



## 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, Senior Planner

**Date:** October 14 2021

**Subject:** *The Dock Stock Island LLC, 6840 Front St. Stock Island, Mile Marker 4, Ocean Side: a public hearing concerning the request for a 5COP SFS Alcoholic Beverage Use Permit, which would allow restaurant sales of beer, wine, and liquor by the drink (consumption on premises) and no package sales. The subject property is described as a tract of land and water on a part of Stock Island, Monroe County, Florida, and being more particularly described by metes and bounds, having Parcel ID number 00123540-000000 (File 2021-148).*

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**Meeting:** **October 27, 2021**

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1 **I REQUEST:**

2 The applicant, Richard McChesney - agent for the property owner and the lessee, Dock Stock  
3 Island LLC - requests approval of a 5COP SFS alcoholic beverage special use permit, which  
4 would allow for restaurant sales of beer, wine, and liquor by the drink (consumption on premises)  
5 and no package sales, at the restaurant located at 6840 Front St. Stock Island.



6  
7 *Subject Property outlined in blue, with Land Use Districts Overlaid (Aerial dated 2018)*

1  
2 **II BACKGROUND INFORMATION:**

3 **Location / Address:** 6840 Front St. Stock Island, Mile Marker 4, Ocean Side

4 **Legal Description:** A tract of land and water on a part of stock Island, Monroe County, Florida,  
5 and being more particularly described by metes and bounds. Plat Book 1 Page 55.

6 **Parcel ID Number:** 00123540-000000

7 **Applicant/Agent:** Richard McChesney, agent for Dock Stock Island LLC the Lessee and the  
8 Property Owner

9 **Property Owner:** Keys Fresh Seafood LLC

10 **Size of Site:** 248,960 sq ft (5.72 acres) total property including 39,875 sq ft (.92 acres) of upland  
11 according to the site plan submitted with the application

12 **Land Use District:** Maritime Industries (MI)

13 **Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC)

14 **Tier Designation:** III (infill area)

15 **Existing Use:** Restaurant/Commercial Retail/Commercial Fishing

16 **Existing Vegetation / Habitat:** Developed

17 **Community Character of Immediate Vicinity:** Public Facilities (Keys Energy Services and  
18 FKAA), Marinas, Restaurant, and Commercial.

19 **Flood Zone:** AE 9  
20

21 **III RELEVANT PRIOR COUNTY ACTIONS:**

22 Resolution P47-08 approved a 2 COP alcohol beverage special use permit for this property on  
23 10/22/2008.

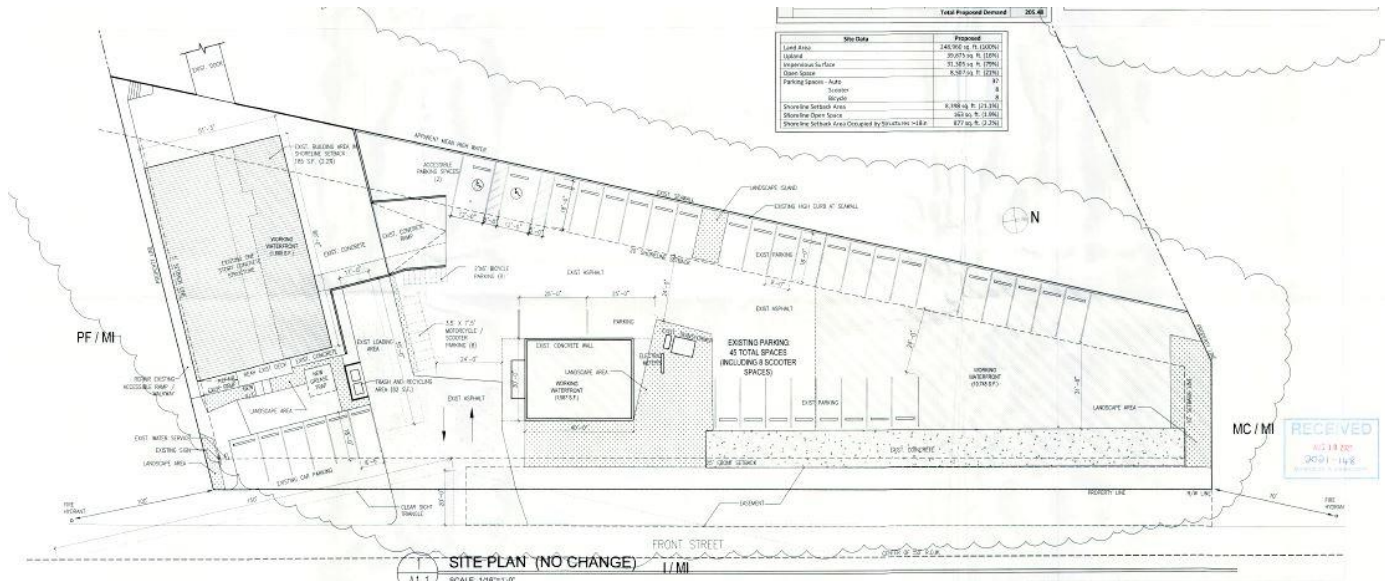
24  
25 Permit 08103279, issued 2/2/2009, approved conversion of 1,105 sf of commercial fishing to  
26 1,000 sf commercial retail and 105 sf restaurant.

