

After recording return to:
Brad Stein, AICP
Planning Dept.
Islamorada, Village of Islands
86800 Overseas Hwy
Islamorada FL 33036

RESOLUTION NO. 18-01-04

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY RTG ISLAMORADA RETAIL VENTURES, LLC FOR A 2APS ALCOHOLIC BEVERAGE USE PERMIT FOR TO ALLOW BEER AND WINE, PACKAGE SALES FOR A PROPOSED WALGREENS ON PROPERTY LOCATED AT 81981 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY, WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, RTG Islamorada Retail Ventures, LLC (the "Owner/Applicant") has applied for a 2APS Alcoholic Beverage Use Permit to allow package sales of beer and wine and for off premises consumption (the "Proposed Use"); and

WHEREAS, the Proposed Use is within the Village Commercial (VC) zoning district on property located at 81981 Overseas Highway on Upper Matecumbe Key, with Parcel Identification Number 00400120-000000 and as legally described in Exhibit "A" (the "Property") within Islamorada, Village of Islands, Florida (the "Village"); and

WHEREAS, on July 18, 2017, the Village Development Review Committee (the "DRC") reviewed the request and voted 4-0 to recommend approval to the Director of Planning (the "Director"); and

WHEREAS, on January 18, 2018, pursuant to the applicable provisions of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village"), the Village Council of Islamorada, Village of Islands (the "Council") held a duly noticed public hearing (the "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 January 18, 2018.
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 with regard to its location, site characteristics and intended purpose;
 - c. The Proposed Use complies with Chapter 30, Article IV, Division 5 of the Code (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 her written recommendation dated January 18, 2018 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; and

3. The Application for an Alcoholic Beverage Use Permit is hereby **GRANTED**.

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 Vice Mayor Deb Gillis, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Chris Sante	YES
Vice-Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED THIS 18TH DAY OF JANUARY, 2018.



CHRIS SANTE, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 19 day of January, 2018.



Kelly Toth, Village Clerk

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Applicant, via U.S. certified mail, return receipt requested, addressed to Robert T. Gunby of RTG Islamorada Retail Ventures, LLC., 8235 Douglas Ave, Suite 350, Dallas Texas, 75225 this 19 day of Jan, 2018.

Kelly S Toth
Kelly Toth Village Clerk

EXHIBIT "A"

Legal Description of Property

Lots 6, 7 & 8, Stratton's Subdivision according to the Plat thereof, as recorded in Plat Book 2, at Page 38, of the Public Records of Monroe County, Florida.