

RESOLUTION NO. 25-07-64

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLCUP20250012 FILED BY RUSSEL A. YAGEL, AGENT FOR LOWER MATECUMBE BEACH PROPERTY OWNERS ASSOCIATION (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION BY THE DIRECTOR OF PLANNING (AMENDMENT TO MINOR CONDITIONAL USE PERMIT) FOR PROPERTY LOCATED AT 73501 OVERSEAS HWY, HAVING REAL ESTATE NUMBER 00388620-000000, ON LOWER MATECUMBE KEY; AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Caloosa SMI LLC (the "Applicant") has submitted an application for Minor Deviations to a Minor Conditional Use pursuant to Section 30-216 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") for the modification of the Minor Conditional Use approval PLCUP20220140. The business is located at 73501 Overseas Highway on Lower Matecumbe Key, having real estate number 00388620-000000 (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) a Minor Deviation of a Minor Conditional Use with conditions March 3, 2025, and the Applicant posted a sign on the Property on March 3, 2025; and

WHEREAS, on or about March 19, 2025, Russel A. Yagel on behalf of adjacent property owners and/or their homeowners association (Lower Matecumbe Beach Property Owners Association) requested a public hearing relating to the Director's NOI; and

WHEREAS, on May 8, 2025, a duly noticed public hearing was held by the Village Council to consider the Director's intent to issue a Minor Deviation to the Minor Conditional Use (PLCUP20250012).

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 Minor Deviation to the Minor Conditional Use **does meet** the requirements set forth in Code Section 30-216 and **has** demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council **affirms** the Planning Director's Notice of Intent to Approve the amendment to the Minor Conditional Use submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

64S RGE 36E PT TRACT A LOWER MATECUMBE BEACH 3.15 AC LOWER MATECUMBE KEY

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 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 that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Councilwoman Gillis, seconded by Vice Mayor Horton.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Sharon Mahoney YES

Vice Mayor Don Horon YES

Councilmember Deb Gillis YES

Councilmember Anna Richards YES

Councilmember Steve Friedman YES

PASSED AND ADOPTED ON JULY 24, 2025.

ATTEST:

Sharon Mahoney
SHARON MAHONEY, MAYOR

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



This Resolution was filed in the Office of the Village Clerk of this 30 day of July, 2025.



ISLAMORADA, VILLAGE OF ISLANDS

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

March 3, 2025

PROPERTY OWNERS (ADJACENT TO OR WITHIN 300 FT)

Notice of Intent to Issue Conditional Use Permit PLCUP20250012

Please be advised that Islamorada, Village of Islands Staff has reviewed an application submitted by Ty Harris for Conditional Use Permit Approval for amending operating conditions only. The proposed project is located at 73501 Overseas Highway on Lower Matecumbe Key having real estate number 00388620-000000.

Pursuant to provisions contained in Chapter 30, Article IV of the Islamorada, Village of Islands Code of Ordinances (Code), this letter shall serve as the Notice of Intent to issue Conditional Use Permit Approval, subject to the following Conditions:

Conditions:

- 1 This minor conditional use is for restaurant seating. The total gross floor area inside will be limited to 2,456 square feet. The outdoor seating is limited to the veranda with 682 square feet and a maximum occupancy of 42 seats as shown on the site plan attached.
- 2 All parking shall remain on site and under no circumstances shall there be parking within the right of way for U.S. 1
- 3 There shall be maximum of twelve (12) special events and/or parties hosted at and/or operated by the Safari Lounge per calendar year.
- 4 Daily the Applicant will be responsible for maintaining a trash free environment on the veranda.
- 5 The Village reserves the right to rescind in whole or part any aspect of this Minor Conditional Use in the event violation of these conditions occurs.
- 6 Except as otherwise provided herein, applicant/owner agrees to comply in all respects with any applicable Federal, State, or local rules and regulations.
- 7 Based on the shared parking analysis provided to the Village, all parking shall remain on site. In the event that issues arise, the Village Council reserves the right to require additional on-site parking or other reasonable solution after a public hearing process.
- 8 All lighting shall comply in all respects with Village requirements including Chapter 30, Article VII, Division 3 (Sea Turtle Nesting Protection)

A copy of the Conditional Use Permit application may be reviewed at Village Hall, Islamorada Professional Center, 86800 Overseas Highway, Islamorada Village of Islands, Florida, between the hours of 8:00 A.M. and 5:00 P.M.

Pursuant to the Code, the applicant or adjacent property owners may request that a public hearing be held regarding the intent to approve. Requests must be made by to the Director of Planning and received within thirty (30) days of the date of this notice at the sole cost of the person requesting the public hearing. If a public hearing is requested, the Village shall schedule a public hearing of the Village Council. The hearing shall be conducted in accordance with Division 3 of Article IV of Chapter 30 of the Village Code. If no public hearing is requested within thirty (30) days of this notice, the Director of Planning shall issue a Notice of Approval.

Sincerely,

Emily Hernandez

Emily Hernandez
Planner
86800 Overseas Highway, Islamorada, FL 33036
305-664-6424
emily.hernandez@islamorada.fl.us