27  
28 Letter of Understanding (LOU) dated 12/12/2014 addressed a potential sea plane business.  
29

30 Permit 19101451, issued 4/5/2021, approved an expansion of the restaurant, resulting in a 50 seat  
31 restaurant, 1,598 sf commercial fishing floor area, 12,332 sf of outdoor commercial fishing area,  
32 50 parking spaces. The site plan submitted with the alcohol beverage application matches the site  
33 plan approved in permit 19101451. The floor plan submitted with the alcohol beverage  
34 application matches the floor plan approved in permit 19101451, with minor differences on the  
35 seating lay out but no changes to the number of seats.  
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1 **IV PLANS SUBMITTED:**

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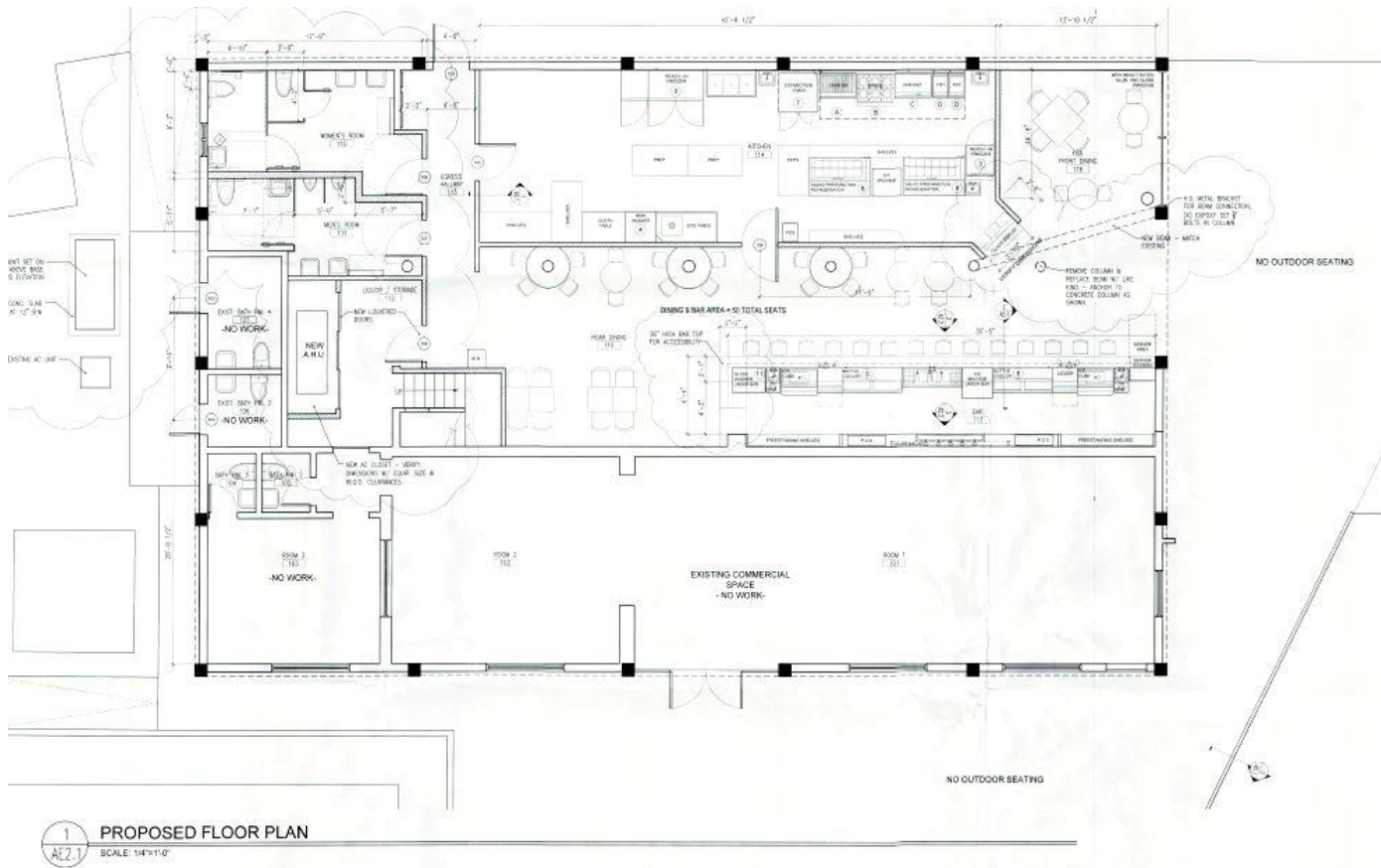
3  
4  
5

Site plan included in the alcohol beverage application.

Development Intensity		Existing		Allowed		Proposed	
FLUM		MC		MC		No Change	
Zoning		MI		MI		No Change	
TIER		III		III		No Change	
Site Size		248,960.0	100.0%	--	--	No Change	
Upland Area		39,875.0	100.0%	--	--	No Change	
Floor Area		6,981.0	(2,850 Demo'd NROGO-Exempt)			No Change	
FAR	Commercial Retail	850.0	5.3%	15,950.0	40.0%	2,506	15.7%
	Commercial Fishing	3,281.0	18.2%	17,943.8	45.0%	1,598	8.9%
Development Intensity		23.6%		100%		24.6.0%	
Working Waterfront		38,525.0	96.6%	13,956.3	35.0%	14,000.0	35.1%
Public Access (Policy 101.5.6.6)		NA – This property has no public access					

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7

Density table from site plan included in the alcohol beverage application.



1  
2 Restaurant floor plan included in the alcohol beverage application.

3  
4 **V REVIEW OF APPLICATION:**

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

8  
9 (1) *The effect of such use upon surrounding properties and the immediate neighborhood as*  
10 *represented by property owners within 500 feet of the premises.*

11  
12 The restaurant building is located on a parcel of land with an approved restaurant and  
13 commercial fishing use. Surrounding properties within 500 feet of the restaurant premises  
14 include two public facilities, a marina, restaurant and commercial uses. The prior restaurant  
15 in this location had a 2COP license. The property next door includes a restaurant and bar  
16 which has a 5COP and a 13CT license active until 3/31/2022

17  
18 Staff does not anticipate that approval of the requested 5COP SFS Alcoholic Beverage Use  
19 Permit would have an adverse effect on surrounding properties or the immediate  
20 neighborhood.

