

After recording return to:  
Hank Flores, Sr. Planner  
Planning Department  
Islamorada, Village of Islands  
86800 Overseas Hwy  
Islamorada FL 33036

**RESOLUTION NO. 19-07-50**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF SUNSET VENTURES, LLC., FOR MINOR CONDITIONAL USE APPROVAL TO ALLOW FOR DEVELOPMENT OF A 24-UNIT AFFORDABLE HOUSING APARTMENT COMPLEX AND THE RENOVATION OF AN EXISTING 30-UNIT HOTEL (SUNSET INN), 2,500 SQUARE FEET OF RESTAURANT SPACE, AND 3,700 SQUARE FEET OF RETAIL SPACE FOR PROPERTY LOCATED AT 82200 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY IN THE VC (VILLAGE CENTER) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00399601-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Sunset Ventures, LLC, (the “Applicant”) has submitted an application for a Minor Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”) to construct a 24-unit Affordable Housing Apartment Complex and the renovation of an existing 30-unit hotel (Sunset Inn), 2,500 square feet of restaurant space, and 3,700 square feet of retail space (the “Request”) on property located at 82200 Overseas Highway, 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”) issued a Notice of Intent to Approve the Request on March 28, 2019; and

**WHEREAS**, on May 30, 2019, the Village Council conducted a duly noticed public hearing regarding the Request. That hearing was continued to the Village Council’s Regular Meeting of July 18, 2019.

**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 Conditional Use **does** meet the requirements set forth in Code Section 30-217 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 (a copy of the site plan is attached as Exhibit “A” and incorporated herein by this reference), for the following described property:

**Lots 9, 10, 11, 14, 15, 16, 17, and 18, Block 5 STRATTON’S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 38, of the Public Records of Monroe County, Florida.**

The approval is subject to the Following Conditions of Approval:

1.     Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall provide and have approved by the Planning and Development Department, a Site Plan for the proposed project meeting all the requirements of Section 30-215(d) of the Islamorada, Village of Islands Code of Ordinances;
2.     Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall provide a revised Traffic Report addressing the issues delineated in the review letter provided by Kittleson & Associates dated July 15, 2019;
3.     Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall coordinate with the Florida Department of Transportation (FDOT) on any proposed improvements to the southern access of the subject property with Overseas Highway;
4.     Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall provide a Stormwater Plan for the proposed project and have it approved by the responsible agency;

5. Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall provide a Wastewater Management Plan for the proposed project and have approved it by the responsible agency;
6. The Central Wastewater system is not designed for the additional 24 EDU in that area. The applicant, their successors or assigns, shall be responsible for all costs to upgrade Village infrastructure, including construction and engineering, to accommodate the additional flow. Each residence will be assessed One (1) Equivalent Dwelling Unit (EDU). Assessment must be paid prior to the issuance of any Certificates of Occupancy (C.O.). The current cost of each EDU is \$6,392.00 ( $\$6,392.00 \times 24 \text{ EDU} = \$153,408.00$ ) and subject to change;
7. An approved and fully executed Affordable Housing Agreement, pursuant to Code Section 30-638(b)(7), shall be required prior to issuance of any building permits;
8. The Applicant shall obtain 24 affordable dwelling units from the Building Permit Allocation System (BPAS) or through a transfer of development rights (TDRs) prior to the issuance of any building permits;
9. Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall provide a revised Landscaping Plan for the proposed project and have approved it by the responsible agency;
10. Seventy-nine (79) canopy trees are required for mitigation. Of these trees, seven (7) shall be a species listed as Endangered and ten (10) shall be a species listed as Endangered, Threatened, or Regionally Important;
11. Replacement plants shall be of the following minimum sizes: Canopy trees shall have a minimum of three (3) inches DBH or eight (8) feet in height. Understory trees shall be a minimum of six (6) feet in height. Shrubs shall be a minimum of three (3) feet in height. No one species of tree shall exceed fifty (50%) percent of the minimum number of trees required per category (e.g., canopy, understory, and shrub). Seventy-five percent (75%) of the plant material used to satisfy landscaping requirements shall be native species;
12. No one species of vegetation (canopy, understory and / or shrub) shall exceed 50% of the minimum number of trees required per category (e.g., canopy, understory and shrub);
13. All transplantation and restoration shall be completed prior to the Issuance of a Certificate of Occupancy (C.O.) for the site, or, where a C.O. is not applicable, within the timeframe outlined in the transplantation plan. [Ref. Code Section 30-1615(b)(4)h];
14. Prior to the issuance of any Building Permits, the applicant, their successors or assigns, shall provide a bond with the Director of Planning and Development Services in the amount of ten percent (10%) of the value of the plant material located within the Class "D" Bufferyards. The bond shall be returned to the owner upon the Director's determination that the plant material has survived one (1) year from the date of final inspection;
15. Final Biological Inspection Required;
16. All vegetation placed within the right-of-way shall be placed within five (5) feet of the property line and a minimum of five (5) feet from edge of pavement. If the distance from the property line to the edge of pavement is five (5) feet or less than NO vegetation shall be permitted in the right-of-way;
17. Any installation of landscape material within Village right-of-way shall require the approval of a Right-of-Way Use application by the Public Works Department;
18. All shade trees installed within six (6) feet of public infrastructure shall utilize a root barrier system, as approved by the Village Operations Director;
19. The site plan shall be amended to indicate Fire Department access from Madeira Road. Said access may be gated and secured with a knox lock;

20. All vegetation placed within the right-of-way shall be breakaway, with mature trunk diameters of four (4) inches or less measured six inches above the ground. In general, vegetation within the right-of-way shall be placed within five (5) feet of the property line, unless expressly permitted by the village;
21. Hydrant required, to be located by AHJ;
22. Fire Sprinkler system required;
23. Fire Alarm system required; and,
24. Aldridge Bengé Signage is required where applicable.

### **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. Conflicting Provisions.** In the event the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the LDRs are in conflict, the more restrictive shall apply.

**Section 5. Violation of Conditions.** The Owners/Applicant understand and acknowledge that he or she must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she may commence construction or operation of any use authorized herein. In accordance with Code Section 30-224, this approval may be revoked by the Village Council upon a determination that the Owners/Applicant or 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 6.**     **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.

**Section 7.**     **Term.** This Development Order shall become null and void, with no further notice required by the Village, unless a complete building permit application for site preparation and building construction is submitted to the Village Building Official within the time frame specified in the LDRs. Commencement of development shall occur within three (3) years of the date of this Development Order unless a time extension is granted by the Director or the Village Council, pursuant to Code Section 30-225. If the Development Order is appealed under the LDRs or by the DEO, the above time limits shall be tolled until the appeals are resolved.

The foregoing Resolution was offered by Councilwoman Cheryl Meads, who moved for its adoption. This motion was seconded by Councilman Jim Mooney, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION**

