Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Amendment to Major Conditional Use PLCUP20210151 - 90184 Overseas Highway - Crooked Palm Distillery**

Background:
On May 29, 2025, CBT Construction on behalf of 90184 Overseas Hwy LLC, submitted an application to amend the conditions imposed by a Major Conditional Use permit for the Crooked Palm Distillery located at 90184 Overseas Hwy. The Major Conditional Use permit was approved with conditions on December 6, 2022 under Resolution No. 22-12-138, for the redevelopment of the property for a Brewpub/Restaurant/Distillery on the first floor and the continuation of seven (7) deed restricted residential housing units on the second floor along with outdoor seating.

The amendments to the conditions included removing the following conditions:

6. The hours of operation of the Brewpub/Restaurant/Distillery interior shall be limited to the following:
Sunday through Thursday 11:00 am – 11:00 pm; and Friday, Saturday and Holidays 9:00 am – 1:00 am.
The applicant/owner reserves the right to request a modification of the hours of operation after due public hearing. Any extension of the hours of operation shall be evaluated based upon potential impacts to surrounding residential development, including a review of past noise complaints.

7. The hours of operation of the outdoor seating area shall be limited to 11:00 am to 10:00 pm Sunday through Thursday and 9:00am to 10:00 pm Friday and Saturday. The use of live amplified music shall be limited to 8:00 pm during the week and 9:00 pm on weekends.

9. The Village Council reserves the right to revoke this Major Conditional Use and terminate operation of the Brewpub/Restaurant/Distillery at any time after due notice and a public hearing in the event violation of these conditions occurs. In addition, in the event operation of the Brewpub/Restaurant/Distillery results in noise violations as defined by the Village Noise Ordinance, the Village Council reserves the right to further restrict the hours of operation of the Brewpub/Restaurant/Distillery, including the outdoor seating area, after due notice and a public hearing. Excessive, unnecessary, or unnaturally loud noises shall be determined pursuant to Village Code Chapter 18 (Nuisances), Article IV (Noise) as may be amended from time to time. Noise disturbance means any sound that is unreasonably loud, raucous or jarring; causes an adverse psychological or physiological effect on humans; unreasonably interferes with the enjoyment of life or property, including outdoor recreation; or is a nuisance,

as defined by Chapter 18, as may be amended from time to time. Applicant/owner shall be provided an opportunity to address and remedy or cure any noise complaints prior to a reduction in the hours of operation.

11. Deliveries shall be limited to the curb-cut adjacent to Gardenia Street as shown on the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by dgo Architecture and dated 11-04-22. The Village reserves the right to address any traffic safety concerns associated with the operation of the proposed loading area after due public hearing and testimony provided by a traffic safety expert. The applicant/owner shall be provided an opportunity to address, remedy or otherwise cure any traffic safety concerns associated with the proposed loading area prior to a determination by the Village Council.

16. The applicant/owner agrees not to place live music within 75' of the Gardenia Street property line and maintain compliance with the Village of Islamorada Noise Ordinance as may be amended from time to time.

17. The applicant has proposed a food truck as part of the use. The intention of the food truck is to provide food options that are currently lacking in the Village Activity Center (VAC) and as such is an integral part of the operation. The applicant/owner agrees that during the hours of operation food will be available for sale and consumption onsite or to go. Any interruption to food service will be temporary and shall not continue for more than 2 weeks .
The property is zoned Village Center (VC) and within the Mixed Use (MU) Future Land Use Map designation (FLUM). The property has frontage on Overseas Highway, Gardenia Street, and Palm Drive. The surrounding land is characterized by a mix of residential and commercial uses. Properties along Overseas Highway to the north and south are zoned Village Center (VC). There is a residential neighborhood located to the west/northwest across Gardenia Street. Across Overseas Highway is a large conservation area, a large commercial property, and a church.

Analysis:
In accordance with Section 30-216(j) A development permit for a conditional use may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this chapter. Before any conditional use is amended, extended, varied or altered, the applicant shall demonstrate that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the conditional use. As this was a Major Conditional Use approved by the Village Council it can only be amended by the Village Council.

The applicant provided a letter providing justification for the request.

Conditional uses are those are generally compatible with the other uses permitted in a zoning district, but that require individual review of their location, design, configuration, and intensity and density of use and structures and may require the imposition of conditions pertinent thereto to ensure the appropriateness and compatibility of the use at a particular location.

Pursuant to Sec 30-217(c), at the public hearing, the village council shall consider the application, the relevant support materials, the director's recommendations, and public testimony given at the hearing. If at any time during the public hearing the village council determines that the application is based upon incomplete or inaccurate information or

misstatements of fact, it may deny the application or refer the application back to the director for further review and revised recommendations.
At the close of the public hearing, the village council by not less than a majority of a quorum present shall approve, approve with conditions, or deny the application by resolution, based on the standards in this chapter.

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director and Village Council shall consider the following factors, and no conditional use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest:

(1) The proposed conditional use is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

The Applicant's request meets the general criteria of Objective 1-2.4 of the Comprehensive Plan relating to the type and scope of uses that are permitted within the Mixed Use (MU) FLUM category and Policies 1-2.4.1 and 1-2.4.6 where existing structures, business types and locations lend themselves to compatible coexistence with residential uses. .
Policy 1-2.4.1: Guide the Location of Commercial Uses and Revitalize Commercial Areas.
Mixed Use (MU) is the only FLUM category in which commercial uses shall be permitted. The general pattern of commercial land uses in MU shall:
1. Prevent negative impacts on the fragile coastal ecosystem by directing commercial development away from environmentally sensitive lands and critical habitat;
2. Revitalize all existing commercial areas and further distinguish Village Activity Centers;
3. Restrict the scale and intensity of commercial development outside of the Village Activity Centers and other appropriate areas in the Village;
4. Promote safe and efficient vehicle, cyclist and pedestrian movement;
5. Prevent or minimize Village costs to provide infrastructure;
6. Avoid encroachment of incompatible commercial activity into established residential neighborhoods;
7. Enhance the unique character of the Village's commercial land uses through incentives for buffer yards and landscaping; and
8. Facilitate within the Village Activity Centers, the creation of aesthetically pleasing commercial spaces outdoors, as places for social leisure and interaction, while limiting light industrial uses, outdoor storage and sales as a primary use of land, and outdoor retail sales as an accessory use of land.
Policy 1-2.4.6: Establish Zoning District Criteria for MU.
The following criteria shall be used as guidelines for designating Zoning Districts within the Mixed Use FLUM category:
1. Residential Zoning Districts: In general, residential Zoning Districts shall be established where there are existing residential neighborhoods within the Village Activity Centers.
2. Commercial Zoning Districts: In general, commercial Zoning Districts shall be established where there are existing commercial uses, including single vacant parcels of land located between two (2) existing commercial uses.
3. Integrated Use Zoning Districts: Integrated use Zoning Districts, which encourage commercial and residential uses to co-locate on the same parcel or within the same building shall be established to maintain and promote affordable, workforce and employee housing. Appropriate locations for integrated use zoning shall include, in general, areas where such uses already exist, the core areas of the Village Activity Centers and other select locations along U.S. 1 where existing structures, business types and locations lend themselves to

compatible co-existence with residential uses.
4. School and Recreational Zoning Districts: These Zoning Districts shall be established to accommodate existing or proposed school or recreational uses.

The proposed amendment to the Major Conditional Use is consistent with the above policies. The use is not changing, and the density and intensity is not increasing due to these requests. The project is compatible with the surrounding commercial uses and will not negatively impact level of service standards.
IN COMPLIANCE.

