



MEMORANDUM

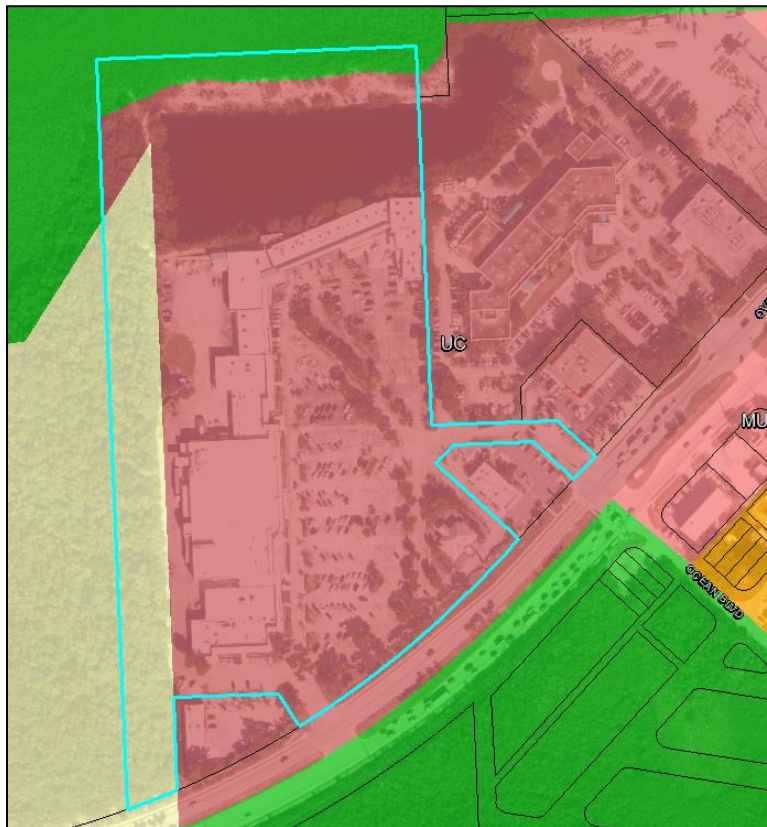
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission
Through: Emily Schemper, Acting Senior Director of Planning & Environmental Resources
From: Devin Tolpin, AICP, CFM, Principal Planner
Date: January 20, 2023
Subject: *Request for a 2COP Alcoholic Beverage Use Permit, Florida Keys FEC, LLC dba Pinfish Entertainment, 91200 Overseas Highway, Mile Marker 91, Bay Side, Tavernier, Parcel Identification # 00089910-000100 (File # 2022-247)*

Meeting: February 22, 2023

1 **I REQUEST:**

2 The applicant, Florida Keys FEC, LLC, doing business as Pinfish Entertainment is requesting
3 approval of a 2COP Alcoholic Beverage Use Permit, which would allow for the sale of beer and
4 wine for on premises consumption or package sales for a *proposed* commercial recreation use
5 within Units 19-21 of an existing shopping center located on property at 91200 Overseas
6 Highway, in the Tavernier Towne Shopping Center, Tavernier.



7
8 *Subject Property outlined in blue, with Land Use Districts Overlaid (Aerial dated 2022)*

1 **II BACKGROUND INFORMATION:**

2 **Location:** Tavernier near U.S. 1 Mile Marker 91

3 **Address:** 91200 Overseas Highway

4 **Legal Description:** Full legal description in application File

5 **Parcel Identification Number:** 00089910-000100

6 **Property Owner:** Puyanic Max D Trustee for Trust No. 201

7 **Tenant/ Applicant:** Florida Keys FEC, LLC dba Pinfish Entertainment

8 **Size of Site:** 526,686 upland square feet (per MCPA) 6,053 square foot units 19-21

9 **Land Use District:** Urban Commercial (UC), Sparsely Settled (SS), and Native Area (NA)

10 **Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC), Residential Low
11 (RL), Residential Conservation (RC)

12 **Tier Designation:** III (Infill Area)

13 **Flood Zone:** AE9, AE8

14 **Existing Uses:** Commercial shopping center with attached commercial recreation (Movie
15 Theater)

