

# **AGENDA**

## **KEY COLONY BEACH CITY COMMISSION**

### **PUBLIC HEARING**

Thursday, January 18<sup>th</sup>, 2024 – 9:30 am

Located at the Temporary Meeting Place for the City of Key Colony Beach,  
at the Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach  
& Virtually via Zoom Conferencing

**[Zoom Login Information at the end of this Agenda](#)**

**1. *Call to Order, Pledge of Allegiance, Prayer & Roll Call***

**2. *Agenda Additions, Deletions, or Changes***

**3. *Citizen Comments & Correspondence***

**4. *Administration of Oath of Witnesses***

**5. *Disclosure of Ex-Parte Communication – Pg. 1***

**6. *Variance Request - 501 E. Ocean Drive “Key Colony Beach Club” – Owners: Key Colony Beach Club Inc:***

*Applicant requests a variance to the City of Key Colony Beach Land Development Regulations Chapter 26, Section 101, to rebuilt two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for the Key Colony Beach Club. The original structures were in the 100’ setback from the ocean.*

**a. *Proof of Legal Publications & Affidavits of Mailing/Posting – Pgs. 2-6***

**b. *Presentation of Variance Request – Building Department – Pgs. 7-11***

**c. *Statement by Applicant***

**d. *Planning & Zoning Board Recommendation – Chair George Lancaster***

**i. *Meeting Minutes December 20, 2023 – Pgs. 12-15***

**ii. *Letter of Recommendation - Pg. 16***

**e. *Commission Discussions***

**f. *Motion to approve, deny, or approve with conditions***

**7. *Discussion/Approval for the application of a new alcoholic Beverage license and corresponding compliance with zoning requirements for the property located at 400 Sadowski Causeway.***

**a. *Proof of Legal Publications - Pg. 17***

**b. *Presentation of Application Request – Building Department – Pg. 18-29***

**c. *Statement by Applicant***

**d. *Planning & Zoning Board Recommendation – Chair George Lancaster***

**i. *Meeting Minutes December 20, 2023***

**ii. *Letter of Recommendation – Pg. 30***

**e. *Commission Discussions***

**f. *Motion to approve, deny, or approve with conditions***

**8. *Discussion/Approval of Unity of Title for the property located at 401 and 411 3<sup>rd</sup> Street***

**a. *Presentation of Variance Request – Building Department – Pgs. 31-34***

**b. *Statement by Applicant***

**c. *Planning & Zoning Board Recommendation – Chair George Lancaster***

**i. *Meeting Minutes December 20, 2023***

**ii. *Letter of Recommendation – Pg. 35***

**d. *Commission Discussions***

**e. *Motion to approve, deny, or approve with conditions***

**9. *Other Business***

**10. *Adjourn***

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***This meeting will be held at the temporary meeting place for the City of Key Colony Beach at the Key Colony Inn Banquet Room at 700 W. Ocean Drive, Key Colony Beach, Florida 33051.***

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/83402907512?pwd=SUc0UXRtSXpOa0lUZVdUSytXQzV6Zz09>

Passcode: 847490

Or One tap mobile:

+13052241968,,83402907512#,,, \*847490# US

+16469313860,,83402907512#,,, \*847490# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 305 224 1968 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000

Webinar ID: 834 0290 7512

Passcode: 847490

International numbers available: <https://us02web.zoom.us/j/83402907512?pwd=SUc0UXRtSXpOa0lUZVdUSytXQzV6Zz09>

## **EX-PARTE COMMUNICATIONS**

An ex-parte communication is defined as:

any contact, conversation, communication, writing, correspondence,  
memorandum or any other verbal or written communication  
that takes place outside a public hearing  
between a member of the public and a member of a quasi-judicial board,  
regarding matters which are to be heard and decided by said quasi-judicial  
board.

Site visits and expert opinions are also considered ex-parte communications.

In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Board, the Board Member should state on the record:

the existence of any ex-parte communication,  
the nature of the communication,  
the party who originated the ex-parte communication, and  
whether or not the ex-parte communication affects your ability to impartially  
consider the evidence presented.

Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.

**Note:** The term "Board Member" would include all members of the Code Enforcement Board, the Planning & Zoning Committee, and the City Commission when they are acting in a quasi-judicial capacity (for example, but not limited to, code violation hearings and variance hearings).