(2) The proposed conditional use complies with all relevant and appropriate portions of the LDRs;

Landscaping Standards:
Met Under Previous Approvals
Parking:
Met Under Previous Approvals

(3) The proposed conditional 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;

The proposed amendment is compatible and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. The business has operated for over one year without any noise or parking complaint. All landscaping has matured and provides required buffer yards between Zoning Districts to aid in protection of the residential area.
IN COMPLIANCE

(4) The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

As previously stated the required buffer yards and landscaping has matured to minimize visual impacts and intensity of use.
IN COMPLIANCE

(5) The Proposed Development complies with Division 5 (Concurrency Management) [of Article IV of the LDRs];

The proposed amendment does not entail the further development of any part of the property.
IN COMPLIANCE

(6) The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and,

There are no environmentally sensitive habitats on the subject property.
IN COMPLIANCE

(7) The proposed conditional use will result in logical, timely and orderly development patterns.

The proposed amendment does not involve any new development.
IN COMPLIANCE

Budget Impact:
None

Staff Impact:
None

Recommendation:
Staff has reviewed the request for an amendment to the Major Conditional Use and has determined that the application is consistent with the goals, objectives, and policies of the comprehensive plan and complies with applicable provisions of the Code of Ordinances. Staff recommends that the Village Council APPROVE the the requested amendment.

Attachments:
1. CP Amendment CC Backup
2. Resolution No 22-12-138_Corrective
3. CP Amendment Resolution

90184 Overseas Highway, Tavernier FL 33070

July 24, 2025

Dear VILLAGE COUNCIL OF ISLAMORADA,

We at Crooked Palm Cabana would like to respectfully ask the Village of Islamorada to consider amending the resolution governing the property at 90184 Overseas Highway, Resolution 22-12-138.

We are requesting these revisions for a few reasons, I will detail the requests by item below, but generally, the conditions were placed on the location in an abundance of caution due to the mis-information that was being spread about the potential impacts of the operation. It has always been our goal to be a benefit to the community and the neighborhood, and now with a year under our belt we've proven it.

Condition #6 & #7: *Hours restricted to 11pm inside and 10pm outside with live music limited to 8pm and 9pm on the weekends.*

We'd like to have the outside hours match the inside hours. The limitation on outside hours has been a burden and is affecting our ability to operate. We have multiple guest walkout daily because they want to dine outside in the evenings. To our knowledge, there are no other restaurants in the immediate area or surrounding areas with such a restriction. The request is to amend Condition to match inside and remove the music restriction. The village sound ordinance is in place to restrict neighborhood disturbance.

Condition #9: *Councils right to revoke.*

This condition creates an undue risk of loosing the ability to operate. The condition is arbitrary, unnecessary and subject to being a political pawn. Again to our knowledge no other business has been burdened with such a condition and all businesses are subject to the Village of Islamorada noise ordinance. We've proven ourselves to be a benefit not a burden to the neighborhood and ask that this condition be removed.

90184 Overseas Highway, Tavernier FL 33070

Condition #11: Deliveries limited to curb-cut adjacent to Gardinia Street**.**

We've found this condition to be contrary to best practices for deliveries. We recognize the importance of managing delivery traffic but have found the need to have some deliveries from at the front of the building which help reduce the disturbance to the neighbors on Gardenia.

Condition #16: Live music within 75' of Gardinia Street.

We ask that this condition be lifted now that a mature hedge of landscaping has been developed along the rear of the property. This would allow our use to better serve customers and offer a more welcoming atmosphere. We are still subject to the Village noise ordinance and any live music would be performed in a manner that respects that ordinance.

Condition #17: Food Truck requirement.

While the food truck remains a part of our business plan for this location, a condition requiring its use is a burden to the property and limits future operations and flexibility we have found may be needed.

Sincerely,

Nikolaus M. Schorth

Co-Founder/Partner

Islamorada Brewery and Distillery

Islamorada, Village of Islands
Planning & Development Services
86800 Overseas Highway, Islamorada, FL 3303
T: 305-664-6400, F: 305-664-6467

Application for Conditional Use Approval

Pursuant to Code Chapter 30, Article IV, Division 2

Application Type	Fee	*Deposit	Total Fee Due
☐ Major Conditional Use	$5,220.00	$5,000.00	$10,220.00
☐ Minor conditional Use	$3,510.00	$5,000.00	$ 8,510.00
☑ Minor Deviation	$1,000.00	$1,000.00	$ 2,000.00
☐ Docks (pursuant to Code Section 30-1554)	$1,900.00	$1,000.00	$ 2,900.00
☐ Outdoor Seating (pursuant to Code Section 30-1401)	$1,900.00	$1,000.00	$ 2,900.00

After a second Notice of Deficiencies, an additional fee equal to 10% of the application fee shall be due with each re-submittal.

* A deposit is required for development approval or permits which necessitate additional review and processing, and/or public hearing and notice requirements. Applicants are required to pay a cost recovery deposit which shall be credited toward the fee charged for such additional review and processing and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended in reviewing an application and the applicable actual amount charged to the Village shall be charged against the cost recovery deposit.

An application must be deemed complete and in compliance with the Village Code by Staff prior to the items being scheduled for review. See Attachments A and B for a list of required submittals and documents.

A Pre-Application Conference is mandatory prior to submission of an Application for Conditional Use Approval that would be applicable to the Administrative Design Review Standards set forth in Code Section 30-215(d)(20).

APPLICANT / AGENT (if applicable): Property owner must submit a **notarized** letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: Casaundra Wood
Mailing Address: PO Box 1057
City: Tavernier State: FL Zip: 33070
Home/Mobile Phone: 305-852-3002 Office: Fax:
Email: Casaundra@cbtconstruction.com

PROPERTY OWNER:

Name: 90184 OVERSEAS HWY LLC
Mailing Address: 3200 Saint Lucie Blvd
City: Fort Pierce State: FL Zip: 34946
Home/Mobile Phone: 305-852-3002 Office: Fax:
Email: Permits@cbtconstruction.com

LEGAL DESCRIPTION OF PROPERTY: If in metes and bounds, attach legal description on separate sheet.

Physical Address: 90184 OVERSEAS Hwy 100-207, PLANTATION KEY Mile Marker: 90.1
Lot: 1, 2, 3, 26, 27 & 28 Block: 17 Subdivision: PLANTATION KEY COLONY 1ST ADD
☑ Plantation Key ☐ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
Real Estate (RE) Number: 00431870-000000 Alternate Key: 1529800

PROPERTY DESCRIPTION:

Zoning District: _____ Future Land Use Category: STORE COMBO (1200)

Total Land Area: _____ Square Feet: _____ Acres: _____

Existing Use of Property: brewery/distillery/tasting room w/sales pkgs

Proposed Use of Property: brewery/distillery/tasting room w/sales pkgs no change in the property we only want to change our hours of opperation. We would like to stay open till 2AM. We hope to change conditions 6, 7, 9, 11, 16, & 17 further described in detail in the attached document.

PROPOSED CONDITIONAL USE:

If non-residential or commercial floor area is proposed, please provide:

	Existing	Proposed	Change
Total number of non-residential buildings:	no change	no change	no change
Total non-residential floor area in square feet:	no change	no change	no change

If residential dwelling units are proposed, please provide:

	Existing	Proposed	Change
Total number of residential buildings:			
Total number of permanent, market-rate units:			
Total number of permanent, affordable/ workforce housing units:			
Total number of transient units (hotel/motel rooms, recreational vehicles):			

Have any applications been submitted for this site within the past three (3) years? ☑ Yes ☐ No

If yes, provide name of the applicant and date of applications: PLCUP20210151

Is this an Amendment or a Minor Deviation to a previously approved Conditional Use? ☑ Yes ☐ No

If yes, attach the approved site plan, a revised site plan, and list below all proposed changes. Please provide an explanation of each change: No change in the site plans. We just want to change the hours of opperation. We hope to change conditions 6, 7, 9, 11, 16, & 17 further described in detail in the attached document.

