



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission

**Through:** Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

**From:** Liz Lustberg, Planner

**Date:** June 24, 2020

**Subject:** *Beards & Brews, LLC, 5450 MacDonald Avenue Unit #6, Stock Island, Mile Marker 5, Ocean Side: A public hearing concerning the request for a 2COP Alcoholic Beverage Use Permit, which would allow for beer and wine for sale by the drink (consumption on premises) and in sealed containers for package sales. The subject property is described as a parcel of land in Section 35, Township 67 South, Range 25, Stock Island, Monroe County, Florida, having Parcel Id Number 00125170-000000. (File 2019-058). This application is for one unit within the multi-tenant building, as depicted on the site plan.*

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**Meeting:** **June 24, 2020**

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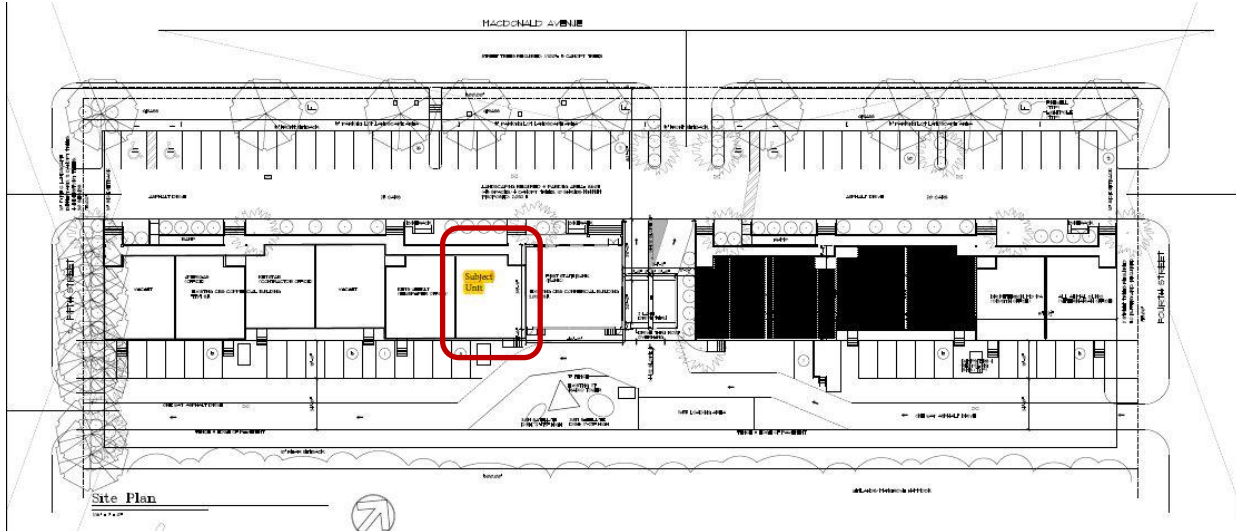
1 **I REQUEST:**

2 The applicant, Richard McChesney, Esq. agent for Beards & Brews LLC, requests approval of a  
3 2COP alcoholic beverage special use permit, which would allow for beer and wine for sale by the  
4 drink (consumption on premises) or in sealed containers for package sales, for use at the Beards  
5 & Brews, an upscale men's grooming parlor that will sell beer and wine, located on property at  
6 5450 MacDonald Avenue, Stock Island.



7 *Subject Property outlined in blue, with Land Use Districts Overlaid (Aerial dated 2018)*

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*Subject Property showing location of men’s grooming parlor in red area labeled subject unit (plan provided by applicant)*

**II BACKGROUND INFORMATION:**

**Location / Address:** 5450 MacDonal Avenue, Unit 6, Stock Island, Mile Marker 5, oceanside

**Legal Description:** Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and the North 14.5 feet of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of Block 37, of McDonald’s Plat of Stock Island , also known as Maloney Subdivision according to the Plat thereof recorded in Plat Book 1, Page 55, of the Public Records, Monroe County, Florida

**Parcel Identification Number:** 00125170-000000

**Applicant:** Beards & Brews, LLC

**Agent:** Richard McChesney, Esq.

**Property Owner:** Spottswood Partners II, Ltd.

**Size of Site:** 80,273 ft<sup>2</sup> (1.843 acres)

**Land Use District:** Mixed Use (MU) and Native Area (NA)

**Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC) and Residential Conservation (RC)

**Tier Designation:** I

**Existing Use:** Commercial retail

**Existing Vegetation / Habitat:** Developed, Impervious Surface and mangroves.

**Community Character of Immediate Vicinity:** Mixed Use (Commercial Retail, Light Industrial, Residential, Undeveloped Land).

