

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

**RESOLUTION NO. 19-10-98**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY BBBISLAMORADA, LLC FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE CONSUMPTION ON-PREMISES FOR BAD BOY BURRITO ON THE PROPERTY LOCATED AT 103 MASTIC STREET ON UPPER MATECUMBE KEY, WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT AS LEGALLY DESCRIBED BELOW; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, BBBISLAMORADA, LLC, known as Bad Boy Burrito, Chris Otten (“Owner/Applicant”) has applied for a 2COP Alcoholic Beverage Use Permit to allow on-premises consumption; and,

**WHEREAS**, the Proposed Use is located within the Village Center (VC) Zoning District at 103 Mastic on Upper Matecumbe Key, with Parcel Identification Number 0039916-000000, and as legally described below within Islamorada, Village of Islands, Florida; and

**WHEREAS**, on October 24, 2019, pursuant to the applicable provisions of the Code of Ordinances of Islamorada, Village of Islands, Florida, the Council conducted a duly noticed 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 October 24, 2019.
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 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 regarding 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 October 24, 2019 to the Council to approve the application 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.
3. The Application for an Alcoholic Beverage Use Permit is hereby **GRANTED**, for the following described property:

***Lot 2, Less the Southeasterly 16.00' and Lot 3, Block 2, STRATTONS SUBDIVISION, according to the plat thereof recorded in Plat Book 2, at Page 38, Public Records of Monroe County, Florida.***

**Section 3. 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 4. 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 Councilman Ken Davis, second by Vice Mayor Mike Forster.

**FINAL VOTE AT ADOPTION**

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

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

**PASSED AND ADOPTED THIS 24th DAY OF OCTOBER, 2019.**

*Deb Gillis*

DEB GILLIS, MAYOR

ATTEST:

*Kelly S Toth*

KELLY TOTH, VILLAGE CLERK  
APPROVED AS TO FORM AND LEGALITY

FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS:

*[Signature]*

ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 25<sup>th</sup> day of October, 2019.

*Kelly S. Toth*  
Kelly S. Toth, CMC, Village Clerk