## AFFIDAVIT OF MAILING

STATE OF FLORIDA  
COUNTY OF MONROE

Before me, the undersigned authority, personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 14<sup>th</sup> day of November, 2023 (no less than 30 days prior to the Planning & Zoning Public Hearing on December 20th, 2023, and the City Commission Public Hearing on January 18<sup>th</sup>, 2024) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 501 E. Ocean Drive, "Key Colony Beach Club", Key Colony Beach, Florida, 33051.

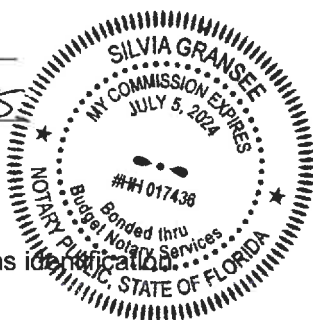
Cheryl Baker  
Signature

Sworn and subscribed before me this  
14 day of November, 2023.

Silvia Gransee  
Notary Public, State of Florida  
My commission expires: 7-5-2025

☒ Personally known

☐ Produced \_\_\_\_\_ as identical



# City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 501 E. Ocean Drive "Key Colony Beach Club"  
From: The City of Key Colony Beach  
Key Colony Beach Planning & Zoning Board and the Key Colony Beach City Commission

**NOTICE IS HEREBY GIVEN,  
THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING  
PUBLIC HEARINGS ON:**

**DATE/TIME:**

Planning & Zoning Hearing: December 20th, 2023, 9:30 A.M.  
City Commission Public Hearing: January 18th, 2024, 9:30 A.M.

**LOCATION:**

City of Key Colony Beach Temporary Meeting Place  
at the Key Colony Inn Banquet Room,  
700 W. Ocean Drive, Key Colony Beach, Florida 33051,

to hear a Variance Request from the Key Colony Beach Club, owners of the property located at 501 E. Ocean Drive, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at [cityclerk@keycolonybeach.net](mailto:cityclerk@keycolonybeach.net) or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings.

Applicant requests a variance to the City of Key Colony Beach Land Development Regulations Chapter 26, Section 101, to rebuilt two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for the Key Colony Beach Club. The original structures were in the 100' setback from the ocean.

Interested parties may attend the Hearing and be heard with respect to the requested variance.

If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are unable to attend the Hearings on Wednesday, December 20th, 2023, or Thursday, January 18th, 2024, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at [cityclerk@keycolonybeach.net](mailto:cityclerk@keycolonybeach.net) and your comments will be entered into the record.

**Mailed:** On or before Monday, November 20th, 2023  
City Clerk, City of Key Colony Beach

## AFFIDAVIT OF POSTING

STATE OF FLORIDA  
COUNTY OF MONROE

Before me, the undersigned authority, personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 27<sup>th</sup> day of November, 2023 (no less than 14 days prior to the Planning & Zoning Public Hearing on December 20th, 2023, and the City Commission Public Hearing on January 18<sup>th</sup>, 2024) I posted the Notice of Hearing for the property located at 501 E. Ocean Drive, Key Colony Beach, Florida, at the United States Postal Office and at City Hall.



Signature

Sworn and subscribed before me this  
27 day of November, 2023.



Notary Public, State of Florida

My commission expires: 7-5-2024



Personally known

☐ Produced \_\_\_\_\_ as identification



**NOTICE IS HEREBY GIVEN,  
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**Posted:** On or before Monday, December 6th, 2023

City Clerk, City of Key Colony Beach





Published Weekly  
Marathon, Monroe County, Florida

## **PROOF OF PUBLICATION**

### **STATE OF FLORIDA COUNTY OF MONROE**

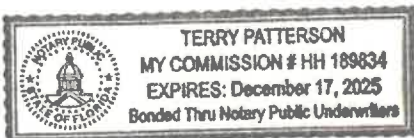
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

December 7, 2023

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before  
me this day of Dec 7, 2023  
(SEAL)

