



Islamorada, Village of Islands

LAND USE VILLAGE COUNCIL MEETING

March 14, 2024 - 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 05:34PM

PRESENT: Vice Mayor Sharon Mahoney, Council Member Henry Rosenthal,
Council Member Mark Gregg, Mayor Joseph B. Pinder III

ABSENT:

II. PLEDGE OF ALLEGIANCE

Van Cadenhead led the Pledge of Allegiance and Mayor Pinder started the meeting with a brief prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Sharon Mahoney asked for the quasi-judicial hearings in Tabs E - H to be continued until Council Member Jolin can attend in person as Council's remote attendance policy does not allow a member to vote in a quasi-judicial hearing via Zoom.

Council Member Mark Gregg also asked for clarification that the applicant does not have to bear any costs for the re-advertising requirements.

ACTION: Motion to Approve moving Tabs E - H to April 9, 2024 at 5:30 pm at the Community Center in Founders Park item III. by Sharon Mahoney second by Henry Rosenthal;
Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Local Planning Agency Report - Deb Gillis, Chair - **TAB A**

Chair Deb Gillis summarized the recommendations made at the January and March LPA meetings.

V. 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.)

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Joe Wischmeier

Van Cadenhead

Deb Gillis

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

VI. MAYOR / COUNCIL COMMUNICATIONS

Council Member Mark Gregg noted the annual LPA appointments would be coming up in May.

Interim Village Attorney John Quick indicated he would work with Village Manager Cole to determine the best practice to stagger the terms as required by Ordinance 23-05, which was adopted on April 11, 2023. He also noted that appointments were now made by consent of the Council rather than by individual Council Members.

The Council thanked Interim Village Manager Kimberly Matthews for her service over the past few months.

Village Manager Rob Cole thanked Monroe County for supporting the Village through the search process.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Manager Rob Cole indicated he was looking forward to collecting information from the staff and the community.

VIII. RESOLUTIONS

- A.** 4th Quarter 2023 Affordable Building Permit Allocation Award - **TAB B** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Planning Director Jennifer DeBoisbriand introduced the 4th quarter of 2023 BPAS Affordable Residential allocations.

Council Member Mark Gregg noted he would be abstaining from the vote as the property in question belongs to him.

Council Member Gregg summarized his request, noting it has two kitchens, two

bathrooms, and two living rooms and meets the definition of a duplex. The property was determined to be fronting US-1.

Discussion ensued as to what constitutes "fronting US-1." Interim Village Attorney John Quick noted the terminology in the Code is "frontage", which is open to interpretation by the Planning Director. Attorney Quick suggested consideration of a code change or cleanup to define the word 'fronting' where there was an unbuildable strip between the Old Road and US-1.

ACTION: Motion to approve to continue this item until the code clarifies the term "fronting." item VIII.A. by Elizabeth Jolin second by Sharon Mahoney;
Motion passed with a 4:0 vote

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

NAYS: None

ABSTAIN: Mark Gregg

IX. ORDINANCES

- A. Amending Chapter 30 Land Development Regulations Article IV Administrative Procedures - **First Reading - TAB C** (John Quick, Interim Village Attorney, Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE IV "ADMINISTRATIVE PROCEDURES", DIVISION 2 "DEVELOPMENT REVIEW PROCESS", SECTION 30-212 OF THE VILLAGE CODE TO CREATE A REVIEW FOR THE IMPOSITION OF CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick suggested having an appeal process to the Council which would create an additional step for any property owner suing the Village in a Takings case. It was noted the Council might like to add "if you don't go through this process you are conceding to the condition."

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead

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

ACTION: Motion to approve the ordinance on first reading item IX.A. by Mark Gregg second by Sharon Mahoney;

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

X. QUASI-JUDICIAL

- A.** Administrative Appeal - 222 Biscayne Blvd - **TAB D** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL FILED BY JOANNE M. PEREIRA, ESQ. (AGENT) ON BEHALF OF FREDERICK SCHMID AND DARCY PARKER (APPELLANT'S), RELATING TO THE DIRECTOR OF PLANNING'S NOTICE OF INTENT TO DENY AN ADMINISTRATIVE VARIANCE FOR AN AFTER-THE-FACT TIKI HUT CONSTRUCTED WITHIN THE REQUIRED 10' (TEN FOOT) SETBACK FROM MEAN HIGH WATER LINE (MHWL), FOR PROPERTY LOCATED AT 222 BISCAYNE BLVD, HAVING REAL ESTATE NUMBER 00394489-008400, ON LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning Director Jennifer DeBoisbriand noted this item pertained to an already constructed tiki hut in the 10' setback and was continued from last year to this date. However, due to staffing limitations, the department asked for 2-3 more months to make a recommendation.

The applicant was permitted to speak on the continuance motion and asked for the magistrate to continue the fines to be open-ended until the matter was finalized.

Interim Village Attorney John Quick noted that public comment was not required on the continuance procedural motion.

- B.** ~~Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use Map of Parcel 00405350-000000~~ – **First Reading** – **TAB E** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA

1; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

The item was continued to April 9, 2024 at 5:30 pm at the Community Center in Founders Park at 87000 Overseas Highway, Islamorada, FL 33036.

- C.** ~~Ordinance Amendment Considering the Request of Windley Cove, LLC to Amend the Zoning Map of Parcel 00405350-000000~~ **First Reading** ~~-~~ **TAB F** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

The item was continued to April 9, 2024 at 5:30 pm at the Community Center in Founders Park at 87000 Overseas Highway, Islamorada, FL 33036.

- D.** ~~Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000~~ **First Reading** ~~-~~ **TAB G** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA 1; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

The item was continued to April 9, 2024 at 5:30 pm at the Community Center in Founders Park at 87000 Overseas Highway, Islamorada, FL 33036.

- E.** ~~Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000~~ **First Reading** ~~-~~ **TAB H** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS,

FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

The item was continued to April 9, 2024 at 5:30 pm at the Community Center in Founders Park at 87000 Overseas Highway, Islamorada, FL 33036.

XI. ADJOURNMENT

Council Member Mark Gregg moved to adjourn the meeting at 7:34 p.m.