21

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

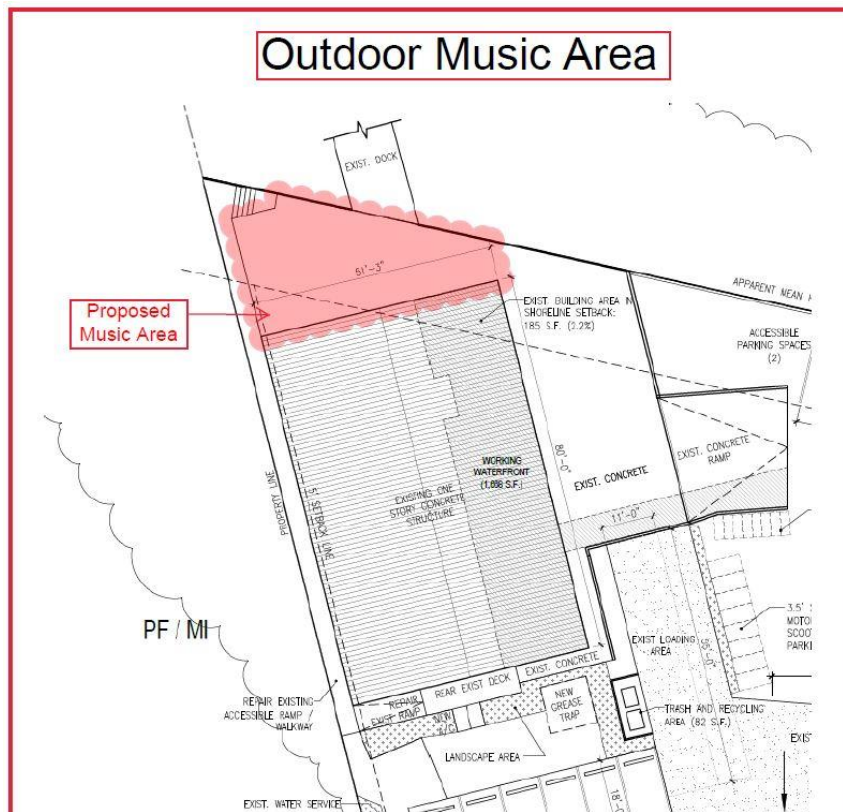
4  
5 **IN COMPLIANCE**

6  
7 (2) *The suitability of the premises in regard to its location, site characteristics and intended*  
8 *purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding*  
9 *properties, and construction of such permitted properties shall be soundproofed. In the event*  
10 *music and entertainment are permitted, the premises shall be air conditioned:*

11  
12 Given the property's location within the Maritime Industries (MI) Land Use District, which  
13 permits restaurant uses, the subject premises would be suitable.

14  
15 Lighting on the premises is subject to the County Land Development Code. If necessitated by  
16 a future substantial improvement or a change of use or expansion of use, any nonconforming  
17 lighting would have to be brought into compliance to the greatest extent practical pursuant to  
18 LDC Section 114-164. Any new outdoor lighting installed in the future would be subject to  
19 LDC Chapter 114, Article VI.

20  
21 Outdoor live music on the weekends is proposed by the applicant. The building is  
22 airconditioned.



23 Close up of restaurant building with proposed music area highlighted.

1 IN COMPLIANCE

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

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5 This property is on a Front St. Stock Island. The access configuration shown in this  
6 application was approved in permit # 191 1451. No change in access is proposed. No change  
7 to access is required.

8  
9 Per the 2021 Level of Service from the 2021 Arterial Travel time and Delay Study, this  
10 segment (segment #1) of US 1 has a Level of Service A with 3,279 reserve trips. The  
11 restaurant use is already approved. Adding an alcohol beverage permit is not anticipated to  
12 have an impact on traffic generation or road capacities.

13  
14 The parking shown in this application is the same number and same configuration of spaces  
15 approved in permit # 19101451. No change to parking is proposed or required.