If an Amendment or a Minor Deviation to an approved Conditional Use, please provide prior Project Numbers and/or Resolution Numbers: PLCUP20210151

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director of Planning and Development Services ("Director") and Village Council shall consider the following factors, and no Conditional Use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.

Please attach a statement explaining how the proposed Conditional Use meets each standard below.

(1) The proposed Conditional Use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

(2) The proposed Conditional Use complies with all relevant and appropriate portions of Village Code Chapter 30, *Land Development Regulations* (*LDRs*);

(3) The proposed Conditional 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;

(4) The design of the proposed Conditional Use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

(5) The proposed Conditional Use complies with Division 5 (Concurrency Management) of Article IV of the LDRs;

(6) The proposed Conditional Use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and

(7) The proposed Conditional Use will result in logical, timely and orderly development patterns.

If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I certify that all information required, as indicated in Attachments A and B, has been provided.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Signature of Applicant or Agent: _____ Date: 5/29/25

Print Name: Casandra Wood

STATE OF Florida

COUNTY OF Monroe

Sworn to and subscribed before me by means of ✓ physical appearance or ___online notarization, this 29 day of May, 2025, by Casandra Wood (name of person signing the application) as _____ (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

Belen R

Signature of Notary Public –State of Florida

SEAL: BELEN RESENDIZ Notary Public - State of Florida Commission # HH 586373 My Comm. Expires Aug 25, 2028 Bonded through National Notary Assn.

✓ Personally Known ___Produced Identification Type of ID: _____

ATTACHMENT A

The following is a list of submittals and documents required for Conditional Use Approval. Data furnished in the application shall be to scale and shall include the following information, unless waived in writing by the Director.

- ☐ **Correct application fee.**
- ☐ **Notarized agent authorization letter**, if applicable, including the agent's name, address and phone number authorizing the applicant/agent to act on all property owners' behalf.
- ☐ **Proof of ownership** e.g. warranty deed, lease or pending sale contract.
- ☐ **Property record card** from the Monroe County Property Appraiser.
- ☐ **Copy of recorded notice of approval or resolution** of prior Conditional Use (if submitting an application for an amendment or minor deviation).
- ☐ **Location map** showing where the project is located on the Key.
- ☐ **Photographs** of site from adjacent streets. A recent aerial photograph with property boundaries delineated may be substituted.
- ☐ **Signed and sealed survey** prepared by a Florida registered surveyor. The survey shall include elevations and location of all existing structures, paved areas, location of all utility structures, all easements, all bodies of water on and adjacent to the site, docks, piers, mean high water line and total acreage by habitat.
- ☐ **Site plan** prepared by a professional architect, engineer, or landscape architect. May be either a Site Plan previously approved and still effective by the Village or a new proposed Site Plan. See **Attachment B** for minimum site plan requirements.
- ☐ **Floor plans** of all proposed structures and for any existing structures to be redeveloped or enlarged, drawn at an appropriate standard architectural scale and including handicap accessibility features.
- ☐ **Elevation drawings** of all proposed structures and any existing structures to be modified with the elevations of the following features referenced to NGVD: Existing grade, finished grade, finished floor elevations (lowest supporting beam for V-zone development), roofline and highest point of the structure.
- ☐ **Landscaping plan** (may be combined with site plan or separate plan) drawn to scale, and at a minimum should include open space preservation areas, existing natural features, class and width of required landscape bufferyards (including the species, size and quantity of plants), street trees, and parking area landscaping.
- ☐ **Outdoor lighting plan** pursuant to Code Chapter 30, Article V, Division 5, including a site plan and inventory containing manufacturer's catalog cuts (where available), lamp type and output specification (lumen output) for each proposed fixture, proposed mounting height of all exterior fixtures, and the aiming direction and scope of illumination for any spotlights or floodlights.
- ☐ **Habitat analysis** and/or **vegetation survey** pursuant to Code Sections 30-1613 and 30-1614(e), prepared by a Village qualified biologist.
- ☐ **Stormwater management plan** pursuant to Code Section 30-1724, signed and sealed by a Florida registered engineer or architect with drainage calculations and at the same scale as the site plan. The plan must show existing and proposed topography, all drainage structures, retention areas and drainage swales, and existing and proposed permeable and impermeable areas.
- ☐ **Affordable housing mitigation plan** pursuant to Code Chapter 30, Article IV, Division 16.
- ☐ **Traffic study** prepared by a licensed traffic engineer pursuant to Monroe County Traffic Report Guidelines Manual.
- ☐ **Construction management plan** stating how impacts on nearshore water and surrounding property will be managed (i.e. construction barrier, hay bales, flagging, etc.).
- ☐ **Construction phasing plan** Phased projects must include 20% of the project's land area in the development of each phase, unless a phasing specifically requested as part of the conditional use.
- ☐ **Letters of coordination** from the following agencies. Applicants must check with the Staff to identify other agencies expected to review the project. These may include, but are not limited to:

- [ ] Florida Department of Environmental Protection (DEP)
- [ ] Florida Department of Health (DOH)
- [ ] Florida Department of State, Division of Historic Resources (DHR)
- [ ] Florida Department of Transportation (FDOT)
- [ ] Florida Fish and Wildlife Conservation Commission (FWC)
- [ ] Florida Keys Aqueduct Authority (FKAA)
- [ ] Florida Keys Electric Cooperative (FKEC)
- [ ] South Florida Water Management District (SFWMD)
- [ ] U.S. Army Corps of Engineers (ACOE)
- [ ] U.S. Fish & Wildlife Service (FWS)

ATTACHMENT B

MINIMUM SITE PLAN REQUIREMENTS: Pursuant to Code Section 30-215(d), the site plan shall be to scale and shall include the following information, unless waived in writing by the Director:

(1) **Name and address** of the record owner(s), the applicant, and the person preparing the site plan.

(2) **Location map**.

(3) **Legal description** of the site.

(4) **Proposed land uses** with indication of size, location and height of structures with approximate dimensions, setbacks, and landscaped yards.

(5) **Adjacent area information**, including:

a. Existing land use; and

b. Zoning classification.

(6) **Vehicular circulation system**, both on-site and off-site, with proposed access, which shall comply with traffic engineering standards used by the village. The village shall not be required to widen or in any way alter any existing local road, collector road, or arterial road under the village's jurisdiction, or to accept a dedication of additional road right-of-way for the purpose of widening or altering any existing local road, collector road or arterial road under the village's jurisdiction to accommodate new development, unless such road improvement is included in the Capital Improvements Element of the Comprehensive Plan.

(7) **Pedestrian circulation system**.

(8) **Lighting plan** for street and development site.

(9) The **location of existing public utilities**, including:

a. Location of closest available water supply system or collection lines and fire hydrants.

b. Location of closest available wastewater collection system or collection lines.

c. Existing provisions for the collection and discharge of surface drainage.

(10) **Provider of water and wastewater** facilities.

(11) **The following computations**:

a. Gross acreage.

b. Net acreage excluding road easements and right-of-way, if any.

c. Number of dwelling units by number of bedrooms in density for residential uses only.

d. Square footage of ground covered by buildings or structures.

e. Computation of pervious and impervious areas, and square footage and percentage of site.

f. Required and provided number of parking spaces.

g. Indication of the boundaries of the project within the overall development plan in the case of a phased development.

(12) **Proposed location of sidewalks**, curves, gutters, water mains, sanitary sewers, storm drains, manholes, inlets, underground conduits, seawalls, and the size and shapes and types thereof, the character, width and depth of pavement in sub base of any roadways, access points or paths located within the proposed development.

