

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

RESOLUTION NO. 18-11-116

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CARY MRAZ ON BEHALF OF MONTE GREEN FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE, CONSUMPTION ON-PREMISES AND PACKAGE SALES ON PROPERTY LOCATED AT 87745 OVERSEAS HIGHWAY ON PLANTATION KEY, AS LEGALLY DESCRIBED AS LOTS 17 AND 18, BLOCK 3, PLANTATION BEACH SUBDIVISION, WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Cary Mraz (the “Agent/Applicant”) on behalf of Monte Green (the “Owner/Applicant”), has applied for a 2COP Alcoholic Beverage Use Permit to allow package sales of beer and wine and on-premises consumption (the “Proposed Use”); and

WHEREAS, the Proposed Use is located within the Highway Commercial (HC) zoning district at 87745 Overseas Highway on Plantation Key, with Parcel Identification Number 00413190-000000 and as legally described in Exhibit “A” (the “Property”) within Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, on November 29, 2018, pursuant to the applicable provisions of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”), the Village Council (the “Council”) conducted a duly noticed public hearing (the “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 November 29, 2018.

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 five hundred (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 in regard to 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 Director presented his written recommendation dated November 29, 2018 to the Council to approve the application with conditions for the Proposed Use.

5. 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; and

3. The Application for an Alcoholic Beverage Use Permit is hereby **GRANTED**, and subject to the conditions imposed in Section 3 below.

Section 3. Conditions Imposed. Granting of the request is subject to the following conditions:

1. The Approval of this request is solely for the Alcohol Beverage Use Permit, and in no way does approval of this request constitute approval for any other development which requires other independent development approval by the Village.

Section 4. 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 5. 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 Vice Mayor Mike Forster, second by Councilwoman Cheryl Meads.

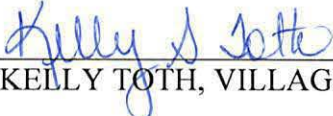
**FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED THIS 29TH DAY OF NOVEMBER, 2018.



DEB GILLIS, 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 4th day of December, 2018.



Kelly Toth, Village Clerk

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 Cary Mraz, 87745 Overseas Highway, Islamorada, FL 33036 this 4th day of Dec., 2018.



Kelly Toth, Village Clerk

Legal Description

Lots 17 and 18, Block 3, PLANTATION BEACH, according to the Plat thereof, as recorded in Plat Book 2 at Page 76 of the Public Records of Monroe County, Florida.