

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

RESOLUTION NO. 23-09-113

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE ADMINISTRATIVE APPEAL FILED BY SMITH HAWKS, PL ("AGENT") ON BEHALF OF BRANDON J. DAVIS (OWNER) RELATING TO THE ENVIRONMENTAL PLANNER/BIOLOGIST'S DETERMINATION REGARDING HABITAT CLASSIFICATION; FOR PROPERTY LOCATED AT 186 S AIRPORT RD, ON PLANTATION KEY HAVING PARCEL NUMBER 00437493-005100; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Smith Hawks, PL ("Agent") applied for Administrative Appeal on behalf of Brandon J. Davis ("Owner") relating to the Environmental Planner/Biologist's determination of the habitat classification for building permit number PRSFC202201486, for property located at 186 Airport Rd ("the Property"), on Plantation Key, having parcel number 00437493-005100; and

WHEREAS, on April 18, 2023, the Environmental Planner/Biologist provided a habitat classification determination to the Agent; and

WHEREAS, May 18, 2023, the Agent filed an Administrative Appeal relating to the Environmental Planner/Biologist's habitat classification determination; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing on September 21, 2023 regarding the Request to Appeal the Environmental Planner/Biologist habitat classification determination; and

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 applicant **has not** met the standards for an Administrative Appeal of the Environmental Planner/Biologist's habitat classification determination contained within Sec. 30-281 (Administrative Appeals) of the Village Code.; and

(2) The habitat classification determination provided by the Village Environmental Planner/Biologist **does** accurately reflect the habitat classification of the subject property; and

(3) The Village Council **denies** the Request submitted by the Agent on behalf of the Owner.

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 Agent 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 Councilman Mark Gregg, second by Councilman Henry Rosenthal.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III	NO
Vice Mayor Sharon Mahoney	NO
Councilmember Mark Gregg	YES
Councilmember Elizabeth Jolin	YES
Councilmember Henry Rosenthal	YES

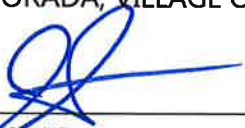
PASSED AND ADOPTED THIS 21ST DAY OF SEPTEMBER 2023.


JOSEPH B. PINDER III, MAYOR

ATTEST:


STEPHANIE CONDE, DEPUTY VILLAGE CLERK

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


JOHN QUICK, INTERIM VILLAGE ATTORNEY