(13) **Indication of existing native vegetation** that would be preserved.

(14) Location and width of any **proposed permanent utility easements**.

(15) **All adjacent rights-of-way**, with indication of centerline and width, paved width, existing median cuts and intersections, street light poles and utility company facilities, including easements.

(16) **Design features as follows:**

a. Building separations and setbacks.

b. Location of all paved drives and parking areas, including centerlines, dimensions, radius, and elevations, traffic signage and striping.

c. Schematic elevations of buildings showing concealment of all mechanical or accessory equipment located on the roof.

d. Building floor plans and proposed building materials. Front, side and rear elevations (with any wall signs) showing height to peak of roof.

e. Location of trash and garbage disposal system and provisions for accessibility to garbage trucks.

f. All trash and garbage disposal systems, dumpsters, recycling collection areas, utility equipment, air conditioning units, vending machines and wastewater treatment plants shall have screening to minimize their visibility from all streets, consisting of one or more of the following:

1. A solid, opaque enclosure (with gate, if necessary) of any material allowed by this code, except chain link fences, with a minimum height of one foot above the structure to be screened and painted to complement the principal building.

2. Landscaping (e.g., shrubs, canopy and understory trees, continuous hedges); or

3. Screening of these structures may be accomplished by site design and orientation of buildings.

g. Loading areas and provisions for accessibility to vehicles of the required type and clearances.

h. Areas for emergency vehicles and fire engines and provisions for fire lane accessibility for vehicles of the required type.

i. Entrance features, walls, landscape buffers, and ground signs.

j. Where the site plan covers only a part of contiguous real property owned by the applicant, master-phasing plan for such additional acreage unless the applicant certifies that the remaining real property shall not be developed.

k. The proposed treatment of the perimeter of the site, including the material and techniques used, such as screens, landscaping buffers, fences and walls.

l. The location and size, in acres or square feet, of all areas to be conveyed, dedicated, or reserved as open space, public parks, recreational areas, and similar public or semi-public uses.

(17) **Demonstration of enhanced and preserved scenic views** of the water from public rights-of-way. Structures along the shoreline shall be sited so as to prevent walling-off of waterfront views.

(18) **Appropriate siting of water dependent and water related uses**.

(19) If the application area has been identified as a working waterfront, then the applicant shall integrate into the traffic study an **analysis of the influence of available boat parking** on parking demand.

(20) All nonresidential development projects, which include either development of new structures or substantial improvement of existing structures located on property with frontage on any major street and all property within the Village Center (VC) zoning district, shall adhere to the **Administrative Design Review Standards** set forth below.

a. ***Roof pitch:*** The maximum roof pitch of all street-facing facades on principal buildings shall be 8/12, expressed as rise over run. Flat roofs shall be allowed provided they are hidden by a parapet or other architectural feature in a style consistent with the building design as approved by the Director and any roof-top utilities or equipment are screened from view from all adjacent streets.

b. ***Awnings:*** Awnings shall not have covers constructed of any transparent, translucent, high gloss or high sheen material and shall not be backlit.

c. ***Building transparency:*** In order to create a visual connection between a building's interior activities or retail display windows and people outside of a building, the minimum transparency of the lowest floor of all principal buildings shall be 35% per each 50 linear feet of each street-facing facade. To count as transparency, windows, retail display windows and doors shall not be opaque or tinted with an inside-to-outside light transmittance value of 45% or less. Windows may be operable or non-operable. Doors shall be operable and may include emergency egress doors. All required transparency shall be evenly distributed at pedestrian level across the length of the lowest floor. Transparency is not prohibited from extending higher than seven (7) feet above the bottom of the lowest floor, however the measurement to determine whether this standard is met shall only be between zero (0) feet and seven (7) feet in height above the bottom of the lowest floor. Compliance with the above standard shall be mandatory, unless the Director finds that it is impracticable for all or a portion of a principal building, in which case the development shall comply with one of the following standards:

1. A professional mural, which constitutes art as defined in the LDRs, shall be painted on the entire facade of each street-facing side of a building and be maintained in good condition;
2. Foundation landscaping shall be installed consisting of a Class G bufferyard pursuant to Code Chapter 30, Article V, Division 6, shall be located entirely within 15 feet of a building and shall adhere to the maintenance requirements in Code Section 30-825; or
3. Any combination of the above standards, which results in the entire facade of each street-facing side of a building having transparency, a professional mural or foundation landscaping.

d. ***Building articulation:*** The facades and roofs of all principal buildings shall be articulated through the following techniques:

1. Facades and roofs shall have no less than one (1) articulation every 50 linear feet.
2. Minimum horizontal facade articulation shall be five (5) feet in depth and 15 feet in width.
3. Building facades shall feature some combination of the following elements: arcades, awnings, balconies, canopies, porches, decks, bay windows, recessed entries, retail display windows or other similar features as approved by the Director.
4. Roof articulation shall be achieved through the use of cornices, dormers, eaves, gables, multi-planed roofs, offsets, parapets, pitched roofs, roof overhangs or other similar features as approved by the Director.
5. Flat roofs within view from an adjacent street shall be hidden by a parapet or other architectural feature in a style consistent with the building design as approved by the Director and of a sufficient height to screen any rooftop utilities.
6. A parapet on a flat roof shall not be flat and shall feature cornice treatments.
7. Boat barns shall be exempt from this standard.

e. ***Building orientation:*** Each principal building shall provide an entry that is clearly identifiable from the street. The entry does not necessarily have to face the street. This may be achieved through the architectural design of the building, the use of sidewalks, signage, pavement markings and/or landscaping.

f. ***Drive-throughs and drive-ins:*** Any drive-through or drive-in components shall be architecturally compatible with on-site principal structures and shall be located behind or to the side of the street-facing facade of a building. Drive-through or drive-in components shall be designed to be located as far as possible from adjacent residential zoning districts and residential uses. In order to protect the public interest and surrounding land uses, the Director or Village Council, as applicable, may impose conditions such as the installation of landscaping and screening walls, and limiting the hours of operation.

g. ***Car washes:*** Openings, bays and entry/exit doors of all car washes shall be oriented away from adjacent residential areas and streets. If oriented to a street, then openings, bays or entry/exit doors shall be screened with an opaque structure and/or landscaping. In order to protect the public interest and surrounding land uses, the Director or Village Council, as applicable, may impose conditions such as the installation of

landscaping and screening walls, limiting the hours of operation, restricting the number and location of driveways, prohibiting the use of outdoor speakers, locating blowers and dryers as far away from residential areas as possible, and limiting the hours of operation.

h. ***Utilities:*** All rooftop utilities and mechanical equipment shall be completely screened on all sides in a manner consistent with the architectural design of the building.

i. ***Building location:*** For development 10,000 cumulative square feet in gross floor area or greater on one development site, either a majority (e.g., more than 50%) of the facade of each principal building shall be located on the setback line along each major street of the development site, or one of the following alternative standards shall be met:

1. Off-street parking located between principal buildings and any major street shall be limited to one (1) row;
2. A scenic corridor pursuant to Code Section 30-814 shall be installed along all major streets;
3. The development shall be divided up so that no single building exceeds 10,000 square feet in floor area; or
4. Landscaping for off-street parking areas located between the street-facing facades of principal buildings and any major streets shall be provided as follows:
   a. Parking landscape islands shall be located no further apart than every six (6) parking spaces and at the terminus of all rows of parking.
   b. Minimum three (3)-foot-wide landscape strips shall be provided at the front of rows of parking spaces and between rows of parking spaces. A minimum of one (1) native shrub per eight (8) linear feet shall be required within the landscape strips.
   c. Landscaping for the remainder of the off-street parking areas shall be provided as set forth in Code Section 30-818.