**Flood Zone:** AE 9

**III RELEVANT PRIOR COUNTY ACTIONS:**

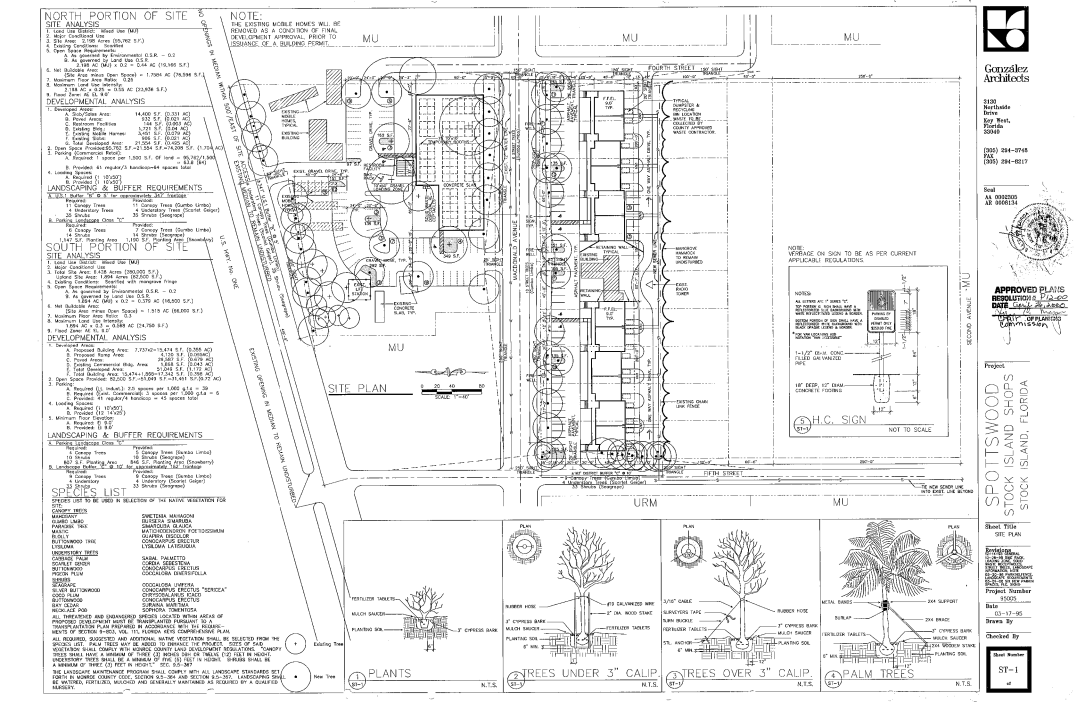
On March 14, 1996 the Development Review Committee approved Resolution #03-96 for proposed development on this parcel and the parcel across the street.

