



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

August 8, 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 05:46 PM

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

ABSENT:

II. PLEDGE OF ALLEGIANCE

A Firefighter led the Pledge of Allegiance and Mayor Pinder began the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

It was noted that the applicant requested a deferral of Tabs G, H, and I to November 21, 2024.

Council Member Henry Rosenthal wanted to hear the item as the deferral would be after the election.

Council Member Elizabeth Jolin suggested either October or December, so the new Council wouldn't have to make a big decision immediately.

Planning Director Jennifer DeBoisbriand noted that only one tab needs two readings, and the others only one.

Bart Smith spoke on behalf of the applicant and noted the need to address issues with their traffic consultant.

Council Member Henry Rosenthal preferred to hear the item before the election as he would like to discuss it.

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.)

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead
Joe Wischmeier

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

V. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Committee Report LPA - Deb Gillis - Chair TAB A

LPA Chair Deb Gillis provided a report on items the committee considered at their June 10 meeting.

VI. MAYOR / COUNCIL COMMUNICATIONS

Vice Mayor Sharon Mahoney requested Council consider a potential land acquisition of property at MM 76. She noted there was a rezoning request for the property.

There was a consensus of the Council to direct staff to research the options.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

None

VIII. RESOLUTIONS

A. Resolution Approving the Ranking, Recommendation and Agreement for RFP 24-10 Comprehensive Plan Update TAB 16 - CONTINUED FROM AUGUST 7

Planning Director Jennifer DeBoisbriand noted that as the Council wanted to review the proposals, she was looking for direction as to how many firms to interview and to what scope the presentations should be.

It was decided to invite all five vendors to the September 12 Land Use meeting and to begin the meeting at 4:30 p.m.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead
Jerry O'Cathey

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

IX. ORDINANCES

A. An Ordinance Amending SECTION 30-1542 Shoreline Setbacks - First Reading TAB B (Jennifer DeBoisbriand , Planning Director) AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE VII "ENVIRONMENTAL REGULATIONS", DIVISION 2 "DOCKS AND SHORELINE USES",

SECTION 30-1542 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Planning Director Jennifer DeBoisbriand noted that the Council asked for an ordinance amendment to address a recent case of a tiki hut on a dock that requested a variance.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Don Horton

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

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

- B.** Ordinance Establishing a Temporary Moratorium on the Acceptance of New Administrative Relief Applications - **Second Reading TAB C** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW ADMINISTRATIVE RELIEF APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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.

Planning Director Jennifer DeBoisbriand noted this was the second reading to enact a moratorium on administrative relief applications. She stated that the Department of Commerce had 45 days to approve after we render it and then it would become active.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead
Joe Wischmeier

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

ACTION: Motion to Approve item IX.B. by Henry Rosenthal second by Elizabeth Jolin;
Motion Passed with a 5:0 vote
AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS: None
ABSTAIN: None

X. QUASI-JUDICIAL

Mayor Pinder called for a break at 6:50 p.m. and reconvened at 7:02 p.m.

Interim Village Attorney John Quick read the quasi-judicial statement and noted people wishing to speak would be sworn in by the Clerk. All documentation are entered into the record.

- A.** Variance-Side Yard Setback- 92 W Plaza Del Sol **TAB D** (Heidi Harum, Planner, Jennifer DeBoisbriand , Planning Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DAVID L AND LAURIE V WEBB FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-684(E)(4)(B)(2) – SIDE YARD SETBACK, TO ALLOW FOR THE CONSTRUCTION OF A NEW CARGO LIFT WITHIN THE SIDE YARD SETBACK FOR PROPERTY LOCATED AT 92 W PLAZA DEL SOL ON LOWER MATECUMBE KEY, WITHIN THE R1M (RESIDENTIAL SINGLE FAMILY - MASONRY) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00394488-010800, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Council was asked to disclose any ex parte communications:

All Council Members indicated they had no ex parte communications on this item.

Planning Director Jennifer DeBoisbriand introduced the item. Gay Marie Smith stated she was representing the applicant and noted a medical need had arisen necessitating the request.

There was no public testimony in favor or opposition.

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

- B.** An Ordinance Amendment to the Future Land Use Map for Parcel 00404730-000000 - **First Reading TAB E** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, 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.

Interim Village Attorney John Quick noted Tabs E and F are related and requested that the Council consider them together.

Attorney Quick asked Council to disclose any ex parte communications:
Council Member Mark Gregg spoke to Don Horton and asked about the history of ownership and uses
Mayor Joseph B. Pinder III spoke to Don Horton
Council Member Elizabeth Jolin had a text exchange with Don Horton
Vice Mayor Sharon Mahoney and Council Member Henry Rosenthal had none.

Planning Director Jennifer DeBoisbriand introduced the item and summarized the applicant's request. The current use is vacant land and the owner has requested a change to the zoning and the future land use map.

Don Horton was representing the applicant and noted the LPA voted unanimously to recommend that Council approve the request.

There was no public testimony in favor or opposition.

After robust discussion, it was determined to defer the request for up to 180 days and to come back with site-specific zoning at the January Land Use Council Meeting or sooner.

ACTION: Motion to defer 180 days with a request to come back with site-specific zoning item X.B. by Elizabeth Jolin 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

- C. An Ordinance Amendment to the Official Zoning Map for Parcel 00404730-000000 - **First Reading TAB F** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL, TO AMEND THE OFFICIAL ZONING MAP FROM SETTLERS RESIDENTIAL (SR) TO HIGHWAY COMMERCIAL (HC) FOR THE

SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, 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 discussed, and the motion was made to defer the request for 180 days during the previous item.

- D.** An Ordinance Amendment to the Zoning Map for Parcel Numbers 00437590-000000, 00437610-000000 and 00437640-000000 - **First Reading TAB G** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH CREEKSIDE LLC, TO AMEND THE OFFICIAL ZONING MAP FROM VILLAGE CENTER (VC) TO NEIGHBORHOOD COMMERCIAL (NC) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000 AND 00437640-000000, 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.

This item was removed from the agenda.

- E.** Amendment to Major Conditional Use - Islander Resort **TAB H** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE APPROVAL FOR THE EXPANSION OF THE EXISTING HOTEL FOR PROPERTY LOCATED AT 82100 AND 81998 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC) AND SETTLERS RESIDENTIAL (SR) ZONING DISTRICTS, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

This item was removed from the agenda.

- F.** Transfer of Development Rights - Creekside Inn to Islander Resort **TAB I** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR A TRANSFER OF DEVELOPMENT RIGHTS OF FIVE OR MORE HOTEL/MOTEL UNITS FROM THE PROPERTY LOCATED AT 90611, 90655, 90691 AND 90701 OLD HIGHWAY IN TAVERNIER WITH REAL ESTATE

NUMBERS 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000 AS LEGALLY DESCRIBED HEREIN TO PROPERTY LOCATED AT 82100 AND 81998 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

This item was removed from the agenda.

XI. ADJOURNMENT

Council Member Henry Rosenthal made a motion to adjourn the meeting at 7:58 p.m.