



Islamorada, Village of Islands

LAND USE VILLAGE COUNCIL MEETING

December 12, 2024 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

Mayor Sharon Mahoney called the meeting to order at 05:32 PM

PRESENT: Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III, Council Member Don Horton, Council Member Steve Friedman, Council Member Deb Gillis,

ABSENT:

II. PLEDGE OF ALLEGIANCE

Village Clerk Marne McGrath led the Pledge of Allegiance.

III. AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Don Horton asked for an update on the TDR ordinance.

Council Member Steve Friedman added a request for an extended public comment period.

Mayor Sharon Mahoney added a discussion concerning parking at Angler's Reef.

IV. MAYOR / COUNCIL COMMUNICATIONS

Vice Mayor Don Horton asked for an update on the TDR ordinance. Planning Director Jennifer DeBoisbriand noted it was targeted to go to the LPA in February and then to Council in March.

Council Member Steve Friedman requested longer than three minutes for public comment during quasi-judicial testimony and to hold Council Members to a shorter time to speak.

Mayor Sharon Mahoney noted that homeowners at Angler's Reef were concerned about parking at the community and Scott Ofstein, Angler's Reef HOA President, noted there are not enough parking spaces near the community and that residents were amendable to paying a monthly fee if necessary. Mayor Mahoney requested that Village Manager Rob Cole and Planning Director Jennifer DeBoisbriand research options.

V. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion/Request for Guidance Regarding the Administrative Relief Moratorium **TAB A**

Planning Director Jennifer DeBoisbriand requested guidance for the Administrative Relief Moratorium implemented by the last Council. She reported that the Department of Commerce indicated they were leaning towards denying it due to non-compliance with our Comp Plan. She was asking for Council's opinion, noting there were three options: render it as is; withdraw it; or amend it.

The consensus of Council was to leave it be.

VI. 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 Sharon Mahoney opened public comment.

Speakers included:

Ty Harris

Van Cadenhead

Joe Wischmeier

Sue Miller on behalf of the Islamorada Community Alliance

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

VII. MOTIONS

A. Approval of the 2025 Council Meeting Calendar (Marne McGrath, Village Clerk)

Mayor Sharon Mahoney opened the item with public comment.

Joe Wischmeier

Van Cadenhead

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

Due to the conflict with Florida Keys Day on March 13, the March meetings were moved to March 18 and 20.

Due to the conflict with the Florida League of Cities on August 14 - 16, the August meetings were moved to August 5 and 7.

Due to the conflict with Veterans Day, the November 11 meeting was moved to November 10. The November 13 meeting was not moved.

Council Member Steve Freidman noted he had a conflict with the July 8 and 10 meetings, the July meetings were moved to July 15 and 17.

ACTION: Motion to Approve the meeting calendar as amended item VII.A. by Deb Gillis second by Steve Friedman;

Motion Passed with a 5:0 vote

AYES: Sharon Mahoney, Joseph B. Pinder III, Don Horton, Steve Friedman, Deb Gillis

NAYS: None

ABSTAIN: None

VIII. ORDINANCES

- A.** Extending the Moratorium on Building Permit Allocations (BPAS) **TAB B** (John Quick, Interim Village Attorney)
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED PURSUANT TO ORDINANCE NO. 23-10 RELATING TO THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT LAND DEDICATIONS); 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.

Interim Village Attorney John Quick noted this was the first reading of an ordinance to extend the moratorium for accepting any new market rate BPAS applications. He indicated it would be one year in February, as the moratorium was originally 6 months and extended 6 more months. This would be the second extension.

Mayor Sharon Mahoney opened public comment.

Speakers included:

Van Cadenhead

Joe Wischmeier

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

Council was in consensus to extend the moratorium.

ACTION: Motion to Approve item VIII.A. by Don Horton second by Deb Gillis;

Motion Passed with a 5:0 vote

AYES: Sharon Mahoney, Joseph B. Pinder III, Don Horton, Steve Friedman, Deb Gillis

NAYS: None

ABSTAIN: None

IX. QUASI-JUDICIAL

- A.** Administrative Relief - 33 Flamingo Hammock Rd **TAB C** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAND CONSTRUCTION MANAGEMENT INC FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 33 FLAMINGO HAMMOCK RD, UPPER MATECUMBE, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE

Council was asked to disclose any ex parte communications:

Council Member Deb Gillis noted she had a conversation with Ty Harris
Council Member Joseph B. Pinder III said he briefly spoke with Ty Harris
Council Member Steve Freidman and Mayor Sharon Mahoney had none
Vice Mayor Don Horton recused himself from voting

Planning Director Jennifer DeBoisbriand stated Ty Harris was representing the applicant, noting they had applied for administrative relief. The application was entered on October 24, 2019, and had been considered in four application periods. They were ranked 20th on the BPAS list, therefore the applicant was eligible to apply, which they did in January 2024.

