

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

Doc # 2414756 Bk# 3221 Pg# 1312
Recorded 4/20/2023 10:05 AM Page 1 of 4

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

RESOLUTION NO. 23-04-36

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF MIDWAY CAFE ISLAMORADA, INC. FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE ON-PREMISES CONSUMPTION AND PACKAGE, ON PROPERTY LOCATED AT 80499 OVERSEAS HIGHWAY, WITH THE PARCEL IDENTIFICATION NUMBER 00405190-000100 WITHIN THE HC (HIGHWAY COMMERCIAL) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Midway Café Islamorada, Inc (“Agent”) on behalf of Walle Enterprises, LLC (“Owner”) has applied for an Alcoholic Beverage Use Permit to allow a 2COP Alcoholic Beverage Use Permit to allow Beer and Wine, on-premises consumption; and,

WHEREAS, the Proposed Use is located within the Highway Commercial (HC) Zoning District at 80499 Overseas Highway on Upper Matecumbe Key, with Parcel Identification Number 00405190-000100, and as legally described below within Islamorada, Village of Islands, Florida; and

WHEREAS, on April 11, 2023, 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 March 23, 2023.

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 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/DENIED]**, for the following described property:

THE KEY SUB PB2-129 UPPER MATEUCMBE KEY SUB OF LOT 7 PT LOT 7C AND PT LOT 7D ACCORDING TO 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.

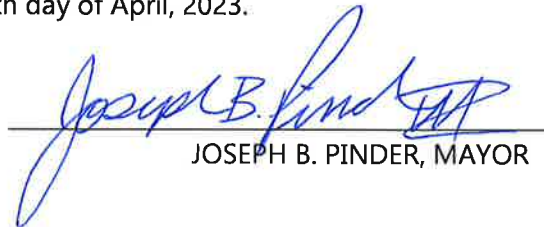
Motion to adopt by Councilman Henry Rosenthal, second by Vice Mayor Sharon Mahoney.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

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

PASSED AND ADOPTED on this 11th day of April, 2023.


JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY