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

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

**PASSED AND ADOPTED THIS 18<sup>TH</sup> DAY OF JULY, 2019.**



DEB GILLIS, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

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



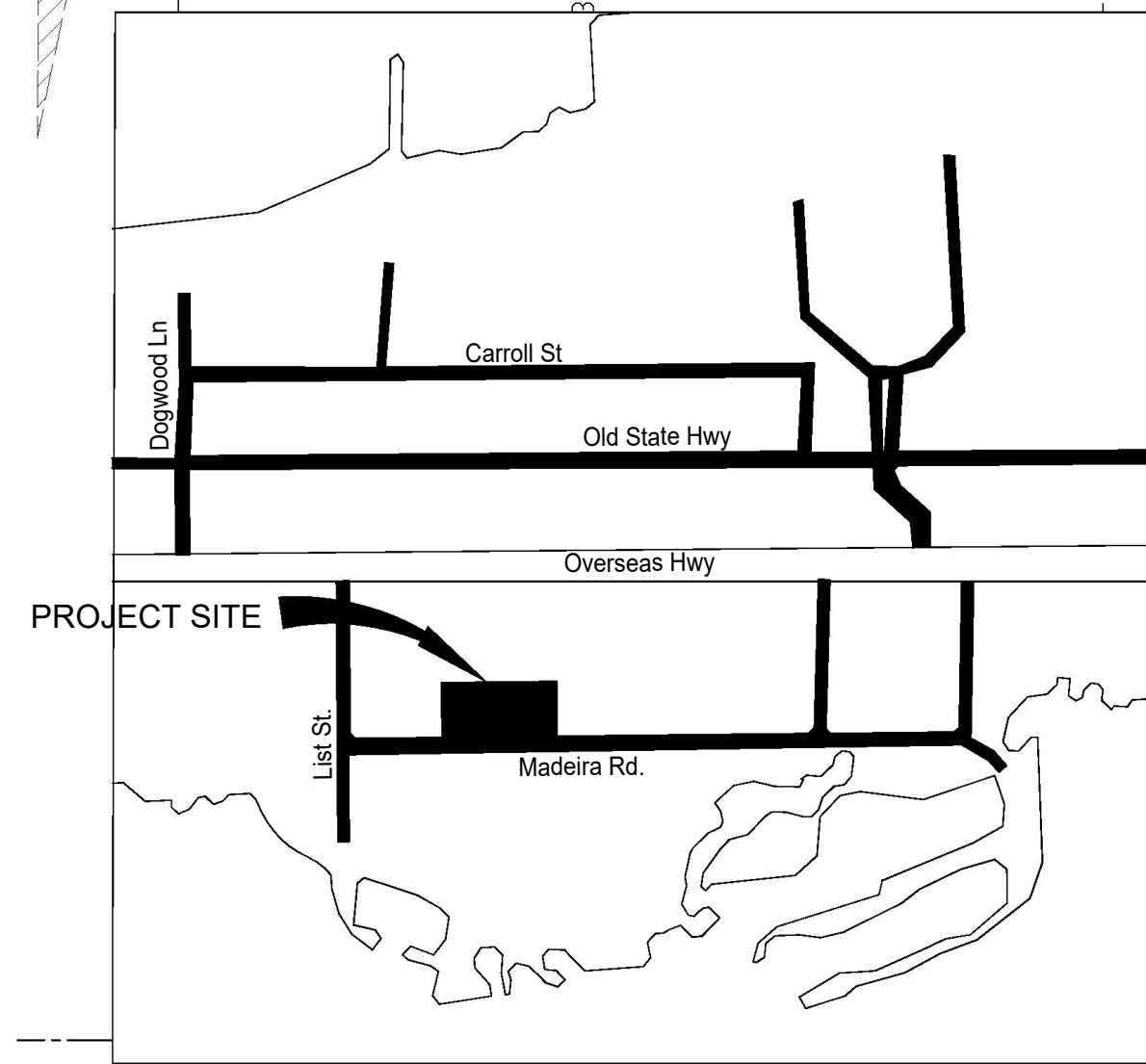
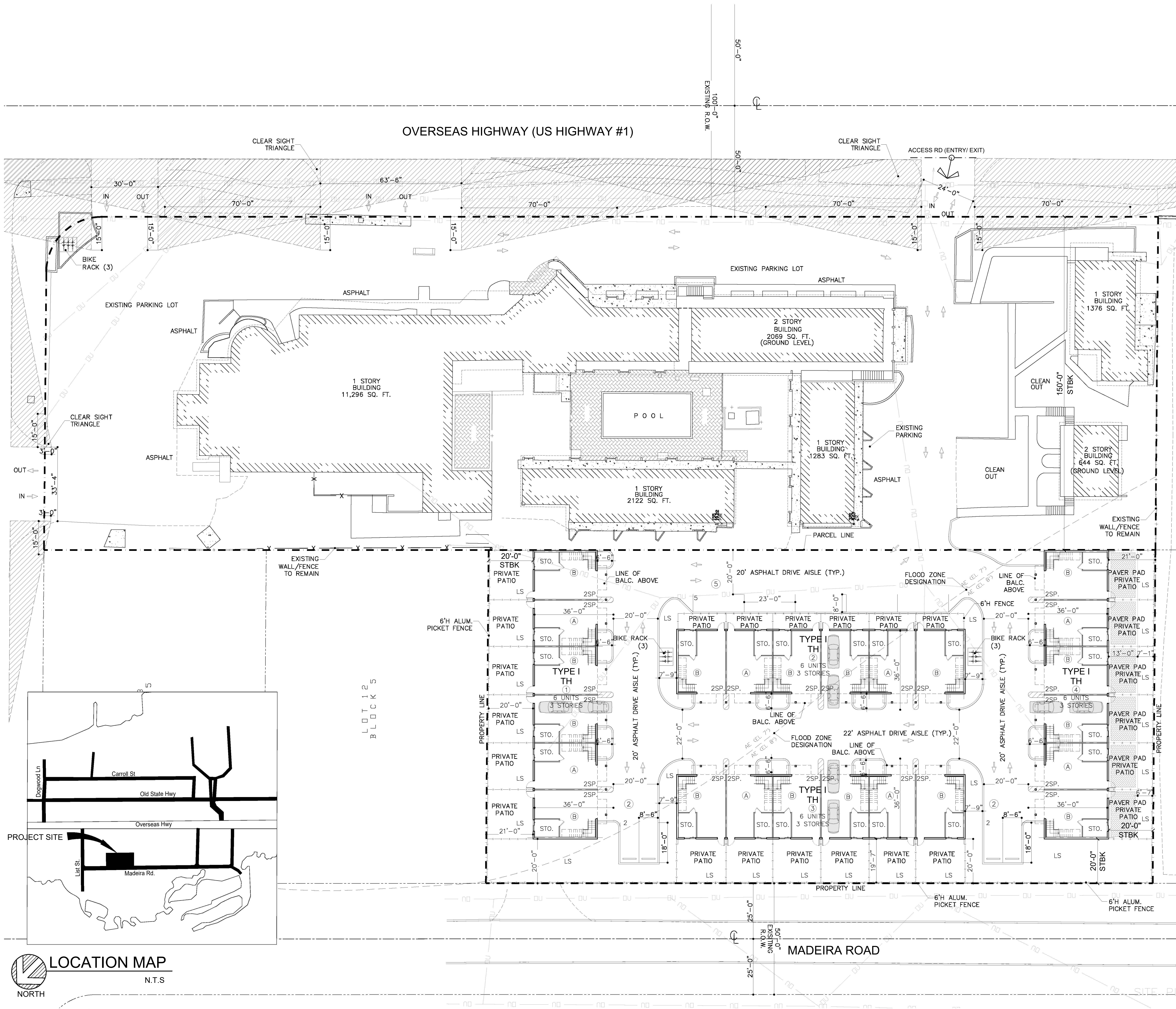
ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 23 day of July, 2019.