These landscaping requirements shall be in addition to the requirements set forth in Code Section 30-818.

j. ***Pedestrian access:*** At least one (1) continuous pedestrian walkway shall be provided from the main building entry to the public sidewalk, bike path and/or street edge of pavement. The walkway shall be at least five (5) feet wide and shall meet all applicable ADA Accessibility Guidelines.

k. ***Vehicle access:***

1. When practical, access to off-street parking shall be made from a collector road or a local road rather than a major street. For example, on a property adjacent to Overseas or Old Highway and a local road, access to off-street parking shall be from the local road. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of access locations and to exempt certain high-intensity uses such as gas stations from meeting this standard due to the high volume of traffic typically associated with them, particularly if they would be located adjacent to residential zoning or uses.
2. When practical, access to off-street parking on property adjacent to both U.S. 1 and Old Highway shall be made from U.S. 1. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of access locations.
3. When practical, new driveways shall be aligned with existing driveways or streets adjacent to the property. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of access locations.

l. ***Cross access and parking:*** When practical, contiguous off-street parking areas shall be shared or interconnected through the use of driveways, travel lanes, frontage roads and walkways to provide vehicular and pedestrian ingress and egress cross access between separate parcels, without the need to use a street. The property owners involved shall execute a cross access and parking agreement on a form approved by the village attorney. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of cross access locations.

m. ***Oversized vehicle parking:*** Additional off-street parking spaces shall be required specifically for oversized vehicles, such as buses, cars towing boats or trailers, recreational vehicles (RVs), travel trailers and similarly large vehicles, as follows:

1. On property developed or proposed to be developed with a drive-in or drive-through component and more than ten (10), but less than 50 required off-street parking spaces, at least one (1) oversized vehicle parking space shall be provided.
2. On property developed or proposed to be developed with either 10,000 square feet or more of gross floor area and/or 50 or more required off-street parking spaces, at least two (2) oversized vehicle parking spaces shall be provided.
3. All oversized vehicle parking spaces shall have a minimum length of 40 feet with a minimum width of ten (10) feet.

n. ***Multi-use paths and bicycle paths:*** On property served by the Florida Keys Overseas Heritage Trail multi-use path or a village bicycle path according to the Village's Bicycle/Pedestrian Transportation Master Plan, applicants shall be responsible for making one-time improvements to the path, including installation of standard "Share the Road" or "Bike Route" signage, pavement markings, striping, colored asphalt and widening to a minimum standard width where sufficient right-of-way and clearance exists. This requirement is subject to the applicant obtaining all necessary permits from the Florida Department of Transportation, the Florida Department of Environmental Protection and the Village Public Works Department, as applicable.

o. ***Newspaper boxes:*** All newspaper boxes visible from any street shall be screened or enclosed on three (3) sides, leaving the front dispensers accessible. The screen or enclosure material shall be architecturally compatible with adjacent buildings and may be of any material allowed by this code, except chain link fences. It shall be the responsibility of the property owner and/or the newspaper box owner to ensure that all newspaper boxes, screens and enclosures are maintained so as to present a neat, clean appearance, kept in safe and good working order.

Monroe County, FL

PROPERTY RECORD CARD

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID	00431870-000000
Account#	1529800
Property ID	1529800
Millage Group	50VI
Location Address	90184 OVERSEAS Hwy 100-207, PLANTATION KEY
Legal Description	BK 17 LTS 1, 2, 3, 26, 27 & 28 PLANTATION KEY COLONY FIRST ADDITION PB4-4 PLANTATION KEY OR423-614 OR427-238 OR502-815 OR822-643 OR866-724 OR1167-2389/91 OR1523-339/42(UNR ARTICLES OF MERGER) O2913-270/74 OR3210-2058 (Note: Not to be used on legal documents.)
Neighborhood	10020
Property Class	STORE COMBO (1200)
Subdivision	PLANTATION KEY COLONY 1ST ADD
Sec/Twp/Rng	05/63/38
Affordable Housing	No

Owner

90184 OVERSEAS HWY LLC
3200 Saint Lucie Blvd
Fort Pierce FL 34946

Valuation

		2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+	Market Improvement Value	$136,499	$133,454	$133,454	$148,282
+	Market Misc Value	$100,820	$83,855	$83,901	$83,948
+	Market Land Value	$1,323,830	$1,255,196	$684,653	$684,653
=	Just Market Value	**$1,561,149**	**$1,472,505**	**$902,008**	**$916,883**
=	Total Assessed Value	**$1,561,149**	**$992,208**	**$902,008**	**$916,883**
-	School Exempt Value	$0	$0	$0	$0
=	School Taxable Value	**$1,561,149**	**$1,472,505**	**$902,008**	**$916,883**

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	$1,323,830	$136,499	$100,820	$1,561,149	$1,561,149	$0	$1,561,149	$0
2023	$1,255,196	$133,454	$83,855	$1,472,505	$992,208	$0	$1,472,505	$0
2022	$684,653	$133,454	$83,901	$902,008	$902,008	$0	$902,008	$0
2021	$684,653	$148,282	$83,948	$916,883	$916,883	$0	$916,883	$0
2020	$684,653	$149,770	$83,995	$918,418	$918,418	$0	$918,418	$0
2019	$487,856	$280,820	$84,041	$852,717	$852,717	$0	$852,717	$0
2018	$582,750	$400,068	$45,829	$1,028,647	$1,010,287	$0	$1,028,647	$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
(1200)	31,500.00	Square Foot	0	0

Buildings

Building ID	43184	**Exterior Walls**	C.B.S.
Style	2 STORY ON GRADE	**Year Built**	1973
Building Type	COM/RES D / 12D	**EffectiveYearBuilt**	2015
Building Name		**Foundation**	CONCRETE SLAB
Gross Sq Ft	6560	**Roof Type**	FLAT OR SHED
Finished Sq Ft	6017	**Roof Coverage**	MEMBRANE
Stories	2 Floor	**Flooring Type**	
Condition	GOOD	**Heating Type**	
Perimeter	508	**Bedrooms**	0
Functional Obs	0	**Full Bathrooms**	0
Economic Obs	0	**Half Bathrooms**	0
Depreciation %	13	**Grade**	300
Interior Walls	DRYWALL	**Number of Fire Pl**	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	135	0	64
FLA	FLOOR LIV AREA	6,017	6,017	508
OUF	OP PRCH FIN UL	48	0	28
PTO	PATIO	304	0	122
SBF	UTIL FIN BLK	56	0	30
TOTAL		**6,560**	**6,017**	**752**

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CH LINK FENCE	2005	2006	6 x 105	1	630 SF	1
CH LINK FENCE	2021	2024	6 x 146	1	876 SF	1
FENCES	2023	2024	6 x 350	1	2100 SF	5
ASPHALT PAVING	1987	1988	0 x 0	1	34160 SF	2
RW2	2024	2025	2 x 233	1	466 SF	5
TIKI	2024	2025	0 x 80	1	80 SF	3
DET CABANA	2024	2025	9 x 35	1	315 SF	4
CUSTOM PATIO	2024	2025	0 x 0	1	395 SF	4

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/1/2023	$2,290,000	Warranty Deed	2405565	3210	2058	03 - Qualified	Improved		
6/13/2018	$1,200,000	Warranty Deed	2174698	2913	270	01 - Qualified	Improved		
6/1/1998	$286,000	Warranty Deed		1523	0339	M - Unqualified	Improved		
10/1/1982	$0	Warranty Deed		866	724	U - Unqualified	Improved		
12/1/1980	$40	Warranty Deed		822	643	M - Unqualified	Improved		
2/1/1969	$3,800	Conversion Code		427	238	Q - Qualified	Improved		