16 **Existing Vegetation / Habitat:** Impervious surface, water, hammock

17 **Community Character of Immediate Vicinity:** Commercial retail, restaurant, hospital,
18 residential

19
20 **III RELEVANT PRIOR COUNTY ACTIONS:**

21 Development Order #22-94 was approved in 1994 for a minor conditional use permit for the
22 phased construction of a 4,251 SF commercial retail building (phase 1-Blockbuster) and for a
23 second phase consisting of 2,030 SF to accommodate a medium intensity commercial retail use.
24

25 The existing shopping center was approved under a Major Conditional Use permit, last modified
26 in 2003 with the recording of Planning Commission Resolution No. P67-02. A deviation to this
27 conditional use permit was approved by the Planning Department through File # 2012-127.
28 The major conditional use permit and site plan was also amended in 1998 the recording of
29 Resolution P5-98 and in 1988 with the recording of Development Order No. 5-88.
30

31 On January 18, 2023, the Monroe County Board of County Commissioners (BOCC) approved a
32 request by the applicant to waive the nonresidential inclusionary housing requirement for the
33 proposed commercial recreation use that is associated with this application.
34

35 **IV REVIEW OF APPLICATION:**

36 Pursuant to Section 3-6(e) of the Monroe County, Florida, Code of Ordinances (the “Code”), the
37 Planning Commission shall give due consideration to the following factors as they may apply to
38 the particular application prior to rendering its decision to grant or deny the requested permit:
39

40 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*
41 *represented by property owners within 500 feet of the premises.*
42

1 The proposed commercial recreation use is located in the Tavernier Town Shopping Center.
2 The Tavernier Town Shopping Center includes commercial retail, office and restaurant uses.
3 Surrounding properties within 500 feet of the restaurant premises include the developed
4 property within the Tavernier Town Shopping Center, the hospital to the east and vacant
5 land to the north and west.
6

7 Staff found that historically, various Alcoholic Beverage Licenses have been held by
8 businesses at 91200 Overseas Hwy, in the Tavernier Towne Shopping Center.
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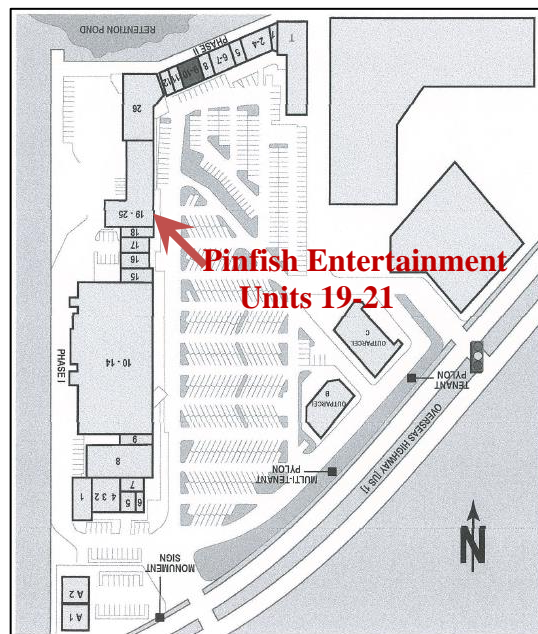
10 Staff does not anticipate that approval of the requested 2COP Alcoholic Beverage Use
11 Permit would have an adverse effect on surrounding properties or the immediate
12 neighborhood.
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14 Please note that no members of the community, either in support or opposition to the
15 application, contacted the Planning and Environmental Resources Department as of the date
16 of this report.
17

18 **IN COMPLIANCE**

19
20 (2) *The suitability of the premises in regard to its location, site characteristics and intended*
21 *purpose. Lighting on the permitted premises shall be shuttered and shielded from*
22 *surrounding properties, and construction of such permitted properties shall be*
23 *soundproofed. In the event music and entertainment are permitted, the premises shall be air*
24 *conditioned:*
25

26 The proposed commercial recreational use is located in the Tavernier Towne Shopping
27 Center. Given the property's location within the Urban Commercial (UC) Land Use District,
28 which allows commercial recreational uses, the subject premises would be suitable.
29



30 *Subject Property showing location of establishment (plan provided by applicant)*
31

