



Islamorada, Village of Islands

SPECIAL CALL VILLAGE COUNCIL MEETING

April 11, 2023 - 3:00 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 03:00 PM

II. PLEDGE OF ALLEGIANCE

Don Horton led the Pledge of Allegiance and Mayor Joseph B. Pinder III said a prayer to begin the meeting.

III. AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Sharon Mahoney asked to schedule a workshop/round table discussion about the proposed planning codes for public input.

Village Attorney John Quick noted Tabs 3 and 4 would be moved from Resolutions to Quasi-Judicial Hearings

IV. MAYOR / COUNCIL COMMUNICATIONS

V. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney John Quick indicated he would notify the judge of the intention to pursue the 300 affordable housing allocations as a result of recently passed state legislation.

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.)

Joe Wischmeier, Van Cadenhead, Sue Miller, Deb Gillis, Ty Harris, and Don Horton provided public comment.

VII. QUASI-JUDICIAL

Village Attorney John Quick summarized the Quasi-judicial process.

- A. Final Plat Approval - Sojourn - **TAB 1** (Jennifer DeBoisbriand , Planning Director)

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE**

**REQUEST BY TY HARRIS, PA ("AGENT") ON BEHALF OF
SOJOURN INC ("OWNER") FOR FINAL PLAT APPROVAL FOR
PROPERTY LOCATED IN SUBDIVISION SANDY BEACH, LOWER
MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA, HAVING REAL ESTATE NUMBERS 00394480-000100,
AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING
FOR AN EFFECTIVE DATE**

Village Attorney John Quick read the quasi-judicial statement and asked for Council to disclose ex-parte communications.

Ex parte communications disclosure:

Mayor Joseph B. Pinder III spoke with Ty Harris, Village Manager Ted Yates, and Village Attorney John Quick.

Council Member Mark Gregg was notified the item would be on the agenda by Ty Harris.

Vice Mayor Sharon Mahoney had no ex parte communications.

Council Member Henry Rosenthal spoke briefly to Ty Harris.

Council Member Elizabeth Jolin had no ex parte communications.

Planning Director Jennifer DeBoisbriand introduced the request and summarized the Village's position.

Council Member Mark Gregg expressed concern about this item impacting the remaining BPAS allocations.

Village Attorney John Quick noted that two BPAS allocations were set aside for this case and did not otherwise impact remaining allocations.

Village Manager Ted Yates noted part of the workshop was a discussion about changes to BPAS and the potential for administrative relief.

Ty Harris, representing the applicant, provided an overview of the process for platting lots. Mr. Harris noted that the village and the applicant agreed to plat 6 lots and that this plan did not propose six driveways off US-1, but one in and one out.

Speakers In favor:
Deb Gillis

Speakers opposed:
Van Cadenhead

Planning Director Jennifer DeBoisbriand requested the motion include a condition of performance guarantee.

ACTION: Motion to approve item VII.A. by Mark Gregg second
by Elizabeth Jolin;
Motion passed with a 5:0

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

NAYS: None

ABSTAIN: None

- B. Administrative Variance - Sideyard Setback - 121 Carroll Street - **TAB 2** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PEDRO GREER JR TO ALLOW FOR A REDUCTION IN THE REQUIRED BUFFER YARD FROM THE MINIMUM REQUIRED TWENTY (20) FEET TO TEN (10) FEET FOR PROPOSED ADDITION TO THE EXISTING PRINCIPAL STRUCTURE, AND ALLOW FOR A REDUCTION IN THE REQUIRED BUFFER YARD FROM TWENTY (20) FEET TO FIFTEEN (15) FEET TO ACCOMMODATE PROPOSED ACCESSORY STRUCTURES. THE PROJECT IS LOCATED AT 121 CARROLL STREET ON UPPER MATECUMBE KEY, WITHIN THE SETTLERS RESIDENTIAL (SR) DISTRICT, REAL ESTATE NUMBER 00096150-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney John Quick read the quasi-judicial statement and asked for Council to disclose ex-parte communications.

Ex parte communications disclosure:

None of the Council Members had ex parte communications.

Planning Director Jennifer DeBoisbriand summarized the Village's position and noted staff recommended approval of the request with conditions.