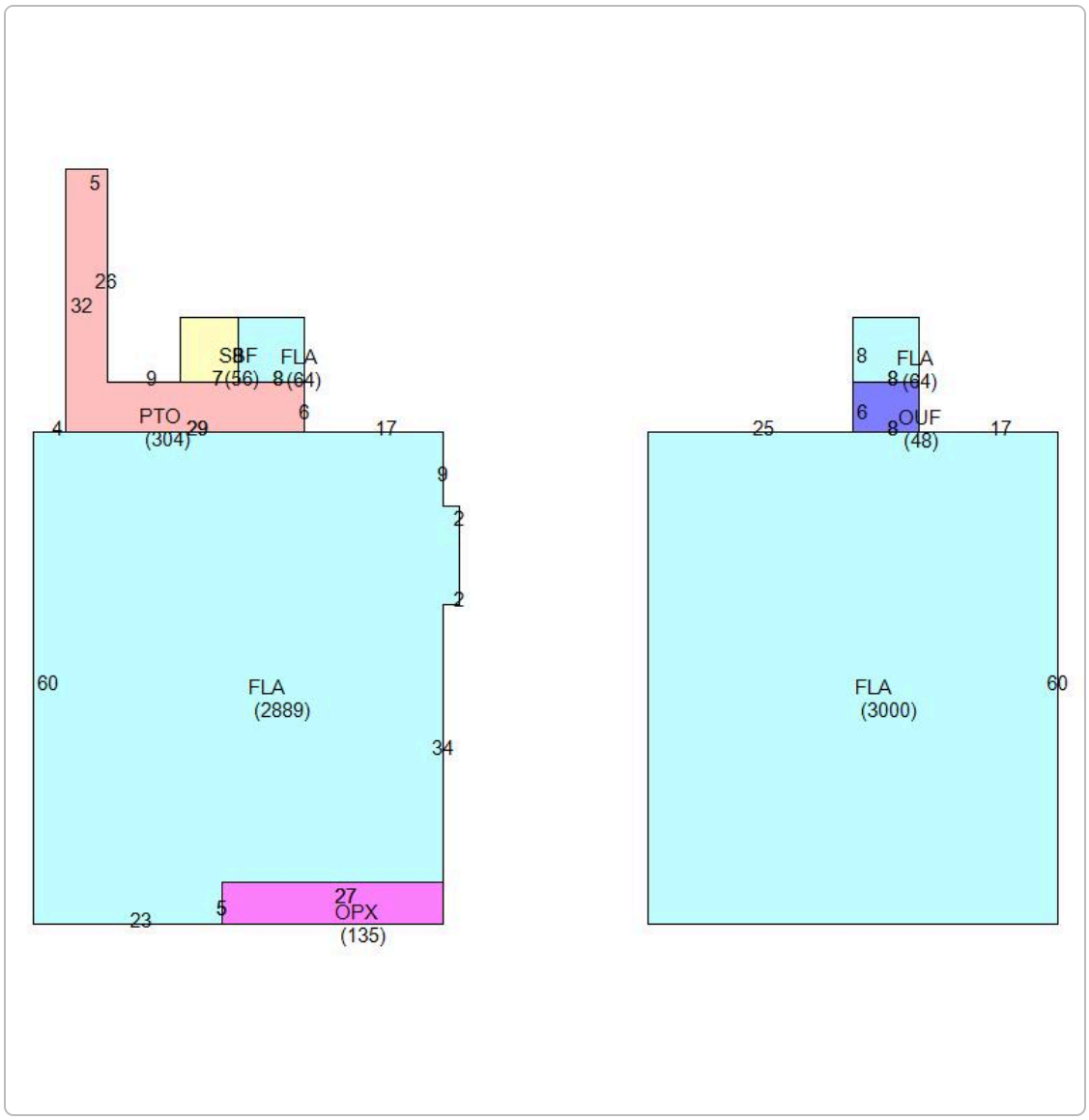
Permits

Number	Date Issued	Status	Amount	Permit Type	Notes
PRBLD202400220	04/08/2024	Completed	$15,000	Commercial	NEW WOOD DECK. NEW WALK IN COOLER.
PRBLD202400236	04/01/2024	Completed	$17,500	Commercial	FOUR NEW TESLA ELECCTRIC VEHICLE CHARGING STATIONS ON NEW 50 AMP 240V PANEL. 120 GALLON PROPANE GAS TANK. NEW 240V RECEPTICAL FOR FOOD TRUCK ON EXISTING PANEL. HARDPIPED WATER AND SEWER CONNECTION FOR FOOD TRUCK. 4 UNUSED GREASE TRAPS TO BE CAPPED OFF. SECURITY CAMERAS MOUNTED THROUGHT THE PROPERTY ON BUILDING AND STEEL POLES W. CONC. FOUNDATION.
PRBLD202400191	03/19/2024	Completed	$15,000	Commercial	INSTALL A NEW LED 97.5 SQ. FT. SIGN ON THE OUTSIDE OF THE BUILDING.
PRBLD202300450	11/16/2023	Completed	$115,000	Commercial	ADDITIONAL REMODEL (LOWER LEVEL), LANDSCAPING, LOCATIONS OF BREWERY AND DISTILLERY EQUIPMENT.
PRBLD202200217	10/12/2023	Completed	$35,000	Commercial	INSTALL 6' PVC FENCE 410 LF
PRFIR202300870	09/21/2023	Completed	$7,691	Commercial	ADD NEW DEVICES IN NEW SPACES TO FIRE ALARM STEM FOR PROPER COVERAGE
PRFIR202200212	01/31/2023	Completed	$25,000	Commercial	ROTATE EXISTING SPRINKLER LINES AND INSTALL 31 NEW PENDANT FIRE SPRINKLERS
PRBLD202101476	07/19/2022	Completed	$75,000	Commercial	ARTIAL INTERIOR REMODEL 1ST FLOOR. BREW AND STILL EQUIPMENT TO BE PERMITTED SEPARATELY CHANGE OF USE (B to A-2/F-1)
PRBLD202001061	11/30/2020	Completed	$2,000	Commercial	338 LF OF 6' TALL GALVANIZED CHAIN LINK FENCE (1) 20' WIDE 6' TALL GALVANIZED CHAIN LINK DBL DRIVE GATE
PRPLB202000765	07/07/2020	Completed	$2,000	Commercial	FIRE LINE FOR SPRINKLERS
PRPLB201901239	10/01/2019	Completed	$16,430	Commercial	INSTALL NEW FIRE ALARM & FIRE SPRINKLERS SYSTEMS.
PRBLD201802143	09/05/2019	Completed	$300,000	Commercial	AFFORDABLE) RENOVATION OF 2ND FL INSTALL NEW WALLS AND INTERIOR DOORS INSTALL NEW MINI SPLIT A/C UNITS (1) PER APARTMENT UNIT INSTALL NEW BATHROOMS (1) PER UNIT. NEW ELECTRIC AND PLUMBING PER UNIT INSTALL FLOOR COVERINGS. REPAIR ELEVATOR INSTALL EGRESS WINDOWS PER UNIT AND INSTALL INSULATION
PRBLD201801519	07/10/2018	Expired	$20,000	Commercial	REMOVE 2ND FLOOR OFFICE - CEILING & DRYWALL
PRBLD201801533	06/27/2018	Expired	$17,000	Commercial	INT DEMO - DRYWALL, CEILING, CARPET, TILE
2004757	05/19/2004	Completed	$1		CHAIN LINK FENCE