16  
17 IN COMPLIANCE

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

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21 It is not anticipated that the approval of the requested 5COP SFS alcohol beverage use permit  
22 would increase demands upon any utilities, community facilities or public services.

23  
24 IN COMPLIANCE

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

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28 As of the date of this report, there are no open code compliance cases related to the property.

29  
30 IN COMPLIANCE

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32  
33 **VI RECOMMENDATION:**

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35 Staff recommends APPROVAL to the Planning Commission of the requested 5COP SFS  
36 Alcoholic Beverage Use Permit, which would allow for restaurant sales of beer, wine, and liquor  
37 by the drink (consumption on premises) and no package sales, with the following conditions  
38 (however, valid objections from surrounding property owners at the public hearing may lead the  
39 Planning and Environmental Resources Department to reevaluate the recommendation or  
40 suggested conditions):

- 41  
42 1. Alcoholic Beverage Use Permits issued by virtue of Section 3-6 of the Monroe County Code  
43 shall be deemed to be a privilege running with the land. The sale of the real property that has  
44 been granted an Alcoholic Beverage Use Permit shall automatically vest the purchaser thereof  
45 with all rights and obligations originally granted or imposed to or on the applicant. Such  
46 privilege may not be separated from the fee simple interest in the realty.

- 1 2. Alcohol service sales and consumption shall occur only within areas allowed for such use and  
2 approved by the Monroe County Planning & Environmental Resources Department.  
3
- 4 3. In the event that the holder's license by the Florida Department of Business and Professional  
5 Regulation (DBPR) expires and lapses, this Alcoholic Beverage Use Permit approval shall be  
6 null and void as of the date of the DBPR license expiration. Additional approval by the  
7 Planning Commission shall be required to renew the Alcoholic Beverage Use Permit.  
8
- 9 4. The alcohol beverage license is for the restaurant portion of the building, which is approved  
10 for seating and food service through building permit approval. It does not extend to any other  
11 portions of the property.  
12
- 13 5. Certificate stating that the place of business meets all sanitary requirements must be obtained  
14 prior to planning staff's signature on the required state application form.  
15

16 **VII ATTACHMENTS:**  
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18 Attachment 1: Monroe County Code Section 3-6, Regulation and control over sale

## Sec. 3-6. - Regulation and control over sale.

- (a) *Establishment of use permit procedure.* This section is designed and intended to provide for reasonable regulation and control over the sale of alcoholic beverages within the unincorporated areas of the county by establishing an alcoholic beverage use permit procedure and providing criteria to be used to ensure that all future proliferation of alcoholic beverage use enterprises within the unincorporated areas of the county be compatible with adjoining and surrounding land uses and the county's comprehensive plan, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the county. All persons, firms, partnerships or corporations who have received approval from the zoning board or board of county commissioners under the former provisions of section 19-218 of the Monroe County Code, as same heretofore existed, shall retain all rights and privileges heretofore granted under such section.
- (b) *New applicants for permit.* All persons desiring to sell alcoholic beverages upon any premises located within the unincorporated areas of the county and who desire to do so upon a premises not heretofore approved by the zoning board or board of county commissioners under the former section 19-218, shall obtain an alcoholic beverage use permit using the procedure outlined in subsection (d) of this section.
- (c) *Classifications.* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter adopted by the state, alcoholic beverage use permits hereafter issued pursuant to this chapter shall be classified as follows:
- (1) 1APS: Beer, package only;
  - (2) 1COP: Beer, on-premises and package;
  - (3) 2APS: Beer and wine, package only;
  - (4) 2COP: Beer and wine, on-premises and package;
  - (5) 6COP: Beer, wine and liquor, on-premises and package;
  - (6) 6COP SRX: Restaurant, no package sales;
  - (7) 6COP SR: Restaurant, package sale;
  - (8) 6COP S: Motel, package sales;
  - (9) 6COP SBX: Bowling, no package sales;
  - (10) 6COP SPX: Boat, no package sales;
  - (11) 3BPS: Beer, wine and liquor, package sales only;
  - (12) 3M: Additional license for 6COP, over three bars; and
  - (13) 12RT: Racetrack, liquor, no package sales.
- (d) *Procedure.* The following procedure shall be followed on any application for an alcoholic beverage use permit hereafter made:
- (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning in writing on forms provided by the director. Such applications must be signed by the owner of the real property for which the permit is requested. Lessees of the premises may apply for such permits, provided that proper authorization from the owner of the premises is given and the application for permit is cosigned by such owner.
  - (2) Upon receipt of a properly completed and executed application for an alcoholic beverage use permit stating the exact classification requested along with the necessary fee, the director of planning shall schedule a public hearing before the planning commission and shall advise the applicant of the date and place of the public hearing.



