



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission

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

**From:** Corey Aitken, Environmental Planner

**Date:** April 1, 2021

**Subject:** *Atolla, LLC, and Italian Food Company, LLC, 98070 Overseas Highway, Key Largo, mile marker 98: a public hearing concerning the request for a 2COP Alcoholic Beverage Use Permit, which would allow for beer and wine, on premise and package. The subject property is described as a parcel of land in Section 5, Township 62 south, Range 39 east, Key Largo, Monroe County, Florida, Parcel Id number 00090600-000000 (File 2020-190).*

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**Meeting:** April 28, 2021

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1 **I REQUEST:**

2 The applicant, Barbara Bauman - agent for Atolla, LLC and Italian Food Company, LLC -  
3 requests approval of a 2COP alcoholic beverage special use permit, beer and wine, on premise  
4 and package, for use at the Italian Food Company, located on property at 98070 Overseas  
5 Highway, Key Largo.



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

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1 **II BACKGROUND INFORMATION:**

2 **Location / Address:** 98070 Overseas Highway, Key Largo, Mile Marker 98, within center  
3 median of US1

4 **Legal Description:** Part of Lot 5, Tract 1-A, Section 5, Township 62, Range 39, according to the  
5 plat thereof, as recorded in Plat Book 1, at Page 59, of the public records of Monroe County,  
6 Florida.

7 **Parcel Id Number:** 00090600-000000

8 **Applicant/Agent:** Barbara Bauman, agent for Italian Food Company, LLC and Atolla, LLC

9 **Property Owner:** Atolla, LLC

10 **Size of Site:** 15,000 square feet

11 **Land Use District:** Suburban Commercial (SC)

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

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

14 **Existing Use:** Restaurant

15 **Existing Vegetation / Habitat:** Developed, very small portion of the southwest side of property  
16 is mapped as Hardwood Hammock

17 **Community Character of Immediate Vicinity:** Single family homes, suburban commercial  
18 development (boat yard/sales), undeveloped parcels

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20 **III RELEVANT PRIOR COUNTY ACTIONS:**

21 On March 25, 1998, a Certificate of Occupancy was issued to permit 9503267 for a Commercial  
22 Remodel of ‘Country Chicken’, with outdoor seating limited to 525 square feet, and parking based  
23 on 1077 square feet building. The property has operated as a restaurant since that time.  
24

25 On February 10, 2021, building permit 20301669 was issued to permit 1,430 square feet of interior  
26 and exterior remodel and repair to the restaurant, including replacing doors and windows, as well  
27 as electrical work, minor plumbing to relocate a sink, and mechanical kitchen hood installation at  
28 the subject property. Renovations under this permit are in progress.  
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31 **IV REVIEW OF APPLICATION:**

32 Pursuant to Section 3-6(e) of the Monroe County, Florida, Code of Ordinances (the “Code”), the  
33 Planning Commission shall give due consideration to the following factors as they may apply to  
34 the particular application prior to rendering its decision to grant or deny the requested permit:  
35

36 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*  
37 *represented by property owners within 500 feet of the premises.*  
38

