



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission

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

**Date:** April 19, 2021

**Subject:** *Residences ORC, LLC, 1 Golf Village Drive, Key Largo, Ocean Reef:* A public hearing concerning the request for a 5COP Alcoholic Beverage Use Permit, which would allow for beer, wine and liquor on premise and package sales. The subject property is described as all of Golf Village Ocean Reef Plat No 9, according to the plat thereof as recorded in Plat Book 6, Page 107, Key Largo, Monroe County, Florida, having Parcel Identification Number 00572611-005000. (File # 2020-212)

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**Meeting:** April 28, 2021

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1 **I REQUEST:**

2 The Applicant, Residences ORC, LLC, requests approval of a 5COP Alcoholic Beverage Use  
3 Permit, which would allow for the sale of beer, wine and liquor for consumption on premises and  
4 package sales within the private “restaurant” area of the condominium complex located at 1 Golf  
5 Village Drive (the “Property”) within the Ocean Reef master planned community in Key Largo.



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

1 The Applicant is specifically requesting approval for a 5COP in order to sell alcoholic beverages  
2 at their private dining facility within the condominium complex. As submitted with the application  
3 materials:  
4

The Residences are a private condominium complex consisting of forty-eight (48) dwelling units within the gated Ocean Reef community. The application previously submitted is in furtherance of the condominium complex's desire to provide on-site full-service luxury amenities to its residents. The restaurant where the Permit would be placed will not be open to the general public, but rather, is an accessory use to the residential condominium building and only open to the residents of the Residences and their invited guests.

The owner's association is obligated to maintain the amenities. This project in fact includes provisions within the governing documents of the condominium restricting its use from the public and directing that the association may even set a minimum amount that residents must spend at the restaurant each year (excerpts shown below).

5 2.2 Private Property. The Concierge Club Property is, and shall remain, private property of Concierge Club Owner, and nothing contained in this Concierge Club Declaration shall be deemed to grant any User a right to use the Concierge Club Property as a place of public assembly.

5.3.3 Annual Concierge Club Minimum Food and Beverage Charge. Concierge Club Condominium Owners Association may, but shall not be under any obligation to, establish an Annual Concierge Club Minimum Food and Beverage Charge for a particular calendar year, with such amount to be solely determined by Concierge Club Condominium Owners Association on an annual basis and being subject to change from time to time. In the event that an Owner fails to purchase food and/or beverages at the Concierge Club during a calendar year in an amount equal to or in excess of the Annual Concierge Club Minimum Food and Beverage Charge, Concierge Club Condominium Owners Association shall charge the Owner for the difference between the Annual Concierge Club Minimum Food and Beverage Charge and the amounts actually spent by the Owner, and such charged amount shall be secured by the lien described in Section 5.12 hereof. If Concierge Club Condominium Owners Association elects to establish an Annual Concierge Club Minimum Food and Beverage Charge, such Annual Concierge Club Minimum Food and Beverage Charge shall be determined by Concierge Club Condominium Owners Association for the upcoming year not later than December 15<sup>th</sup> of the current year, and Concierge Club Condominium Owners Association shall publish such amount to the Owners either (1) by posting a written notice of the new Annual Concierge Club Minimum Food and Beverage Charge in a conspicuous location within the Concierge Club Facilities, or (2) by delivering written notice of the new Annual Concierge Club Minimum Food and Beverage Charge to the Owners. The Annual Concierge Club Minimum Food and Beverage Charge shall be exclusive of any Taxes (as defined hereinafter) due and owing on food and/or beverage purchases.

6 The restaurant is not to serve as a stand-alone use to provide food and beverage to customers- it is  
7 solely as an amenity to those living within the building. As such, we request the Permit be  
8 approved.

## 9 **II BACKGROUND INFORMATION:**

10 **Location / Address:** 1 Golf Village Drive, Ocean Reef Club, Key Largo

11 **Legal Description:** All of Golf Village Ocean Reef Plat No 9, according to the plat thereof as recorded in Plat Book 6, Page 107, Key Largo, Monroe County, Florida

1 **Parcel Identification Numbers:** 00572611-005000

2 **Applicant/Agent:** Smith Hawks, PL / Bart Smith & Chelsea Vanadia

3 **Property Owner:** Residences ORC, LLC

4 **Size of Site:** approx. 3.5 acres

5 **Land Use District:** Urban Residential (UR)

6 **Future Land Use Map (FLUM) Designation:** Residential High (RH)

7 **Tier Designation:** N/A within ORC

8 **Existing Use:** Residential condominium with private amenities including restaurant/club for  
9 members only.

10 **Existing Vegetation / Habitat:** Developed land

11 **Community Character of Immediate Vicinity:** Residential uses to the north, east and west. Golf  
12 course to the east. Undeveloped Hammock to the west. Ocean Reef Club roadway and gatehouse  
13 to the south.