Council Member Mark Gregg noted his reading of the code suggested a residential property next to a commercial property should not bear the responsibility for installing the buffer zone. He contended that staff should not have required and accepted the application. Development Services Director Daniel J. Gulizio agreed that this request was atypical. His interpretation of the code was that a class 3 buffer was required next to a commercial property. Council Member Elizabeth Jolin expressed concern that during consideration of an item was not the appropriate time to re-examine this section of the code.

Speakers in favor:

Don Horton and Sue Miller

Speakers opposed:

None

Council Member Mark Gregg clarified the motion was to recognize the buffer is not required, that a resolution is not necessary, and the applicant can proceed without the necessity of a buffer and we refund the application fees.

- C. Alcohol Beverage Use Permit - Midway Cafe - **TAB 3** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF MIDWAY CAFE ISLAMORADA, INC. FOR A 2COP

ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE ON-PREMISES CONSUMPTION AND PACKAGE, ON PROPERTY LOCATED AT 80499 OVERSEAS HIGHWAY, WITH THE PARCEL IDENTIFICATION NUMBER 00405190-000100 WITHIN THE HC (HIGHWAY COMMERCIAL) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Ex parte communications:

None of the Council had any ex parte communications.

Planning Director Jennifer DeBoisbriand summarized the request, noting the criteria are set forth in the code, and all five requirements were met by the applicant. Staff recommended approval of the request.

The applicant had nothing additional to present.

No one spoke in favor or opposition.

ACTION: Motion to approve item VII.C. by Henry Rosenthal second by Sharon Mahoney;

Motion passed with a 5:0

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

NAYS: None

ABSTAIN: None

- D. Alcohol Beverage Use Permit - Papa Joes - **TAB 4** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PJ ISLAMORADA, LLC FOR A 5COP SRX ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW RESTAURANT SALES, ON PROPERTY LOCATED AT 79786 OVERSEAS HIGHWAY, WITH THE PARCEL IDENTIFICATION NUMBER 00096900-000000 WITHIN THE HC (HIGHWAY COMMERCIAL) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Village Attorney John Quick asked Council to disclose any ex parte communications:

Mayor Joseph B. Pinder III with George and Charlie to look at the new building. Council Member Mark Gregg noted he spoke with Don Horton and the applicant at the same time about whether there was already a liquor license for this establishment.

Planning Director Jennifer DeBoisbriand summarized the request and indicated they did previously have a state license but not a local license, which is why the question is before the Council. Staff recommended approval of the request. It was noted a state liquor license can be placed anywhere but the state laws require an

applicant to obtain local approval.

Don Horton, representing the applicant, noted that, as far as they can determine, the location has been selling liquor since the 1920s and licensed since 1938.

Speaker in favor:
Van Cadenhead

Speakers opposed:
None

Council Member Mark Gregg expressed his disapproval of making the applicants go through the process when this location had been licensed previously. He noted that if records were misplaced, it shouldn't be the applicant's responsibility to bring the business into compliance. Mr. Gregg suggested that businesses that were licensed prior to incorporation should not have to reapply.

Discussion ensued, and Mr. Horton respectfully asked for approval of the request so Papa Joe's could move forward through the state licensing process.

While Mr. Gregg's comments were acknowledged and appreciated, it was pointed out that in this case, the state was the triggering factor in requiring local approval and that Papa Joe's would be unable to obtain a liquor license. Village Attorney John Quick noted the need to provide evidence to the state of being previously licensed either by the county or the business owner and that approving this would satisfy the code language as to the liquor license running with the land moving forward.

ACTION:	Motion to approve item VII.D. by Elizabeth Jolin second by Henry Rosenthal; Motion passed with a 4:0
AYES:	Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	Henry Rosenthal

VIII. RESOLUTIONS

- A.** 1st Quarter 2023 Market Rate Building Permit Allocation System Awards - **TAB 5** (Daniel J. Gulizio, Director of Development Services)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2023; AND PROVIDING AN EFFECTIVE DATE

Council Member Mark Gregg announced his abstention on this item and left the room.

Mayor Joseph B. Pinder III opened public comment.

Alberto Ruiz spoke.

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

Discussion ensued on whether there was a moratorium on accepting applications and land dedications. Village Attorney John Quick noted that the Council could enact a moratorium if it wished.