39 The Property is located on U.S. 1 at approximately mile marker 98, within the median of US1.  
40 The property contains 15,000 square feet and is developed with a 1077 sf restaurant. The  
41 surrounding properties contain single family residences, condominiums, boat yard/sales, and  
42 undeveloped hammock.  
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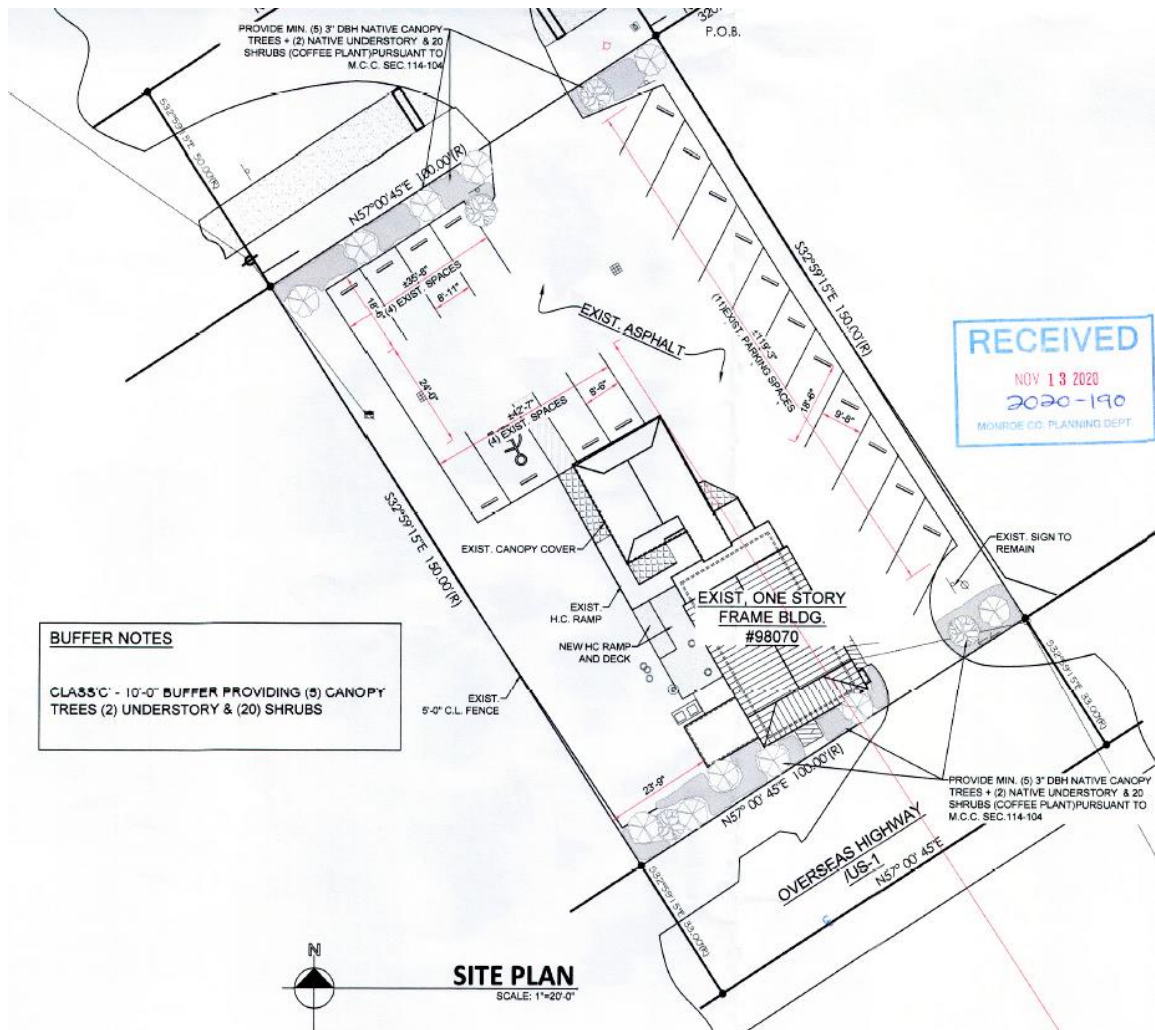
Staff does not anticipate that approval of the requested 2COP Alcoholic Beverage Use Permit would have an adverse effect on surrounding properties or the immediate neighborhood.