14  
15 **III RELEVANT PRIOR COUNTY ACTIONS:**

16 On March 15, 2019, building permit #18400048 was issued for the redevelopment of 48  
17 condominium units on the site, with associated accessory amenities including a clubhouse area  
18 with dining/restaurant for the use of condominium residents only. The clubhouse portion of the  
19 development is almost complete and has obtained a temporary certificate of occupancy for  
20 daytime use.

21  
22 **IV REVIEW OF APPLICATION:**

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

26  
27 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*  
28 *represented by property owners within 500 feet of the premises.*

29  
30 The Property is currently being redeveloped with 48 residential condominiums and associated  
31 amenities, including a private clubhouse with dining/restaurant area. Surrounding properties  
32 within 500 feet of the premises include a golf course, the ORC gatehouse and roadway, and  
33 several single family homes. The single family homes are all more than 300 feet from the  
34 clubhouse area.

35  
36 Staff does not anticipate that approval of the requested 5COP Alcoholic Beverage Use Permit  
37 would have an adverse effect on surrounding properties or the immediate neighborhood.

38  
39 Please note that no members of the community, either in support or opposition to the  
40 application, contacted the Planning and Environmental Resources Department as of the date  
41 of this report.

42  
43 IN COMPLIANCE  
44

1 (2) *The suitability of the premises in regard to its location, site characteristics and intended*  
2 *purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding*  
3 *properties, and construction of such permitted properties shall be soundproofed. In the event*  
4 *music and entertainment are permitted, the premises shall be air conditioned:*  
5

6 Pursuant to Monroe County Code Section 3-6(g), alcoholic beverage sales may be permitted  
7 at restaurants regardless of the land use district in which they are located. Given the property's  
8 development plan as a condominium with private restaurant amenities, the subject premises  
9 would be suitable. The establishment that is the subject of this application is permitted as a  
10 private dining/restaurant venue. No change of use is proposed.  
11

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

18 The only music or entertainment proposed by the Applicant is "a piano or guitar player  
19 occasionally in the living room near the bar." This is not anticipated to cause any noise issues.  
20 The venue is air conditioned.  
21

22 IN COMPLIANCE  
23

24 (3) *Access, traffic generation, road capacities, and parking requirements:*  
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26 The clubhouse/restaurant is limited to use by residents of the condominium and will not  
27 generate any additional traffic or need for parking.  
28

29 Any future changes to access, traffic generation, road capacities, and parking requirements on  
30 the subject property are subject to the Land Development Code.  
31

32 IN COMPLIANCE  
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34 (4) *Demands upon utilities, community facilities and public services:*  
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36 It is not anticipated that the approval of the requested 5COP Alcoholic Beverage Use Permit  
37 would increase demands upon any utilities, community facilities or public services.  
38

39 IN COMPLIANCE  
40

41 (5) *Compliance with the county's restrictions or requirements and any valid regulations:*  
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43 As of the date of this report, there are not any open code compliance cases related to the  
44 Property.  
45  
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1  
2 **V RECOMMENDATION:**

3 Staff recommends **APPROVAL** to the Planning Commission of the requested 5COP Alcoholic  
4 Beverage Use Permit, which would allow for the sale of beer, wine and liquor for consumption  
5 on premises and package sales within the private “restaurant” area of the condominium complex  
6 located at 1 Golf Village Drive within the Ocean Reef master planned community, with the  
7 following conditions (however, valid objections from surrounding property owners at the public  
8 hearing may lead the Planning and Environmental Resources Department to reevaluate the  
9 recommendation or suggested conditions):

- 10  
11 1. Alcohol service sales and consumption as permitted through this Alcoholic Beverage Special  
12 Use Permit shall occur only within areas allowed for such use and approved by the Monroe  
13 County Planning & Environmental Resources Department.  
14  
15 2. Any future development or change of use requires additional approval by the Monroe County  
16 Planning & Environmental Resources Department.  
17  
18 3. Alcoholic Beverage Use Permits issued by virtue of Code Section 3-6 shall be deemed to be  
19 a privilege running with the land. The sale of the real property that has been granted an  
20 Alcoholic Beverage Use Permit shall automatically vest the purchaser thereof with all rights  
21 and obligations originally granted or imposed to or on the applicant. Such privilege may not  
22 be separated from the fee simple interest in the realty.  
23  
24 4. In the event that the holder’s license by the Florida Department of Business and Professional  
25 Regulation (DBPR) expires and lapses, this Alcoholic Beverage Use Permit approval shall be  
26 null and void as of the date of the DBPR license expiration. Additional approval by the  
27 Planning Commission shall be required to renew the Alcoholic Beverage Use Permit.  
28

29 **VI ATTACHMENTS:**

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