View Tax Info

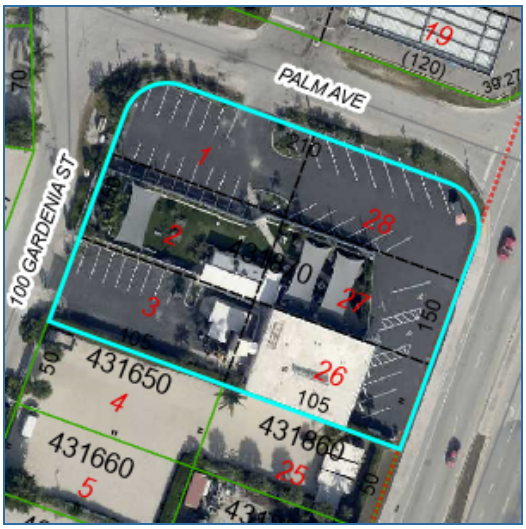
View Taxes for this Parcel

Sketches (click to enlarge)



Photos

Map



TRIM Notice

2024 TRIM Notice (PDF)

Doc # 2403355 Bk# 3208 Pg# 485
Recorded 1/13/2023 9:59 AM Page 1 of 7

Prepared by and return to:
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

****CORRECTIVE****

Correction to Section 2, Paragraph (1) of the recorded Resolution dated December 6, 2022 and recorded on December 15, 2022 in the Official Records Book 3205, Pages 90-97, of the Public Records of Monroe County, Florida

RESOLUTION NO. 22-12-138

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 RENTAL, LLC. (CBT CONSTRUCTION & DEVELOPMENT, INC., AGENT) FOR MAJOR CONDITIONAL USE APPROVAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR A BREWPUB/RESTAURANT/DISTILLERY WITH THE CONTINUATION OF SEVEN (7) EXISTING DEED RESTRICTED RESIDENTIAL HOUSING UNITS ON THE SECOND FLOOR; ALONG WITH OUTDOOR SEATING PURSUANT TO CHAPTER 30, ARTICLE VI, DIVISION 9 (OUTDOOR SEATING); ALONG WITH PARKING, LANDSCAPING, AND BUFFER RELAXATIONS FROM THE PROVISIONS OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; FOR PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00431870-000000.
(File No.: PLCUP20210151/PLVAR20220094)

WHEREAS, 90184 Rentals, Inc., (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for the redevelopment of the property for a Brewpub/Restaurant/Distillery on the first floor of an existing two-story building including the continuation of seven (7) existing deed restricted residential housing units on the second floor; along with outdoor seating pursuant to Chapter 30, Article VI, Division 9 (outdoor seating); along with parking, buffer, and landscaping relaxations from the provisions of the Village's land development regulations for property located at 90184 Overseas Highway on Plantation Key within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Property is located within the Village Center (VC) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on November 18, 2022; and,

WHEREAS, on December 6, 2022, the Village Council held a Public 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 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 Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

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

> BLOCK 17, LOTS 1, 2, 3, 26, 27, AND 28 OF PLANTATION KEY COLONY, FIRST ADDITION, AS RECORDED IN PLAT BOOK 4, AT PAGE 4 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

(3) The approval is subject to the following Conditions of Approval:

1. Use of the property shall be limited to a Brewpub/Restaurant/Distillery with outdoor seating. A maximum of seven (7) deed restricted affordable housing units shall also be permitted on the second floor of the existing structure, as approved by Minor Conditional Use PLCUP20190033.

2. A Major Conditional Use to allow for the operation of Brewpub/Restaurant/Distillery shall be deemed granted as a part of this application.

3. The gross floor area of the Brewpub/Restaurant/Distillery shall be limited to the total floor area as shown on the plans prepared by dgo Architecture, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. The outdoor seating area shall be limited to a maximum of 4,751 Square Feet, in accordance with the site plan prepared by dgo Architecture, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22.

4. The outdoor seating area shall be limited to a maximum of thirty-two (32) seats and a maximum area of 4,751 square feet as shown on the site plan and landscaping plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. Seating within the proposed outdoor plaza area may be modified upon application to the Department of Planning and Development Services provided the overall occupancy of the site does not exceed one hundred sixty (160) occupants including both indoor and outdoor space.

The operation of a food truck, as shown on the site plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22, shall be permitted in connection with the outdoor seating area.

5. Landscaping and site improvements shall be completed pursuant to the satisfaction of the Department of Planning and Development Services and in substantial conformance with the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22.

6. The hours of operation of the Brewpub/Restaurant/Distillery interior shall be limited to the following:
Sunday through Thursday 11:00 am – 11:00 pm; and Friday, Saturday and Holidays 9:00 am – 1:00 am.

The applicant/owner reserves the right to request a modification of the hours of operation after due public hearing. Any extension of the hours of operation shall be evaluated based upon potential impacts to surrounding residential development, including a review of past noise complaints.

7. The hours of operation of the outdoor seating area shall be limited to 11:00 am to 10:00 pm Sunday through Thursday and 9:00am to 10:00 pm Friday and Saturday. The use of live amplified music shall be limited to 8:00 pm during the week and 9:00 pm on weekends.

8. Relaxation from the landscaping standards contained within the Village Code shall be deemed granted as a part of this application. All landscaping improvements shall be completed and maintained in conformance with the site plan and landscaping plan approved as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-2022.

9. The Village Council reserves the right to revoke this Major Conditional Use and terminate operation of the Brewpub/Restaurant/Distillery at any time after due notice and a public hearing in the event violation of these conditions occurs. In addition, in the event operation of the Brewpub/Restaurant/Distillery results in noise violations as defined by the Village Noise Ordinance, the Village Council reserves the right to further restrict the hours of operation of the Brewpub/Restaurant/Distillery, including the outdoor seating area, after due notice and a public hearing. Excessive, unnecessary, or unnaturally loud noises shall be determined pursuant to Village Code Chapter 18 (Nuisances), Article IV (Noise) as may be amended from time to time. Noise disturbance means any sound that is unreasonably loud, raucous or jarring; causes an adverse psychological or physiological effect on humans; unreasonably interferes with the enjoyment of life or property, including outdoor recreation; or is a nuisance, as defined by Chapter 18, as may be amended from time to time. Applicant/owner shall be provided an opportunity to address and remedy or cure any noise complaints prior to a reduction in the hours of operation.

10. A parking relaxation shall be deemed granted as a part of this application. A minimum of forty-one (41) parking spaces shall be provided on site in accordance with the site plan and landscaping plan submitted as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22

In the event adequate parking cannot be provided on site, applicant/owner agrees to maintain a shared parking agreement with an adjacent or nearby property owner pursuant to the satisfaction of the Department of Planning and Development Services. On-street parking shall be prohibited in connection with the subject parcel. Parking for the seven (7) affordable housing units shall be provided on site separate from parking associated with the Brewpub/Restaurant/Distillery.

11. Deliveries shall be limited to the curb-cut adjacent to Gardenia Street as shown on the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22. The Village reserves the right to address any traffic safety concerns associated with the operation of the proposed loading area after due public hearing and testimony provided by a traffic safety expert. The applicant/owner shall be provided an opportunity to address, remedy or otherwise cure any traffic safety concerns associated with the proposed loading area prior to a determination by the Village Council.

12. The maximum permitted occupancy of the Brewpub/Restaurant/Distillery shall be limited to 160 patrons including both indoor space and the outdoor seating area. The Village Council reserves the right to reduce the maximum permitted occupancy after due public hearing in the event adequate parking cannot be provided in connection with the operation of the Major Conditional Use

13. The improvement of the premises, in accordance with the determination of the Village Council, must be completed within twelve (12) months after the date of approval, subject to FS 252.363. If not so commenced and completed within this period, then, the Village reserves the right to revoke

the approval associated with the Major Conditional Use after due public hearing. Thereafter, the operation of the Major Conditional Use shall be terminated.

14. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village Council reserve the right after due public hearing, to rescind the Major Conditional Use issued if violation of the conditions persists.

15. Applicant/owner agrees to record these conditions as a declaration of covenants and restrictions pursuant to the satisfaction of the Village Attorney. These covenants and restrictions shall be and constitute real covenants running with the land and shall be binding upon the declarant and any and all subsequent owners of the said real property or any part thereof, and upon their heirs, executors, and administrators (or their successors and assignees) subject, however, to the right of the Islamorada, Village of Islands Village Council after a public hearing to amend, alter, annul or repeal any or all of the foregoing covenants and/or restrictions at any time with the consent of the owner or owners for the time being of the premises therein described, and such right shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

16. The applicant/owner agrees not to place live music within 75' of the Gardenia Street property line and maintain compliance with the Village of Islamorada Noise Ordinance as may be amended from time to time.

17. The applicant has proposed a food truck as part of the use. The intention of the food truck is to provide food options that are currently lacking in the Village Activity Center (VAC) and as such is an integral part of the operation. The applicant/owner agrees that during the hours of operation food will be available for sale and consumption onsite or to go. Any interruption to food service will be temporary and shall not continue for more than 2 weeks' time.

18. Applicant/owner shall be provided an opportunity to remedy and/or cure any alleged violations of these conditions prior to the revocation of the Major Conditional Use or other enforcement actions referenced above.

19. Applicant/owner reserves any and all legal remedies associated with the enforcement of the above conditions.

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 Economic Opportunity (DEO), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DEO 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 Council Member Mark Gregg, second by Mayor Joseph B. Pinder III.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilmember Mark Gregg	Yes
Councilmember Elizabeth Jolin	No
Councilmember Henry Rosenthal	No

PASSED AND ADOPTED THIS 6th DAY OF DECEMBER 2022.

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

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

Prepared by and return to:
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 OVERSEAS HWY, LLC. FOR AN AMENDMENT TO THE MAJOR CONDITIONAL USE APPROVAL PLCUP20210151 TO ALLOW FOR THE REMOVAL OF SIX CONDITIONS OF APPROVAL UNDER RESOLUTION 22-12-138 FOR PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY, WITH REAL ESTATE NUMBER 00431870-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 90184 Rentals, Inc., (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for the redevelopment of the property for a Brewpub/Restaurant/Distillery on the first floor of an existing two-story building including the continuation of seven (7) existing deed restricted residential housing units on the second floor; along with outdoor seating pursuant to Chapter 30, Article VI, Division 9 (outdoor seating); along with parking, buffer, and landscaping relaxations from the provisions of the Village's land development regulations for property located at 90184 Overseas Highway on Plantation Key within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Property is located within the Village Center (VC) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on November 18, 2022; and,

WHEREAS, on December 6, 2022, the Village Council held a Public Hearing and approved Resolution No. 22-12-138 approving with conditions the Major Conditional Use.

WHEREAS, on May 29, 2025, CBT Construction on behalf of 90184 Overseas Hwy LLC, submitted an application to amend the conditions imposed by Resolution No. 22-12-138 approving the Major Conditional Use permit.

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the request to amend the conditions imposed by Resolution No. 22-12-138 approving with conditions the Major Conditional Use on September 11, 2025; and

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 Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

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

> BLOCK 17, LOTS 1, 2, 3, 26, 27, AND 28 OF PLANTATION KEY COLONY, FIRST ADDITION, AS RECORDED IN PLAT BOOK 4, AT PAGE 4 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

(3) The approval is subject to the following Conditions of Approval:

1. Use of the property shall be limited to a Brewpub/Restaurant/Distillery with outdoor seating. A maximum of seven (7) deed restricted affordable housing units shall also be permitted on the second floor of the existing structure, as approved by Minor Conditional Use PLCUP20190033.

2. A Major Conditional Use to allow for the operation of Brewpub/Restaurant/Distillery shall be deemed granted as a part of this application.

3. The gross floor area of the Brewpub/Restaurant/Distillery shall be limited to the total floor area as shown on the plans prepared by dgo Architecture, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. The outdoor seating area shall be limited to a maximum of 4,751 Square Feet, in accordance with the site plan prepared by dgo Architecture, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22.

4. The outdoor seating area shall be limited to a maximum of thirty-two (32) seats and a maximum area of 4,751 square feet as shown on the site plan and landscaping plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. Seating within the proposed outdoor plaza area may be modified upon application to the Department of Planning and Development Services provided the overall occupancy of the site does not exceed one hundred sixty (160) occupants including both indoor and outdoor space.

The operation of a food truck, as shown on the site plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22, shall be permitted in connection with the outdoor seating area.

5. Landscaping and site improvements shall be completed pursuant to the satisfaction of the Department of Planning and Development Services and in substantial conformance with the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22.

6. Relaxation from the landscaping standards contained within the Village Code shall be deemed granted as a part of this application. All landscaping improvements shall be completed and maintained in conformance with the site plan and landscaping plan approved as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-2022.

7. A parking relaxation shall be deemed granted as a part of this application. A minimum of forty-one (41) parking spaces shall be provided on site in accordance with the site plan and landscaping plan submitted as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22

In the event adequate parking cannot be provided on site, applicant/owner agrees to maintain a shared parking agreement with an adjacent or nearby property owner pursuant to the satisfaction

of the Department of Planning and Development Services. On-street parking shall be prohibited in connection with the subject parcel. Parking for the seven (7) affordable housing units shall be provided on site separate from parking associated with the Brewpub/Restaurant/Distillery.

8. The maximum permitted occupancy of the Brewpub/Restaurant/Distillery shall be limited to 160 patrons including both indoor space and the outdoor seating area. The Village Council reserves the right to reduce the maximum permitted occupancy after due public hearing in the event adequate parking cannot be provided in connection with the operation of the Major Conditional Use

9. The improvement of the premises, in accordance with the determination of the Village Council, must be completed within twelve (12) months after the date of approval, subject to FS 252.363. If not so commenced and completed within this period, then, the Village reserves the right to revoke the approval associated with the Major Conditional Use after due public hearing. Thereafter, the operation of the Major Conditional Use shall be terminated.

10. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village Council reserve the right after due public hearing, to rescind the Major Conditional Use issued if violation of the conditions persists.

11. Applicant/owner agrees to record these conditions as a declaration of covenants and restrictions pursuant to the satisfaction of the Village Attorney. These covenants and restrictions shall be and constitute real covenants running with the land and shall be binding upon the declarant and any and all subsequent owners of the said real property or any part thereof, and upon their heirs, executors, and administrators (or their successors and assignees) subject, however, to the right of the Islamorada, Village of Islands Village Council after a public hearing to amend, alter, annul or repeal any or all of the foregoing covenants and/or restrictions at any time with the consent of the owner or owners for the time being of the premises therein described, and such right shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

12. Applicant/owner shall be provided an opportunity to remedy and/or cure any alleged violations of these conditions prior to the revocation of the Major Conditional Use or other enforcement actions referenced above.

13. Applicant/owner reserves any and all legal remedies associated with the enforcement of the above conditions.

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 _____, second by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilman Steve Friedman _____

Councilwoman Deb Gillis _____

Councilwoman Anna Richards _____

PASSED AND ADOPTED on the second reading this 11th day of September, 2025.

_____
SHARON MAHONEY

ATTEST:

_____
MARNE MCGRATH, VILLAGE CLERK

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

_____
JOHN J. QUICK, INTERIM VILLAGE ATTORNEY