

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

## **OUTDOOR SEATING PUERTA VALLARTA**

### **RESOLUTION NO. 18-07-59**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY PLAZA 86 LLC, PUERTA VALLARTA FOR OUTDOOR SEATING ON PROPERTY LOCATED AT 86701 OVERSEAS HIGHWAY ON PLANTATION KEY AS LEGALLY DESCRIBED IN EXHIBIT "A" WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Plaza 86 LLC (the "Owner" and "Applicant") is the owner of property located at 86701 Overseas Highway on Plantation Key, with Real Estate Number 00411080-000000 and as legally described in Exhibit "A" (the "Property"); and

**WHEREAS**, pursuant to Chapter 30, Article IV, Division 2, Section 30-215 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village"), Plaza 86 LLC (the "Applicant") has applied for outdoor seating.

**WHEREAS**, the staff (the "Staff") reviewed the Request and recommended approval of the Request to the Director of Planning (the "Director"); and

**WHEREAS**, pursuant to the applicable provisions of the Code, the Director considered the Staff's recommendation of approval; and

**WHEREAS**, pursuant to Code Section 30-1402(c) "Proposed new *outdoor seating* areas adjacent to existing residential uses or residential zoning districts ... may only be approved by the village council at a public hearing noticed in accordance with subsection 30-213(h)."

**WHEREAS**, the Village Council considered the Request, the relevant support materials, the Staff and Village Manager’s recommendations, public testimony, and substantial competent evidence given at a properly advertised public hearing held on July 19, 2018 (the “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, correct, and incorporated herein by this reference.

**Section 2.**     **Findings of Fact.** The Village Council, having considered the Request, the relevant support materials, the Staff and Director’s recommendations, public testimony and substantial competent evidence given at the hearing, does hereby find and determine:

1.     The Applicant submitted the Application on April 17, 2018.
2.     The Request consists of an Outdoor Seating Application, and site plan depicting the Request’s configuration and layout.
3.     The Property is located within the Mixed Use (MU) Future Land Use Map (FLUM) category.
4.     The Property is located within the Highway Commercial (HC) Zoning District.
5.     The Request **complies** with the standards of Code Section 30-1402(b) for development standards for new outdoor seating areas.
6.     The Request is **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 Request has 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;
- (b) Observed the essential requirements of the law; and
- (c) Supported its decision by substantial competent evidence of record.

3. The Request is hereby **approved**, subject to the conditions imposed in Section 4 below.

**Section 4. Conflicting Provisions.** In the event the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the LDRs are in conflict, the more restrictive shall apply.

**Section 5. 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.

The foregoing resolution was offered by Vice Mayor Deb Gillis, who moved for its adoption. This motion was seconded by Councilman Jim Mooney, and upon being put to a vote, the vote is as follows:

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:**

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

PASSED AND ADOPTED THIS 19<sup>TH</sup> DAY OF JULY, 2018.

  
\_\_\_\_\_  
CHRIS SANTE, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

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

  
\_\_\_\_\_  
ROGET BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk on this 23 day of July, 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 PLAZA 86 LLC, 312 South Coconut Palm Blvd., Tavernier, FL 33070, this 24 day of July, 2018.

Kelly S Toth  
Kelly Toth, Village Clerk

Legal Description

**DESCRIPTION:**

Tract D and Part of Old State Road 4A, which lies Southerly of and contiguous to Tract E bounded on the East by the Southerly extension of the East line of said Tract E and bounded on the West by the Southerly extension of the West line of said Tract E, according to the Plat of Treasure Harbor, Section Two, as recorded in Plat Book 4, Page 146, of the Public Records of Monroe County, Florida.