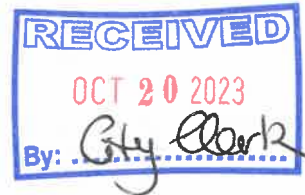
Notary



PUBLIC HEARING NOTICE  
NOTICE IS HEREBY GIVEN, THAT  
THE CITY OF KEY COLONY BEACH  
WILL BE HOLDING PUBLIC  
HEARINGS ON:  
DATE/TIME:  
Planning & Zoning Hearing:  
December 20th, 2023, 9:30 A.M.  
City Commission Public Hearing:  
January 18th, 2024, 9:30 A.M.  
LOCATION:  
City of Key Colony Beach  
Temporary Meeting Place at the  
Key Colony Inn Banquet Room,  
700 W. Ocean Drive, Key Colony  
Beach, Florida 33051,  
to hear a Variance Request from  
the Key Colony Beach Club,  
owners of the property located  
at 501 E. Ocean Drive, Key  
Colony Beach, Florida 33051.  
This meeting will be available via  
Zoom Meetings.  
Members of the public who  
wish to attend virtually may  
email the City Clerk at cityclerk@  
keycolonybeach.net or call  
305-289-1212, Ext. 2 for further  
instructions on attending via  
Zoom Meetings.  
Applicant requests a variance  
to the City of Key Colony Beach  
Land Development Regulations  
Chapter 26, Section 101, to  
rebuild two Tiki/Chickie Hut  
structures to replace structures  
that were destroyed in Hurricane  
Irma. This is the last phase  
of the rebuild in the original  
buildings footprint for the Key  
Colony Beach Club. The original  
structures were in the 100'  
setback from the ocean.  
Interested parties may attend  
the Hearing and be heard  
with respect to the requested  
variance.  
If any person decides to appeal  
any decision made by the City  
Commission of the City of Key  
Colony Beach with respect  
to any matter considered at  
the Variance Hearing, that  
person will need a record of  
the proceedings and for such  
purpose may need to ensure  
that a verbatim record of the  
proceedings is made, which  
record includes the testimony  
and evidence upon which the  
appeal is to be based.  
If you are unable to attend  
the Hearings on Wednesday,  
December 20th, 2023, or  
Thursday, January 18th, 2024,  
but wish to comment, please  
direct correspondence to the  
City Clerk at P.O. Box 510141,  
Key Colony Beach, FL 33051,  
or via email at cityclerk@  
keycolonybeach.net and your  
comments will be entered into  
the record.  
City Clerk, City of Key Colony  
Beach  
Publish:  
December 7, 2023  
The Weekly Newspapers



CITY OF KEY COLONY BEACH  
P.O. BOX 510141  
KEY COLONY BEACH, FL 33051-0141  
305-289-1212 FAX: 305-289-1767



APPLICATION FOR VARIANCE

APPLICANT: Key Colony Beach Club Inc 305-289-0721  
Property Owner Name Phone Number

501 East Ocean Drive Key Colony Beach, FL 33051

Street Address of Variance

Lot Block Subdivision

A Condo BK 6 LOTS 15, 15A, 16, 16A, 17, 17A Key Colony Beach  
Mailing Address of Property Owner  
PB3 - 120 SHEETER KEY OR 68-83/97 LEASE

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Agent Name

Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter 26, Section 101  
Code of Ordinances Chapter \_\_\_\_\_, Section \_\_\_\_\_

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by \_\_\_\_\_ feet). Also state if this is for future construction or existing conditions.

Requesting Variance to rebuild two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for Key Colony Beach Club. The original structures were in the 100' from ocean setback.

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant

Robert J. Kennedy

Office Use Only

CITY OF KEY COLONY BEACH  
P.O. BOX 510141  
KEY COLONY BEACH, FL 33051-0141  
305-289-1212 FAX: 305-289-1767

**APPLICATION FOR VARIANCE**

APPLICANT: KEY COLONY BEACH CLUB INC (305) 289-0721  
Property Owner Name Phone Number  
501 E OCEAN DR KEY COLONY BEACH FL 33051  
Street Address of Variance Lot Block Subdivision  
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter \_\_\_\_\_, Section \_\_\_\_\_  
Code of Ordinances Chapter \_\_\_\_\_, Section \_\_\_\_\_

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by 25 feet). Also state if this is for future construction or existing conditions.