1 Lighting on the premises is subject to the County Land Development Code. In accordance
2 with LDC Section 114-164, **when any change of use, redevelopment, or expansion of a**
3 **development footprint occurs, the site shall come into compliance with the lighting**
4 **requirements of this article to the greatest extent practicable, as approved by the**
5 **Planning Director on a case-by-case basis.**
6

7 The units of this shopping center that are the subject of this application were approved for
8 commercial retail, restaurant, and office uses. In order to lawfully operate the desired units
9 within the existing shopping center with a commercial recreation use, a building permit must
10 be issued for the change of use, which will require documentation of compliance with the
11 outdoor lighting requirements. **Staff is recommending a condition be added to the**
12 **requested Alcoholic Beverage Use Permit (the “Permit”) which states that the Permit**
13 **shall not be effective until such a time that a Monroe County Building Permit has been**
14 **issued and closed for the change of use of Units 19-21 to commercial recreation.**
15

16 **IN COMPLIANCE WITH CONDITION ADDED**

17

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

19

20 The Tavernier Towne Shopping Center is oriented towards the Overseas Highway with two
21 vehicular access points to U.S. 1. The site is developed under a major conditional use permit
22 and at the time of the last site plan approval in 2003, it was found that the parking and road
23 capacities were adequate for all uses on the site. No changes to access or parking are
24 proposed by the applicant as part of the application at this time.
25

26 The application included a boundary survey that indicates the location of existing parking
27 spaces. The site was designed to accommodate the existing commercial retail structure and
28 its intended uses. Access, traffic generation, road capacities and any change to parking
29 requirements will be reviewed through the submitted building permit for a change of use of
30 Units 19-21 to commercial recreation. **The recommended condition which states that the**
31 **Permit shall not be effective until such a time that a Monroe County Building Permit**
32 **has been issued and closed for change of use of Units 19-21 to commercial recreation**
33 **will ensure that suitable access, road capacity, and off street parking is available on site**
34 **prior to the effectiveness of this Alcoholic Beverage Special Use Permit.**
35

36 **IN COMPLIANCE WITH CONDITION ADDED**

37

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

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40 It is not anticipated that the approval of the requested 2COP alcohol beverage use permit
41 would increase demands upon any utilities, community facilities or public services that are
42 not identified during building permit review.
43

44 **IN COMPLIANCE**

45

46 *(5) Compliance with the county's restrictions or requirements and any valid regulations:*

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1 As of the date of this report, there are not any open code compliance cases related to the
2 property.

3
4 **IN COMPLIANCE**

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6 **V RECOMMENDATION:**

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8 Staff recommends APPROVAL to the Planning Commission of the requested 2COP Alcoholic
9 Beverage Use Permit, which would allow for beer and wine for on premises consumption or
10 package sales, with the following conditions (however, valid objections from surrounding
11 property owners at the public hearing may lead the Planning and Environmental Resources
12 Department to reevaluate the recommendation or suggested conditions):

13
14 1. This Alcoholic Beverage Use Permit shall not be effective and approval of Florida DBPR
15 Form 6001 shall not be authorized by the Planning Department until such a time that a
16 building permit has been issued and closed for the change of use of Units 19-21 of the
17 Tavernier Towne Shopping Center from commercial retail to commercial recreation,
18 consistent with the submitted floor plan. Compliance with the outdoor lighting requirements
19 of LDC Article V and the off street parking requirements of LDC Section 114-67 shall be
20 demonstrated through the referenced building permit.

21
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
25 thereof with all rights and obligations originally granted or imposed to or on the applicant.
26 Such privilege may not be separated from the fee simple interest in the realty.

27
28 3. Alcohol service sales and consumption shall occur only within areas allowed for such use
29 and approved by the Monroe County Planning & Environmental Resources Department.

30
31 4. In the event that the holder's license by the Florida Department of Business and Professional
32 Regulation (DBPR) expires and lapses, this Alcoholic Beverage Use Permit approval shall
33 be null and void as of the date of the DBPR license expiration. Additional approval by the
34 Planning Commission shall be required to renew the Alcoholic Beverage Use Permit.

35
36 **VI ATTACHMENTS:**

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38 Attachment 1: Monroe County Code Section 3-6, Regulation and control over sale