ACTION:	Motion to approve item VIII.A. by Sharon Mahoney second by Elizabeth Jolin; Motion passed with a 4:0
AYES:	Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	Mark Gregg

- B.** 1st Quarter 2023 Affordable Building Permit Allocation System Awards - **TAB 6** (Daniel J. Gulizio, Director of Development Services)

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 1 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

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

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

- C.** 1st Quarter 2023 Non-Residential Building Permit Allocation System Awards - **TAB 7** (Daniel J. Gulizio, Director of Development Services)

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, APPROVING
NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM
("BPAS") RANKINGS AND AWARDED NONRESIDENTIAL
BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2023;
AND PROVIDING AN EFFECTIVE DATE**

Mayor Joseph B. Pinder III opened public comment.

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

ACTION:	Motion to approve item VIII.C. by Sharon Mahoney 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

IX. ORDINANCES

- A.** Ordinance Concerning Appointments for Village Boards, Commissions, and Committees - **TAB 8**
(John Quick, Interim Village Attorney)

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION"
CREATING A NEW ARTICLE V TO BE ENTITLED "VILLAGE
BOARDS, COMMITTEES AND COMMISSIONS", SECTIONS 2-329
THROUGH 2-335; AMENDING CHAPTER 30 "LAND
DEVELOPMENT REGULATIONS", ARTICLE III "DECISION
MAKING AND OTHER ADMINISTRATIVE BODIES", DIVISION 3
"LOCAL PLANNING AGENCY", SECTION 30-103 OF THE
VILLAGE CODE RELATING TO APPOINTMENT, REMOVAL,
TERMS, AND VACANCIES; AMENDING CHAPTER 30 "LAND
DEVELOPMENT REGULATIONS", ARTICLE VII
"ENVIRONMENTAL REGULATIONS", DIVISION 7 "HISTORIC
AND ARCHAEOLOGICAL SITES", SECTION 30-1693 RELATING
TO THE HISTORIC PRESERVATION COMMISSION; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney John Quick noted the first reading of the ordinance was passed on March 2, 2023 for a two-year trial period and this was the second reading.

Village Manager Ted Yates said his office would advertise committee application periods on a rolling basis to not overwhelm applicants and the Council. It was decided that prospective Youth Council members were recommended by the Schools and would be exempt from the application and interview process, but would still be appointed by the Council.

Mayor Joseph B. Pinder III opened public comment.

Speakers included Van Cadenhead and Sue Miller.

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

Mayor Pinder called for a short break at 5:36pm

X. LAND DEVELOPMENT REGULATION WORKSHOP ITEMS

Mayor Pinder reconvened the meeting at 6:05 p.m.

Village Manager Ted Yates reiterated there would be a summary of items today which would be discussed at length at the next special workshop.

Director of Development Services Daniel J. Gulizio noted the department was recommending changes to various ordinances to bring them into alignment with the comprehensive plan and municipal code.

- A.** Chapter 30, Article VI, Division 11 - Alcoholic Beverage Use Permits - **TAB 9**
- B.** Chapter 30, Article VI, Division 13 - Mobile Food Vendors - **TAB 10**
- C.** Chapter 30, Article II - Definition of Lot Area - **TAB 11**
- D.** Lot Area Variance Code Amendment - **TAB 12**
- E.** Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - **TAB 13**
- F.** Chapter 30, Article V, amending Tourist Commercial (TC) District related to outdoor storage and display - **TAB 14**

- G.** Amendment of Village Code to Modify Chapter 30 (Land Development Regulations) Division 9 related to Outdoor Seating Areas - **TAB 15**
- H.** Amendment to Tourist Commercial (TC) District to Incorporate Boat Dealerships as a Major Conditional Use - **TAB 16**
- I.** Amendment of the Village Code to Standardize Notice Provisions for the Development Review Process - **TAB 17**
- J.** Farmers' Markets, Flea Markets, and Fairs Code Amendment - **TAB 18**
- K.** Chapter 30, Article IV, Division 11 - Building Permit Allocation System (BPAS) - **TAB 19**
Discussion ensued regarding administrative relief and how to manage the remaining BPAS allocations.
- L.** Chapter 30, Article IV, Division 12 - Transfer of Development Rights - **TAB 20**
Director of Development Services Dan Gulizio summarized the current standards for permissible transfer of development rights.

Public comment at 6:55 pm

Speakers included:

Van Cadenhead
Ty Harris
Deb Gillis
Don Horton
Russ Yagel
Joe Wischmeier
Richard Black
Joan Scholz
Sue Miller

XI. ADJOURNMENT

Council Member Henry Rosenthal moved to adjourn the meeting at 7:38 p.m.