



Islamorada, Village of Islands

SPECIAL CALL VILLAGE COUNCIL LAND USE MEETING

May 18, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

Mayor Joseph B. Pinder III called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

Brett Ekblom led the pledge and Mayor started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Council Member Elizabeth Jolin moved to remove the Quasi-judicial hearing in hopes of having a more in-depth conversation about the impending end of the BPAS program. The motion died for lack of a second.

Council Member Henry Rosenthal added discussions about the Fills and the Palms traffic concerns.

Vice Mayor Sharon Mahoney added discussions about committees, surveys, and the wastewater situation.

IV. PUBLIC COMMENT

(This is general public comment. It provides an opportunity for the public to speak about matters not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)

Van Cadenhead, Joe Wischmeier, Alina Davis, Richard Black, and Angel Borden provided public comment.

V. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion regarding Transfer of Development Rights (TDRs) for residential dwelling units (Councilmember Gregg) - **TAB 10**

Council Member Mark Gregg noted that a Councilmember is permitted by our Code to propose an ordinance. He requested approval from the Council for him to work with the attorney and planning department to craft a Transfer of

Development Rights ordinance.

The majority of the Council preferred this ordinance to come from Planning as part of the overall code revision process.

- B. Discussion regarding Art in Public Places (Councilmember Gregg) -
TAB 11**

Council Member Mark Gregg proposed an art in public places process. Attorney John Quick noted Weiss Serota had created public art ordinances for other municipalities. He indicated he could bring a proposed ordinance for Council's consideration.

- C. Discussion regarding Achievable Housing Citizens' Advisory Committee
(Councilmember Gregg)**

Council Member Mark Gregg proposed changing the name of the Achievable Housing Committee, noting the most pressing issues were affordable and workforce housing, and proposed the updated name as Workforce and Affordable Housing. The Council was amenable to the request and Attorney John Quick noted he would craft a resolution for consideration at a future meeting.

- D. ADDED AT THE DAIS DURING AGENDA ADDITIONS AND
DELETIONS - Council Member Rosenthal added Discussion on the
Fills**

Council Member Rosenthal thanked those who attended the recent Fills workshop.

- E. ADDED AT THE DAIS DURING AGENDA ADDITIONS AND
DELETIONS - Council Member Rosenthal added Discussion on Traffic
Concerns at the Palms**

Council Member Henry Rosenthal asked Village Manager Ted Yates to report on the traffic concerns expressed by residents and guests of the Palms. Mr. Yates noted he spoke to representatives of FDOT's Right of Way Division and the manager of Lazy Days Restaurant. He spoke with the Traffic Services Program Engineer and provided him with a copy of the site plan. He reported that he was waiting for a response from FDOT.

- F. ADDED AT THE DAIS DURING AGENDA ADDITIONS AND
DELETIONS - Vice Mayor Sharon Mahoney added Discussion about
Committees**

Vice Mayor Sharon Mahoney encouraged residents to apply for Citizens Advisory Committees and reminded them current committee members would also need to reapply if they were interested in continuing to serve on their committee.

- G. ADDED AT THE DAIS DURING AGENDA ADDITIONS AND
DELETIONS - Vice Mayor Sharon Mahoney added Discussion about
surveys**

Mayor Sharon Mahoney reported that she was pleased with the level of participation on the recent Fills survey. She asked Council if they were amenable

to entering into a one year contract with Islamorada Social creator Carlos G.to create more community surveys.

Attorney John Quick noted that if the proposed contract was within the administrative budget amount that Village Manager Ted Yates could enter into the contract on the Village's behalf, otherwise it would have to come to Council for approval. Mr. Yates indicated he would talk to Carlos to determine the scope of the project and create an agreement.

H. ADDED AT THE DAIS DURING AGENDA ADDITIONS AND DELETIONS - Vice Mayor Sharon Mahoney added Discussion about recent wastewater expenses.

Vice Mayor Sharon Mahoney expressed interest in having an external audit done on the Village's wastewater repair processes. She cited large wastewater repair and replacement expenditures in the past couple of years.