- (3) Notice of the application and of the public hearing thereon shall be mailed by the director of planning to all owners of real property within a radius of 500 feet of the affected premises. In the case of a shopping center, the 500 feet shall be measured from the perimeter of the entire shopping center itself rather than from the individual unit for which approval is sought. Notice shall also be provided in a newspaper of general circulation in the manner prescribed in section 110-5. For the purposes of this section, the term "shopping center" means a contiguous group of individual units, in any combination, devoted to commercial retail low-intensity uses, commercial retail medium-intensity uses, commercial retail high-intensity uses, and office uses, as those phrases are defined in section 101-1, with immediate off-street parking facilities, and originally planned and developed as a single project. The shopping center's single project status shall not be affected by the nature of the ownership of any of the individual office or commercial retail units, within the shopping center.
  - (4) At the hearing before the planning commission, all persons wishing to speak for or against the application shall be heard. Recommendations or other input from the director of planning may also be heard prior to any decision by the planning commission.
- (e) *Criteria.* 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. For the purposes of this section, the term "premises" means the entire project site of a shopping center;
  - (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 properties, and construction of such permitted properties shall be soundproofed. In the event music and entertainment are permitted, the premises shall be air conditioned;
  - (3) Access, traffic generation, road capacities, and parking requirements;
  - (4) Demands upon utilities, community facilities and public services; and
  - (5) Compliance with the county's restrictions or requirements and any valid regulations.
- (f) *Approval by planning commission.* The planning commission may grant approval based on reasonable conditions considering the criteria outlined herein.
- (g) *Where permitted.* Alcoholic beverage use permits may be granted in the following land use districts: urban commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination resort; mixed use; industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage sales may be permitted at restaurants, hotels, marinas and campgrounds regardless of the land use district in which they are located. Nothing contained herein shall exempt an applicant from obtaining a major or minor conditional use approval when such is otherwise required by the county development regulations in part II of this Code.
- (h) *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property that has been granted an alcoholic beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
- (i) *Appeals.* All persons aggrieved by the actions of the planning commission in granting or denying requested alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter 102, article VI, division 2 by filing the notice required by that article within 30 days after the date of the written decision of the planning commission.
- (j) *Successive applications.* Whenever any application for alcoholic beverage approval is denied for failure to meet the substantive requirements of these regulations, an application for alcoholic beverage approval for all or a portion of the same property shall not be considered for a period of two years unless a super-majority of the planning commission decides that the original decision was

based on a material mistake of fact or that there exists changed conditions and new facts, not existing at the time of the original decision, that would justify entertaining a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined in subsection (d)(3) of this section, this subsection shall only apply to the commercial retail unit within the shopping center for which approval was sought and not the entire shopping center site itself.

(Code 1979, § 19-218; Ord. No. 1-1973, § 1(art. XI, § 5); Ord. No. 5-1974, § 27; Ord. No. 20-1975, § 67; Ord. No. 29-1978, § 1; Ord. No. 5-1979, § 1; Ord. No. 17-1980, § 12; Ord. No. 4-1985, §§ 1, 2; Ord. No. 39-1986, § 2; Ord. No. 55-1987, §§ 1—3; Ord. No. 19-1993, § 14)