Director DeBoisbriand summarized the remedies offered under Code Section 30-477(f):

At the conclusion of the public hearing, the Village Council may take any or a combination of the following actions:

- (1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.
- (2) Offer to purchase the property at its fair market value.
- (3) Suggest such other relief as may be necessary and appropriate

Ty Harris representing the Jones family asked to incorporate the testimony from the May meeting into the record, when the item was discussed but continued to the December meeting. He noted his clients didn't want to sell, and they would like an allocation.

ACTION: Motion to Approve an allocation of admin relief item IX.A. by Deb Gillis second by Joseph B. Pinder III;

Motion Passed with a 4:0 vote

AYES: Sharon Mahoney, Joseph B. Pinder III, Steve Friedman, Deb Gillis

NAYS: None

ABSTAIN: Don Horton

- B.** Ordinance Amendment Considering the Request of HVS82 Investments LLC to Amend the Future Land Use Map of Parcel 00415840-000000 -**Second Reading TAB D**
(Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF SHARON MAHONEY ON BEHALF OF HVS82 INVESTMENTS LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL CONSERVATION (RC) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBER 00415840-000000, 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.

Mayor Sharon Mahoney passed the gavel to Vice Mayor Horton and recused herself.

Interim Village Attorney John Quick noted the next two items were companion items, and that there can't be one without the other. He noted they would be discussed together and voted on separately.

Council was asked to disclose any ex parte communications:

Council Member Steve Freidman, Council Member Joseph B. Pinder III, and Vice Mayor Don Horton had none.

Council Member Deb Gillis noted she had conversation with the applicant about the property and heard these items when she was on LPA

Planning Director Jennifer DeBoisbriand noted these were ordinances for second reading. She indicated that Florida Commerce did not object or comment.

Vice Mayor Don Horton opened public comment.

Speakers included:

In Support:

Van Cadenhead
Joe Wischmeier
Ty Harris

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

ACTION: Motion to Approve including without the condition (conservation) item IX.B. by Joseph B. Pinder III second by Deb Gillis;
Motion Passed with a 4:0 vote

AYES: Joseph B. Pinder III, Don Horton, Steve Friedman, Deb Gillis

NAYS: None

ABSTAIN: Sharon Mahoney

- C. Ordinance Amendment Considering the Request of HVS82 Investments LLC to Amend the Zoning Map for Parcel 00415840-000000 - **Second Reading TAB E** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF SHARON MAHONEY ON BEHALF OF HVS82 INVESTMENTS LLC, TO AMEND THE OFFICIAL ZONING MAP FROM NATIVE RESIDENTIAL (NR) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBER 00415840-000000, 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.

ACTION: Motion to Approve item IX.C. by Deb Gillis second by Joseph B. Pinder III;
Motion Passed with a 4:0 vote
AYES: Joseph B. Pinder III, Don Horton, Steve Friedman, Deb Gillis
NAYS: None
ABSTAIN: Sharon Mahoney

- D. Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use 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 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 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; 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 that Tabs D - G were being considered together but would be voted on individually.

Council was asked to disclose any ex parte communications:

Council Member Deb Gillis noted she spoke to the applicant when it was before LPA, of which she was a member.

Mayor Sharon Mahoney, Council Member Steve Freidman, and Council Member Joseph B. Pinder III had none.

Vice Mayor Don Horton recused himself.

Planning Director Jennifer DeBoisbriand noted the request was to change the FLUM to mixed use and zoning map to highway commercial. The applicant wanted to request the change to create vacation rentals which cannot be done in the residential zoning area. The applicant proposed the use as single family homes so they would be unable to be used for other commercial uses.

Mayor Mahoney opened testimony.

There were no speakers in favor of the items.

Speakers opposed:

Van Cadenhead

Joe Wischmeier

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

ACTION: Motion to Approve for the FLUM change item IX.D. by Deb Gillis second by Steve Friedman;

Motion Passed with a 4:0 vote

AYES: Sharon Mahoney, Joseph B. Pinder III, Steve Friedman, Deb Gillis

NAYS: None

ABSTAIN: Don Horton

- E. Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Zoning Map of Parcel 00405350-000000 - **First Reading TAB G** (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.