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

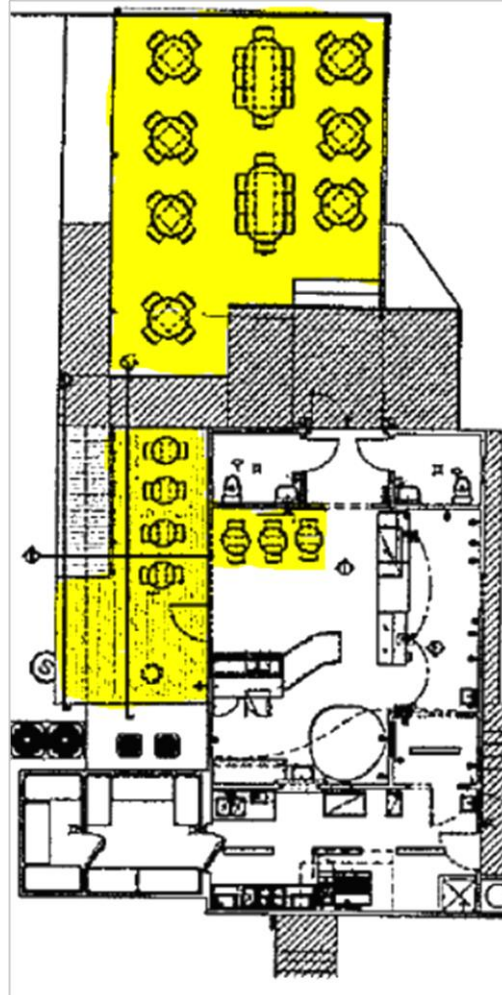
Given the property's location in the Suburban Commercial (SC) Land Use District, which permits restaurant uses, the subject premises would be suitable.



The site plan submitted for the restaurant at the property site.

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1 The areas highlighted in yellow on the floor plan below, provided by the applicant, appear to  
2 be proposed for seating, and are primarily outdoors (under canopy, and on a deck; three  
3 tables shown indoors); however, per the application, no music or entertainment is proposed  
4 either indoors or outdoors at this time:  
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8 Pursuant to **Section 101-1. Definitions**, *Restaurant use* means any establishment, which may  
9 or may not include a drive-through service, where the principal business is the sale of food  
10 and beverages to the customer in a ready-to-consume state. This includes service within the  
11 building as well as takeout or carryout service. Restaurant uses are subdivided into the  
12 following intensity classifications

- 13 1) Low-intensity restaurant use means a restaurant use that generates less than 50 average  
14 daily trips per 1,000 square feet of floor area.
- 15 2) Medium-intensity restaurant use means a restaurant use that generates between 50 and 100  
16 average daily trips per 1,000 square feet of floor area
- 17 3) High-intensity restaurant use means a restaurant use that generates above 100 average  
18 daily trips per 1,000 square feet of floor area.

19  
20 Lighting on the premises is subject to the County Land Development Code. If necessitated by  
21 a future substantial improvement or a change of use or expansion of use, any nonconforming

1 lighting would have to be brought into compliance to the greatest extent practical pursuant to  
2 LDC Section 114-164. Any new outdoor lighting installed in the future would be subject to  
3 LDC Chapter 114, Article VI.

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5 **IN COMPLIANCE**

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

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9 Currently on site there is a previously permitted restaurant that is vacant but undergoing  
10 renovations. The existing restaurant has access on both sides to Overseas Highway, north and  
11 south. No changes to access or parking are proposed by the applicant as part of the subject  
12 application.

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14 The application is consistent with the issued building permit for renovations to the established  
15 restaurant use on the site, which was approved with the 19 parking spaces already existing on  
16 the site. The granting of a 2COP Alcohol Beverage Special Use Permit would not increase the  
17 traffic generation or parking requirements for the site.

18  
19 **IN COMPLIANCE**

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

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23 It is not anticipated that the approval of the requested 2COP alcohol beverage use permit  
24 would increase demands upon any utilities, community facilities or public services.

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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 is an open Code Compliance Case (CE20110003) on the  
29 site regarding work without a permit. Building permit 20301669 has been issued as part of the  
30 owner's effort to bring the work into compliance. Code case does not affect the application;  
31 the permitted use of the property already includes a lawfully established restaurant.

32  
33 **V RECOMMENDATION:**

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35 Staff recommends **APPROVAL** to the Planning Commission of the requested 2COP Alcoholic  
36 Beverage Use Permit, which would allow for beer and wine for sale by the drink (consumption  
37 on premises) or in sealed containers for package sales, with the following conditions (however,  
38 valid objections from surrounding property owners at the public hearing may lead the Planning  
39 and Environmental Resources Department to reevaluate the recommendation or suggested  
40 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.  
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- 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.  
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- 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.  
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- 9 4. Any future development or change of use requires additional approval by the Monroe County  
10 Planning & Environmental Resources Department.  
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12 **VI ATTACHMENTS:**

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