

RESOLUTION NO. 19-11-103

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20190185 FILED BY MARK GREGG, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 85305 & 85307 OLD HIGHWAY, ON PLANTATION KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, WITH PARCEL IDENTIFICATION NUMBER 00405350-000000 & 00405360-000000, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 30, 2019, Mark Gregg, (the “Appellant”) filed Administrative Appeal No. PLADA20190185 (the “Appeal”) pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the “Village”); and

WHEREAS, the purpose of the Appeal is to seek the Village Council’s review of a determination made by the Director of Planning (the “Director”) regarding the findings set forth in Pre-Application Conference Application No. PLPRE20190142, specifically for determination of whether each parcel is considered to be “fronting” on US1 for affordable housing on Appellant’s property located at 85305 & 85307 Old Highway, as legally described in Exhibit “A” attached hereto; and

WHEREAS, on November 21, 2019 a duly noticed public hearing was held before the Village Council pursuant to Section 30-281 of the Village Code of Ordinances (the “Code”); and

WHEREAS, during the public hearing held on November 21, 2019 the Appellant proffered to withdraw his appeal of the determinations made in Pre-Application Conference Application No. PLPRE20190142, except for the portion seeking a determination of whether each parcel is considered to be “fronting” on US1 for affordable housing on Appellant’s property located at 85305 & 85307 Old Highway, as legally described in Exhibit “A” attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, AS FOLLOWS:

Section 1. Findings of Fact. The Village Council having considered the testimony and evidence presented by all parties, including the Appellant and the Director, does hereby find and determine:

- (1) The Council heard the Appeal on November 21, 2019.
- (2) The hearing was duly noticed pursuant to Section 30-213(j) of the Village Code and all interested parties concerned in the matter were given an opportunity to be heard.
- (3) The Director presented the written recommendation of the Village Staff dated November 21, 2019 to the Village Council.
- (4) The Director's interpretation of the Code **is not** supported by the facts presented.
- (5) The granting of the appeal determining whether the parcels are considered to be "fronting" on Old Highway rather than US1 **is** supported by the facts and documents presented.

Section 2. Conclusions of Law. Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

- (1) The Appeal has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, including Section 30-281 of the Village 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 of record; and
- (3) In accordance with Sections 30-281(d), (e) and (f) of the Village Code, the Administrative Appeal submitted by Mark Gregg is hereby **GRANTED**.

Section 3. Effective Date. This Resolution shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity (“DEO”) pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

Motion to adopt by Councilwoman Cheryl Meads, second by Councilman Ken Davis.

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
Councilwoman Jim Mooney	YES

PASSED AND ADOPTED THIS 21ST DAY OF NOVEMBER, 2019.



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 22 day of November, 2019.



Kelly Toth, Village Clerk

EXHIBIT "A"

DESCRIPTION:

Part of Lot 4 of GALEN BEACH, a subdivision of the East 610 feet of Lot 10 of George L. MacDonald's survey of part of Government Lots 1, 2 and 3, Section 23, Township 63 South, Range 37 East, on Windley Isle, according to Plat recorded in Plat Book 2, at Page 118 of the Public Records of Monroe County, Florida.

Commencing at the intersection of the Northeasterly property line of Lot 4 with the Southeasterly boundary of the Old State Highway #4-A and running thence along with Northeasterly property line of said Lot 4 in a Southeasterly direction 268.4 feet to the Straits of Florida; thence meandering the shoreline in a Southwesterly direction 50 feet, more or less, to a point which is 50 feet measured at right angles to the said Northeasterly property line of said Lot 4; thence in a Northwesterly direction and parallel with the Northeasterly property line of said Lot 4, a distance of 268.4 feet, more or less, to the Southeasterly boundary line of Old State Highway #4-A; thence in a Northeasterly direction along with Southeasterly boundary line of Old State Highway #4-A 50 feet to the point or place of BEGINNING.