KELLY TOTH, VILLAGE CLERK





SITE INFORMATION		
Jurisdiction:	Islamorada Village of Islands, FL.	
Land Use:	Residential	
Existing Zoning District:	Village Center (VC)	
Re-Zoning:	N/A	
Gross Site Area:	2.754 ac	120,000 sf
Site Area:	1.033 ac	45,005 sf
Density:	Max. Allowed 15 DU/AC (41 units)	Proposed 9 DU/AC (24 units)

REGULATORY GUIDELINES		
Building Setbacks	Allowed	Provided
Front (Overseas Highway)	15'	150'-0"
Front (Madeira rd)	15'	20'-0"
Side Yard (Left)	5'	20'-0"
Side Yard (Right)	5'	20'-0"

Building Height	Allowed	Provided
As measured from grade to top of ridge	35'	35' (2 Stories Residential + Garage Condition)
Building Length	N/A	129'-10"

Site Calculations	Required Min.	Provided
Pervious Area	N/A	21 % (9,438 sf)
Impervious Area (Includes VUA)	N/A	46 % (20,582 sf)
Bldg Footprint Coverage	N/A	33 % (14,985 sf)

Open Space	Allowed Min	Provided
	20%	32 % (14,508 sf)

3 BD	24 units	1,309-1,349 sf
Totals	24 units	1,336 avg sf/du

Gross Floor Area (GFA): (Includes Resi.)	N/A	53,647 sf
Floor Area Ratio (FAR): (Excludes Resi.)	0.35	0.18

Unit Mix				
Unit Designation	Unit Area	Units Per Bldg.	% of Total	Leasable Area (NRSF)
3BD				
TH-A	1,309 sf	2	33%	2,618 sf
TH-B	1,349 sf	4	67%	5,396 sf
Sub-Total		6 units	100%	8,014 sf
# of Unit/Bldg		6 units		
# of Bldgs		4 bldgs		
# Units Total		24 units	100%	32,056 sf
				1,336 avg sf/du

Off-street Parking		
Residential (2sp per DU)	# of units or sf	# of spaces
Dwelling unit	24 units	48 sp
Hotel (1sp per Room)		
Rooms	30 units	30 sp
Retail (3 sp per 1,000 gfa)		
Square feet	3,700 sf	11 sp
Restaurant (15 sp per 1,000 gfa)		
Square feet	2,500 sf	38 sp
Bike Credit		
1 sp/3 Bicycles (6 Provided)		-2 sp
Total		125 sp

Under Unit SP.	48 sp
Surface SP.	9 sp
Hotel (Existing) SP.	69 sp
Total	126 sp

Note: Min provided ADA spaces meet ADA Standards for Accessible Design 4.1.2 (5)



**SITE PLAN**

SCALE: 1"=20'-0"

DRAWN  
DATE  
SCALE  
JOB NO.  
SHEET TITLE:

03/23/2018  
AS SHOWN  
1835  
SITE PLAN

SHEET NUMBER:

SP-1

INITIAL SITE PLAN  
SUBMITTAL 08/17/2018

SITE PLAN  
RESUBMITTAL 11/29/2018

SITE PLAN RESUBMITTAL #2  
06/19/2019

BY

ISLAMORADA  
APARTMENTS

FOR:  
INTEGRA INVESTMENTS

LOCATED AT:  
ISLAMORADA, FLORIDA

MSA ARCHITECTS, INC.  
AAC000895

8950 SW 74th COURT  
SUITE 150 FORT LAUDERDALE, FL 333156  
(305) 273-9911

**MSA ARCHITECTS**  
ARCHITECTURE & PLANNING

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ARCHITECT'S BUILDING CODE STATEMENT: TO THE BEST OF THE ARCHITECT'S KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE FLORIDA BUILDING CODE SIXTH EDITION (2017) AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY AND CHAPTER 633 FLORIDA STATUTES.

SHEET NUMBER: SP-1