ACTION: Motion to Approve item IX.E. by Deb Gillis second by Steve Friedman;

Motion Passed with a 4:0 vote

AYES: Sharon Mahoney, Joseph B. Pinder III, Steve Friedman, Deb Gillis

NAYS: None

ABSTAIN: Don Horton

- F. Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use 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 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 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; 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.
- ACTION:** Motion to Approve item IX.F. by Deb Gillis second by Steve Friedman;
Motion Passed with a 4:0 vote
- AYES:** Sharon Mahoney, Joseph B. Pinder III, Steve Friedman, Deb Gillis
- NAYS:** None
- ABSTAIN:** Don Horton
- G. Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000 - **First Reading TAB I** (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.
- ACTION:** Motion to Approve item IX.G. by Deb Gillis second by Steve Friedman;
Motion Passed with a 4:0 vote
- AYES:** Sharon Mahoney, Joseph B. Pinder III, Steve Friedman, Deb Gillis
- NAYS:** None
- ABSTAIN:** Don Horton
- H. Ordinance Amendment to the Zoning Map for Parcel Numbers 00437590-000000, 00437610-000000 and 00437640-000000 - **First Reading TAB J** (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.

Interim Village Attorney John Quick noted the next three tabs would be considered together and voted on separately.

Council was asked to disclose any ex parte communications:

Council Member Deb Gillis noted she sat on LPA when they heard the map amendment

Vice Mayor Don Horton indicated he had spoken with Bart Smith

Council Member Joseph B. Pinder III indicated he had spoken with Bart Smith

Mayor Sharon Mahoney and Council Member Steve Freidman had none

Planning Director Jennifer DeBoisbriand noted the request was to take the Creekside hotel units and move them to the Islander, then redevelop the Creekside for employees of the Islander. The Major Conditional Use moves Creekside to Islander. It was noted there were no letters of objection as of the Council communication. The MCU meets all requirements of the site plan approval and a traffic study was done and reviewed by third-party engineer. The TDR transfer was from Creekside to Islander Resort. It was noted that both were compatible and met the requirements of TDR.

Bart Smith, representing the applicant, noted this was the first reading for additional development at the Islander and redeveloping Creekside as affordable housing. Mr. Smith indicated the transfer of 50 units to the Islander and building 15 units at the Creekside as each unit needs 500 sq ft. He reiterated that the development was intended as employee housing. He did note that some of the units may be rented to employed Monroe County residents if there weren't enough Islander employees interested.

Mayor Sharon Mahoney opened public comment

Elizabeth Jolin

Van Cadenhead

Joe Wischmeier

Frank Ortiz

Sue Miller representing Islamorada Community Alliance

Bart Smith noted that 50% of the affordable units will be managers and married couples. He noted they must provide proof that we meet the conditions of the code and that the parts that have been identified have been addressed.

Mayor Mahoney reopened public comment for an additional two minutes.

Speakers included:

Frank Ortiz

Joe Wischmeier

Elizabeth Jolin

Sue Miller

Bart Smith waived a second rebuttal.

Discussion ensued regarding whether the plan benefitted the community.

Interim Village Attorney John Quick noted the Council must base their decision on the confidence of substantial evidence and whether they've met the requirements of the code. It was agreed that they had.

ACTION: Motion to Approve item IX.H. by Deb Gillis second by Don Horton;
Motion Passed with a 3:2 vote

AYES: Joseph B. Pinder III, Don Horton, Deb Gillis

NAYS: Sharon Mahoney, Steve Friedman

ABSTAIN: None

I. Amendment to Major Conditional Use - Islander Resort TAB K

(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.

ACTION: Motion to Approve item IX.I. by Deb Gillis second by Joseph B. Pinder III;

Motion Passed with a 3:2 vote

AYES: Joseph B. Pinder III, Don Horton, Deb Gillis

NAYS: Sharon Mahoney, Steve Friedman

ABSTAIN: None

J. Transfer of Development Rights - Creekside Inn to Islander Resort TAB L (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.**

ACTION: Motion to Approve item IX.J. by Deb Gillis second by Don Horton;
Motion Passed with a 3:2 vote
AYES: Joseph B. Pinder III, Don Horton, Deb Gillis
NAYS: Sharon Mahoney, Steve Friedman
ABSTAIN: None

X. ADJOURNMENT

Moved by Mayor Sharon Mahoney to adjourn the meeting at 9:12 p.m.