Village Manager Ted Yates indicated he had begun researching external sources and noted that there were two components to be audited - financial and physical work completed. Vice Mayor Mahoney asked Mr. Yates if he would step back and allow the audit process to be led by our attorney. Mr. Yates noted he had collected physical copies of the invoice records but was happy to turn over the process to Attorney John Quick. Mr. Quick indicated that other Wiess Serota staff had worked with Marcum Auditing Services in the past and he could reach out Marcum representatives,

Mayor Joseph B. Pinder III opened public comment at Council Member Henry Rosenthal's request.

Sue Miller, Van Cadehead, and Angel Borden provided public comment.

Council Member Henry Rosenthal made a motion to put the external wastewater audit out to bid. Council Member Elizabeth Jolin seconded for discussion purposes. Concern was raised by Council as to the extended time frame that going out to bid would add to the timeliness of the audit work to be performed.

ACTION:	Motion to send the external wastewater audit out to RFP item V.H. by Henry Rosenthal second by Elizabeth Jolin; Motion failed with a 1:4
AYES:	Henry Rosenthal
NAYS:	Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III
ABSTAIN:	None

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Policy Discussion on use of Moratoriums

Attorney John Quick noted the potential use of moratoria is an overall policy

decision that needs to be approved by the Council. Implementing a moratorium gives a program an opportunity to pause while staff brings options forward. An ordinance with two readings by the Council and consideration by the LPA would be required to move forward with a moratorium. He indicated that the Village had used moratoria in the past.

There was also an option the Council could consider called Zoning in Progress in which the department is still accepting applications but they are not being considered or heard until a moratorium is called. It was noted that a Zoning in Progress action was able to be implemented through a resolution rather than the more time consuming ordinance process.

Director of Development Services Daniel J. Gulizio noted the Planning Department had been considering the impacts of various moratoria options including new BPAS applications, lot dedications, TDRs, and Administrative Relief. He further noted the department would be happy to engage public input and host workshops.

Mayor Pinder opened public comment at 7:19 pm

Don Horton, Ty Harris, Joe Wischmeier, Deb Gillis, and Angel Borden shared their thoughts.

VII. QUASI-JUDICIAL

Mayor Joseph B. Pinder III recessed the meeting for a short break at 9:02 pm.

- A.** Major Conditional Use Permit - Morada Cove - **TAB 9** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF MORADA COVE PARTNERS LLC FOR MAJOR CONDITIONAL USE APPROVAL FOR THE REDEVELOPMENT AND EXPANSION OF EXISTING BAR, RESTAURANT, HOTEL AND MARINA FOR PROPERTY LOCATED AT 85500 OVERSEAS HIGHWAY ON WINDLEY KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00093830-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING AN EFFECTIVE DATE.

Ex-parte communications were disclosed:

Council Member Mark Gregg had spoken to Ty Harris, Brett Ekblom, Cheryl Culbertson, members of the Village staff, had received a letter from Loretta Lawrence, and was shown a video of a helicopter landing on the property.

Vice Mayor Sharon Mahoney had also seen the helicopter video, and spoke to Ty Harris, Brett Ekblom, Cheryl Culbertson, Kimberly and Village staff.

Council Member Henry Rosenthal spoke to the applicant.

Council Member Elizabeth Jolin received emails from Sue Miller, Cheryl Culberson, and Loretta Lawrence.

Mayor Joseph B. Pinder III noted he had spoken to Dave, Don, Ty Harris, Brett Ekblom, received an email from Loretta, and had reminiscences with other community members.

Planning Director Jennifer DeBoisbriand introduced noting the property was currently a hotel, marina, and bar. They received a minor conditional use last year for restaurant approval. However, wanting a larger restaurant triggered the major conditional use requirement. She noted the department recommends the request be approved with the thirteen conditions listed in the council communication.

Ty Harris, representing the applicant, reiterated that a major conditional use was only now required because of the increased size of the restaurant due to outdoor square footage being included in the full footage.