1 On June 20, 1996 the Planning Commission approved Resolution P38A-96 for a major  
2 conditional use permit for this parcel and the parcel across the street. As can be seen in the site  
3 plans below, the parcel under review in this application is the Southern Parcel. The Northern  
4 Parcel is now developed as Banyan Grove, between MacDonal Ave. and US 1.  
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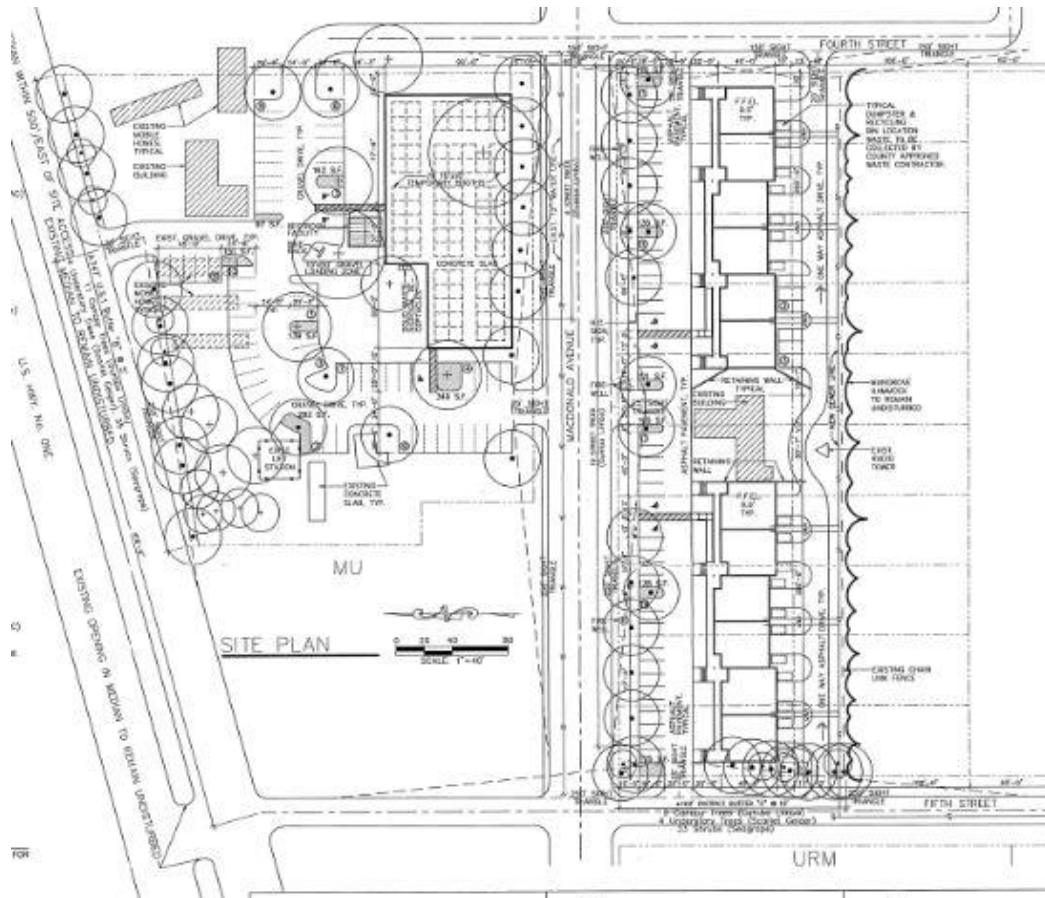
6 On February 19, 1997 the BOCC approved Resolution 070-1997 recognizing vested rights on  
7 these parcels, allowing the previously approved development to continue.  
8

9 On March 8, 2000 the Planning Commission approved Resolution P12-00 for an amendment to  
10 the major conditional use permit 'to allow the conversion of a 1,868 square foot radio station  
11 into a walk up bank (retaining radio equipment in an area less than 50 square feet and  
12 maintaining the existing antenna -supporting structures located on the property); changing the  
13 intensity of the northern portion of the property from low- to medium-intensity commercial  
14 retail to high-intensity commercial retail (with a 433 square foot public restroom facility); and  
15 **changing the use of two buildings totaling 15,474 square feet on the southern portion of the**  
16 **property from light industrial to low- to medium-intensity commercial retail ...**' The  
17 parcel on which the proposed Alcohol Beverage Use would be located, is in the southern portion  
18 of the previous parcel.  
19

20 Building permit 0110162 for a commercial building, with a Certificate of Occupancy dated  
21 1/29/2002, implemented the amended major conditional use on this parcel.



Site Plan from Major Conditional Use Permit approved thru resolution No. P38A-96



Close up of 2 parcels from above site plan

**IV REVIEW OF APPLICATION:**

Pursuant to Section 3-6(e) of the Monroe County, Florida, Code of Ordinances (the “Code”), the Planning Commission shall give due consideration to the following factors as they may apply to the particular application prior to rendering its decision to grant or deny the requested permit:

- (1) *The effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises.*

Surrounding properties within 500 feet of the parcel in which Beards & Brews would be located includes a liquor store, a Burger King, a Dion’s Chicken, a Pepsi distribution center, a mini storage, outdoor storage, two towers, and six residential developments.

