

RESOLUTION NO. 24-06-60

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, REQUEST FOR PUBLIC HEARING RELATING TO THE PLANNING DIRECTOR'S NOTICE OF INTENT TO ISSUE SITE PLAN APPROVAL WITH CONDITIONS (PLSPR20230049); FOR PROPERTY LOCATED AT 103 SUNSHINE BLVD, ON PLANTATION KEY HAVING PARCEL NUMBER 00434700-000000; AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Jose A Martinez (the "Applicant") has submitted an application for Site Plan Approval pursuant to Section 30-215 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") for the modification of the existing commercial property to include the addition of outdoor walk-in food coolers. The proposed project is located at 103 Sunshine Blvd on Plantation Key, having real estate number 00434700-000000 (the "Property"); and

WHEREAS, property owners within 300 feet of the Property were sent a copy of the Planning Director's (the "Director") Notice of Intent to Issue (NOI) Site Plan Approval with conditions February 16, 2024, and the Applicant posted a sign on the Property on February 17, 2024; and

WHEREAS, on March 6, 2024, Paula Albert-Franz requested a public hearing relating to the Director's NOI; and

WHEREAS, on June 13, 2024, a duly noticed public hearing was held by the Village Council to consider the Director's intent to issue Site Plan Approval with Conditions (PLSPR20230049).

**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 and correct and incorporated into this Resolution by this reference.

Section 2. Findings of Fact.

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

(1) The Application for a Site Plan Approval with Conditions **does not meet** the requirements set forth in Code Section 30-215 and **has not** demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council **denies** the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

Lot 14 and E 10 feet of Lot 15, Block 1 of Sunshine Estates Sec 1 located in Plantation Key, according to the plat thereof as recorded in Plat Book 4, Page 63, of the Public Records of Monroe County Florida.

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 Village Comprehensive Plan and the 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 contained within the record.

Section 4. 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 Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Councilmember Gregg, second by Councilmember Jolin.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III Yes

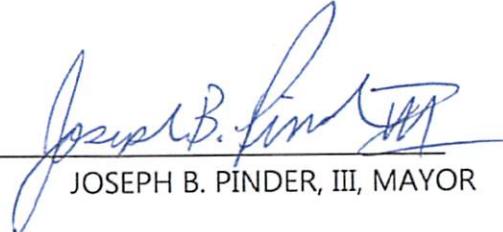
Vice Mayor Sharon Mahoney Yes

Councilmember Elizabeth Jolin Yes

Councilmember Mark Gregg Yes

Councilmember Henry Rosenthal Yes

PASSED AND ADOPTED ON JUNE 13, 2024.



JOSEPH B. PINDER, III, MAYOR

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

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

DocuSigned by:

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JOHN J. QUICK, INTERIM VILLAGE ATTORNEY