Concerns were raised about loud music, light pollution, helicopter landings, and vehicular traffic and parking issues.

Village Attorney John Quick noted that testimony can only be in person for quasi-judicial hearings. No Zoom testimony was taken.

Van Cadenhead and Don Horton spoke in support of the project.

Sue Miller spoke in opposition.

ACTION:	Motion to approve item VII. by Mark Gregg second by Joseph B. Pinder III; Motion passed with a 4:1
AYES:	Mark Gregg, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	Elizabeth Jolin
ABSTAIN:	None

VIII. ORDINANCES

Meeting reconvened at 9:25 p.m.

A. Chapter 30, Article VI, Division 11 - Alcoholic Beverage Use Permits - TAB 1

Mayor Joseph B. Pinder III opened public comment.

Speakers included Van Cadenhead, Joe Wischmeier, Sue Miller, Robert Moser, and Angel Borden.

There being no one else wishing to speak, Mayor Pinder closed public comment at 9:51 p.m.

ACTION:	Motion to approve item VIII.A. by Elizabeth Jolin second by Mark Gregg; Motion passed with a 5:0
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AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS: None
ABSTAIN: None

B. Chapter 30, Article II - Definition of Lot Area - TAB 2

Mayor Joseph B. Pinder III opened public comment.

Speakers included Ty Harris, Sue Miller, and Van Cadenhead.

There being no one else wishing to speak, Mayor Pinder closed public comment.

Council Member Mark Gregg made a motion to extend the meeting until 10:30 p.m.

ACTION: Motion to approve item VIII.B. by Elizabeth Jolin second by Henry Rosenthal;
Motion failed with a 2:3

AYES: Elizabeth Jolin, Henry Rosenthal
NAYS: Mark Gregg, Sharon Mahoney, Joseph B. Pinder III
ABSTAIN: None

C. Lot Area Variance Code Amendment - TAB 3

Mayor Joseph B. Pinder III opened public comment.

Speakers included Sue Miller and Van Cadenhead.

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.C. by Mark Gregg second by Sharon Mahoney;
Motion passed with a 4:1

AYES: Mark Gregg, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS: Elizabeth Jolin
ABSTAIN: None

D. Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - TAB 4

Mayor Joseph B. Pinder III opened public comment.

Speakers included Ty Harris and Sue Miller.

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.D. by Mark Gregg second by Elizabeth Jolin;

Motion passed with a 4:1
AYES: Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III
NAYS: Henry Rosenthal
ABSTAIN: None

- E. Amendment of Village Code to Modify Chapter 30 (Land Development Regulations) Division 9 related to Outdoor Seating Areas - **TAB 5**

Council Member Mark Gregg moved to extend the meeting until 11 pm.

Mayor Joseph B. Pinder III opened public comment.

Speakers included Deb Gillis, Sue Miller, and Mike Wolverston.

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.E. by Elizabeth Jolin second by Mark Gregg;
Motion passed with a 5:0
AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS: None
ABSTAIN: None

- F. Amendment to Tourist Commercial (TC) District to Incorporate Boat Dealerships as a Major Conditional Use - **TAB 6**

Mayor Joseph B. Pinder III opened public comment.

Robert Moser provided public comment.

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.F. by Mark Gregg second by Henry Rosenthal;
Motion passed with a 4:1
AYES: Mark Gregg, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS: Elizabeth Jolin
ABSTAIN: None

- G. Amendment of the Village Code to Standardize Notice Provisions for the Development Review Process - **TAB 7**

Mayor Joseph B. Pinder III opened public comment.

Deb Gillis provided public comment.

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.G. by Elizabeth Jolin second by Sharon Mahoney;

Motion passed with a 4:1

AYES: Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III

NAYS: Mark Gregg

ABSTAIN: None

IX. ADJOURNMENT

Council Member Henry Rosenthal moved to adjourn the meeting at 10:50 pm.

Marne McGrath

Marne McGrath, Village Clerk