The following businesses within Stock Island have an Alcoholic Beverage License

<i>Business Name/ Description</i>	<i>License Type</i>	<i>License No.</i>	<i>Status</i>
Chicos Cantina of Key West Inc. 5230 Overseas Hwy.	2COP	BEV5400770	Current, Active 3/31/2020

<i>Business Name/ Description</i>	<i>License Type</i>	<i>License No.</i>	<i>Status</i>
CMB LLC 5390 Overseas Hwy.	3BBS	BEV5400072	Current, Active 3/31/2020
Cow Key Marina 5031 5 <sup>th</sup> Ave.	1COP	BEV5403583	Current, Active 3/31/2020
CVS # 10122 5610 Overseas Hwy.	2APS	BEV5403497	Current, Active 3/31/2020
Delicioso Catering 6810 Front St.	13CT	BEV5403158	Current, Active 3/31/2020
Dion C-Store # 206 5350 Overseas Hwy.	2APS	BEV5403585	Current, Active 3/31/2020
Dream Cat 7009 Shrimp Rd. Slip A12	6COP	BEV5403577	Current, Active 3/31/2020
Finz Dive Center 5130 Overseas Hwy.	2APS	BEV5403356	Current, Active 3/31/2020
Front Street Enterprises LLC 6810 Front St.	6COP	BEV5400194	Current, Active 3/31/2020
Front Street Enterprises LLC 6810 Front St.	13CT	BEV5403367	Current, Active 3/31/2020
Jollys 5390 Overseas Hwy	3BPS	BEV5400072	Current, Active 3/31/2020
Hog Fish Bar and Grill 6810 Front St.	6COP	BEV5400194	Current, Active 3/31/2020
Hog Fish Bar Catering 6810 Front St.	13CT	BEV5403367	Current, Active 3/31/2020
Hotel Key West 7001 Shrimp Rd.	6COP	BEV5403680	Current, Active 3/31/2020
Hurricane Hole 5110 Overseas Hwy.	6COP	BEV5402882	Current, Active 3/31/2020
Key West 2016 Lessee Inc 5950 Peninsular Ave.	6COP	BEV5403653	Current, Active 3/31/2020

<i>Business Name/ Description</i>	<i>License Type</i>	<i>License No.</i>	<i>Status</i>
Mr. Juaris Imports LLC 5510 3 <sup>rd</sup> Ave.	6COP	BEV5400373	Current, Active 3/31/2020
Murray Marine Sales & Service Inc.	1APS	BEV5401249	Current, Active 3/31/2020
Oceans Edge Key West Hotel & Marina 5950 Peninsular Ave.	6COP	BEV5403653	Current, Active 3/31/2020
Riesi Pizza LLC 5620 McDonald Ave. #2	13 CT	BEV5403728	Current, Active 3/31/2020
Riesi Pizza LLC 5620 McDonald Ave. #2	6COP	BEV5403376	Current, Active 3/31/2020
SIMV Hotel LLC 7001 Shrimp Rd.	6COP	BEV5403680	Current, Active 3/31/2020
Spottswood Management Inc. 6000 Peninsular Ave.	2APS	BEV5403802	Current, Active 3/31/2020
Spottswood Management Inc. 6000 Peninsular Ave.	6COP	BEV5403801	Current, Active 3/31/2020
Stock Island Chevron Inc 5220 Overseas Hwy.	1APS	BEV5401366	Current, Active 3/31/2020
Tom Thumb Food Store # 14 Maloney Ave and 2 <sup>nd</sup> St.	2APS	BEV5400421	Current, Active 3/31/2020

Staff does not anticipate that approval of the requested 2COP Alcoholic Beverage Use Permit would have an adverse effect on surrounding properties or the immediate neighborhood.

Please note that no members of the community, either in support or opposition to the application, contacted the Planning and Environmental Resources Department as of the date of this report.

IN COMPLIANCE

(2) *The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding*

1 *properties, and construction of such permitted properties shall be soundproofed. In the event*  
2 *music and entertainment are permitted, the premises shall be air conditioned:*

3  
4 The proposed men's grooming parlor and bar is located in the commercial retail development.  
5 Given the property's location within the Mixed Use (MU) Land Use District, which permits  
6 commercial retail uses, the subject premises would be suitable. The grooming parlor and bar  
7 are both proposed to be entirely inside the building.

