

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

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

RESOLUTION NO. 23-05-51

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF MORADA COVE PARTNERS LLC FOR MAJOR CONDITIONAL USE APPROVAL FOR THE REDEVELOPMENT AND EXPANSION OF EXISTING BAR, RESTAURANT, HOTEL AND MARINA FOR PROPERTY LOCATED AT 85500 OVERSEAS HIGHWAY ON WINDLEY KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00093830-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING AN EFFECTIVE DATE.

(File No.: PLCUP20210220)

WHEREAS, Morada Cove Partners LLC., (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for the redevelopment and expansion of the existing bar, restaurant, hotel and marina; along with outdoor seating pursuant to Chapter 30, Article VI, Division 9 (outdoor seating); for property located at 85500 Overseas Highway on Windley Key within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Property is located within the Tourist Commercial (TC) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on May 2, 2023; and,

WHEREAS, on May 18, 2023, the Village Council held a Public Hearing.

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 and correct and incorporated into this Resolution by this reference.

Section 2. Findings of Fact.

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

(1) The Application for a Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council approves the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

23 63 37 PT GOV LT 1 N OF RR WINDLEY ISLAND , AS RECORDED IN PLAT BOOK 1, AT PAGE 50 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

- (3) The approval is subject to the following Conditions of Approval:
1. Use of the premises shall be limited to the following:
 - a. Twelve (12) Unit Hotel/Motel with accessory office and retail space;
 - b. 4 restaurants with a maximum gross floor area of 13,511 square feet and in no instance shall any individual restaurant be more than 5,000 square feet of gross floor area;
 - c. Docking Facility with 30 boat slips;
 - d. A bait house with a maximum gross floor area of 180 square feet.A valid Certificate of Occupancy or Compliance shall be obtained prior to the occupation of the proposed facilities.
 2. No display of boats or vehicles shall be visible from Overseas Highway.
 3. Prior to the issuance of any Certificates of Occupancy, the Applicant, their Successors or Assigns, shall have an approved Stormwater Management Plan for the proposed project.
 4. Prior to the issuance of any Certificates of Occupancy, the Applicant, their Successors or Assigns, shall coordinate with the Village's Wastewater consultant for the provision of wastewater services. Shall comply in all aspects with Village Wastewater requirements.
 5. The proposed Major Conditional Use Permit shall allow for the construction of 4 restaurants with a total of 13,511 square feet, 12-Unit Hotel/Motel, 30-Slip Docking Facility, a 180 square foot bait house and associated site improvements as defined in the Code of Ordinances as depicted on the Site Plan, prepared by MHK Architecture & Planning Architect dated February 7, 2023, and entitled 'Morada Cove Restaurant Morada Cove Partners LLC 85500 Overseas Highway Islamorada, Florida 33036.' All improvements

shall be completed in substantial conformance with said Site Plan pursuant to the direction of the Department of Planning and Development Services.

6. Parking.
 - a. Morada Cove shall maintain a total of 174 parking spaces on site and in conjunction with Florida Department of Transportation (FDOT) right-of-way, through Lease Agreements. All parking shall be improved in accordance with the Village Code, except as may otherwise be permitted by the Department of Planning and Development Services. In the event the Lease Agreements with FDOT are rescinded or otherwise cease to be valid, the project shall be required to provide the required Parking Spaces either on-site or off site as permitted by the Department of Planning and Development Services.
 - b. Pursuant to Sec. 30-852 of the Village Code, racks for parking bicycles may be substituted for up to five percent (5%) of required vehicular parking at a ratio of three bicycle parking spaces for every one (1) vehicular parking space. Said bicycle racks shall be depicted on the final site plan pursuant to the direction of the Department of Planning and Development Services.
 - c. Subject to site plan approval, credit for Temporary Boat Parking located at the on-site docking facility may be permitted.
7. Landscaping and buffer improvements shall be completed in substantial conformance with the Landscape Plan submitted as a part of the Application pursuant to the direction of the Department of Planning and Development Services prior to the issuance of any Certificates of Occupancy. The Applicant shall provide a new plan showing the required 25-foot buffer from the wetlands.
8. The Applicant shall meet the requirements of Comprehensive Plan Coastal Element - Policy 5-1.2.13, which requires a Water Quality Monitoring Program.
9. A Final Certificate of Occupancy shall not be issued for the proposed construction until all required improvements have been completed to the satisfaction of the Department of Planning and Development Services and the Village Building Official.
10. The improvement of the premises, in accordance with the determination of the Village, must commence within thirty-six (36) months after the date of the granting of the Major Conditional Use. If not commenced within this period, the Village reserves the right to revoke any and all approvals associated with the subject property after due public hearing. Thereafter, the operation of the use previously authorized shall be terminated and there shall be no right to non-conformity.
11. The Village reserves the right to rescind in whole or part any aspect of this Major Conditional Use in the event violation of these conditions occurs.
12. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village reserves the right after due public hearing, to rescind in whole or part this Major Conditional Use, if violation of the conditions persists.
13. In the event that the Applicant decides to construct the 6 townhomes as shown on the site plan, a new landscaping plan shall be submitted for administrative approval.

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 Village Comprehensive Plan and the Code; and

(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 competent substantial evidence contained within the record.

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 Council Member Mark Gregg, second by Mayor Joseph B. Pinder III.

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> |
| Councilmember Mark Gregg | <u>Yes</u> |
| Councilmember Elizabeth Jolin | <u>No</u> |
| Councilmember Henry Rosenthal | <u>Yes</u> |

PASSED AND ADOPTED THIS 18th DAY OF MAY 2023.



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, INTERIM VILLAGE ATTORNEY

