

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

SITE PLAN APPROVAL PLSPR20170062

RESOLUTION NO. 18-06-52

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY HABITAT FOR HUMANITY OF THE UPPER KEYS, INC. FOR SITE PLAN APPROVAL TO CONSTRUCT FOUR (4) DEED RESTRICTED AFFORDABLE DWELLING UNITS ON PROPERTY LOCATED AT 88670 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, Habitat for Humanity of the Upper Keys, Inc. (the "Owner") is the owner of property located at 88670 Overseas Highway on Plantation Key, with Real Estate Number 00417270-000000 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"), CBT Construction & Development, Inc. (the "Applicant") has applied for Site Plan Approval on behalf of the Owner for the construction of four (4) deed restricted affordable dwelling units (the "Request"); and

WHEREAS, pursuant to Code Section 30-696(b)(2), deed restricted affordable dwelling unit developments of twenty-five (25) units or less is a permitted use within the Highway Commercial (HC) Zoning District; and

WHEREAS, pursuant to Code Section 30-215(b)(2), residential development of more than two (2) dwelling units shall be processed pursuant to the site plan procedures provided for within Code Section 30-215; and

WHEREAS, the staff (the “Staff”) reviewed the Request and recommended approval of the Request with conditions 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 with conditions; and

WHEREAS, the Director issued a Notice of Intent to approve the Request with conditions on March 16, 2018; and

WHEREAS, a request for Public Hearing before the Village Council was submitted to the Village on April 9, 2018 by John Piazza, an adjacent property owner; and

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 June 29, 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 May 4, 2017.

2. The Request consists of a Site Plan depicting the Request's configuration, layout and levels of impact.

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 30-215(h) for considering site plan applications.

6. The Request **complies** with the Concurrency Management and other applicable requirements of Code Chapter 30, *Land Development Regulations* (the "LDRs").

7. 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 with conditions**, subject to the conditions imposed in Section 4 below.

Section 4. Conditions Imposed. Granting of the Request is subject to the following conditions:

1. The Applicant shall obtain four (4) affordable dwelling unit allocations from the Building Permit Allocation System (“BPAS”).
2. The Applicant is required to retain the 25,588-square-foot section of tropical hardwood hammock located on the Property as shown on the signed and sealed site plan dated February 2, 2018 submitted in the Application (Attachment “B”) through recording of a conservation easement prior to the issuance of any building permit associated with the Proposed Development. Any change to this area proposed for retention shall require prior approval in writing from the Village.
3. A Unity of Title and Opinion of Title for lots 16, 17 and 18 in forms acceptable by the Village Attorney must be recorded prior to any building permit issuance for the Proposed Development.

Section 5. 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 6. Violation of Conditions. The Owner understands and acknowledges that he or she must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she may commence construction or operation of any use authorized herein. In accordance with Code Section 30-224, this approval may be revoked by the Village Council upon a determination that the Owner or 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 7. 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 Owner until forty-five (45) days following rendition to the Florida Department of Economic Opportunity (the “DEO”), pursuant to Chapter 9J-1 of the Florida Administrative Code, unless exempt from rendition as provided within the DEO Memorandum of Understanding (the “MOU”) approved pursuant to Resolution number 11-12-90. If applicable during the forty-five (45) day period following rendition, the DEO may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

Section 8. Term. This Development Order shall become null and void, with no further notice required by the Village, unless a complete building permit application for site preparation and building construction is submitted to the Village Building Official within the time frame specified in the LDRs. Commencement of development shall occur within two (2) years of the date of this Development Order unless a time extension is granted by the Director or the Village Council, pursuant to Code Section 30-225. If the Development Order is appealed under the LDRs or by the DEO, the above time limits shall be tolled until the appeals are resolved and the development order is deemed effective.

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

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

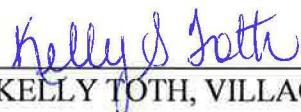
Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES

PASSED AND ADOPTED THIS 28TH DAY OF JUNE 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 3 day of July, 2018.



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 CBT Construction & Development, Inc., as agent for the Owner, this 5th day of July, 2018.

Kelly S. Soth
Village Clerk

Legal Description

Lots 16, 17, and 18, Block 11, Key Heights, Section TWO, according to the Plat thereof, as recorded in Plat Book 3 at Page 159 of Public Records of Monroe County, Florida.