8  
9 Lighting on the premises is subject to the County Land Development Code. Any new outdoor  
10 lighting installed in the future would be subject to LDC Chapter 114, Article VI.

11  
12 No music or entertainment is proposed by the applicant. No outdoor space is proposed on the  
13 site plan. No outdoor lighting is proposed to be changed in this application.

14  
15 **IN COMPLIANCE**

16  
17 *(3) Access, traffic generation, road capacities, and parking requirements:*

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19 The commercial retail development is oriented towards MacDonald Ave. with one vehicular  
20 access point onto MacDonald Ave. In addition, there is one access drive onto 5<sup>th</sup> St. and 1<sup>st</sup>  
21 St. No change to access is proposed.

22  
23 The site is developed under an amendment to a major conditional use permit and at the time  
24 of the last site plan approval in 2000, it was found that the parking and road capacities were  
25 adequate for all uses on the site. This approval allowed for 15,474 square feet of low to  
26 medium intensity commercial retail on this property. No change to the building footprint is  
27 proposed. According to a letter dated February 11 2020, from KBP Consulting Inc., the  
28 current mix of tenants combined with the proposed barbershop/bar would result in 38 trips per  
29 day per 1,000 square feet. This is classified as low intensity commercial retail. Traffic  
30 generation complies with what had previously been permitted on the property.

31  
32 The proposed Beards & Brews men's grooming parlor would replace a previously established  
33 fitness club/gym and would be located within the commercial retail complex at 5450  
34 MacDonald Ave.

35  
36 The application included a boundary survey which did not indicate the location of existing  
37 parking spaces. However, a site plan was submitted indicating 71 car parking spaces. The  
38 parking indicated on the permit for this building is 57 car parking spaces. The site was  
39 designed to accommodate the existing commercial retail structure and its intended uses. The  
40 granting of a 2COP Alcohol Beverage Special Use Permit would not increase the parking  
41 requirements for the site. No change to parking is proposed.

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43 No changes to access, trip generation, or parking are proposed by the applicant as part of the  
44 subject application, and none would be required by the Land Development Code at this time.

45  
46 **IN COMPLIANCE**

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48 *(4) Demands upon utilities, community facilities and public services:*

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2 It is not anticipated that the approval of the requested 2COP alcohol beverage use permit  
3 would increase demands upon any utilities, community facilities or public services.  
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5 *(5) Compliance with the county's restrictions or requirements and any valid regulations:*  
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7 As of the date of this report, there are no open code compliance cases related to the property.  
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10 **V RECOMMENDATION:**  
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12 Staff recommends **APPROVAL** to the Planning Commission of the requested 2COP Alcoholic  
13 Beverage Use Permit, which would allow for beer and wine for sale by the drink (consumption  
14 on premises) or in sealed containers for package sales, with the following conditions (however,  
15 valid objections from surrounding property owners at the public hearing may lead the Planning  
16 and Environmental Resources Department to reevaluate the recommendation or suggested  
17 conditions):  
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- 19 1. This Alcoholic Beverage Use Permit is for the one unit (unit number 6) within the multi-unit  
20 building, as shown on the site plan.  
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- 22 2. Alcoholic Beverage Use Permits issued by virtue of Section 3-6 of the Monroe County Code  
23 shall be deemed to be a privilege running with the land. The sale of the real property that has  
24 been granted an Alcoholic Beverage Use Permit shall automatically vest the purchaser thereof  
25 with all rights and obligations originally granted or imposed to or on the applicant. Such  
26 privilege may not be separated from the fee simple interest in the realty.  
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- 28 3. Alcohol service sales and consumption shall occur only within areas allowed for such use and  
29 approved by the Monroe County Planning & Environmental Resources Department.  
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- 31 4. In the event that the holder's license by the Florida Department of Business and Professional  
32 Regulation (DBPR) is not obtained or expires and lapses, this Alcoholic Beverage Use Permit  
33 approval shall be null and void as of the date of the DBPR license expiration. Additional  
34 approval by the Planning Commission shall be required to renew the Alcoholic Beverage Use  
35 Permit.  
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37 **VI ATTACHMENTS:**  
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39 Attachment 1: Monroe County Code Section 3-6, Regulation and control over sale