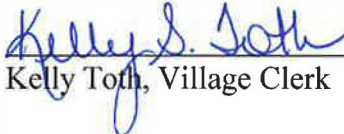
EXHIBIT "A"

Legal Description of Property

Lot 3, Block 2, Matecumbe Beach according to the Plat thereof, as recorded in Plat Book 1, at Page 133 of the Public Records of Monroe County, Florida.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Applicant, via U.S. certified mail, return receipt requested, addressed to Craig & Cheryl McBay of Florida Keys Brewing Co, L.L.C., 81611 Old Highway, Islamorada, FL 33036 this 25 day of April, 2017.



Kelly Toth, Village Clerk