REQUESTING VARIANCE TO REBUILD TWO TIKI/CHICKEN  
STRUCTURES TO REPLACE STRUCTURES DESTROYED  
IN HURRICANE IRMA. THIS IS THE LAST  
PHASE OF THE REBUILD IN THE ORIGINAL  
BUILDING'S FOOTPRINT FOR KEY COLONY BEACH CLUB.  
THE ORIGINAL STRUCTURES WERE IN THE 100' FROM OCEAN  
SETBACK

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant [Signature] KCBCL BOB

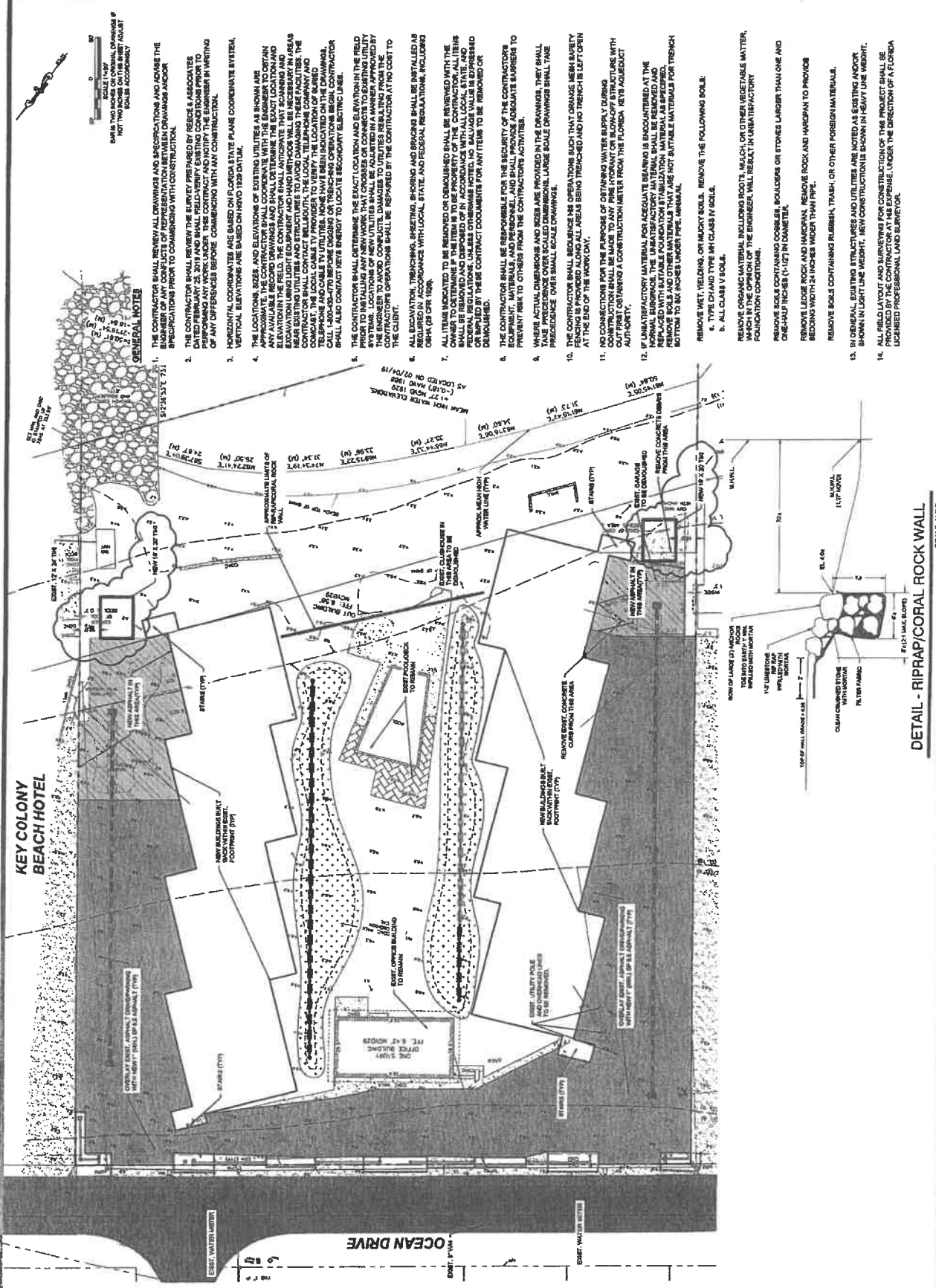
**Office Use Only**

Date Filed 10-20-2023

Date Paid 10-20-23 Check # 1105

Variance granted / denied on (date) \_\_\_\_\_

[Signature]  
Signature of City Official



DETAIL - RIPRAP/CORAL ROCK WALL  
SCALE: 1/2" = 1'-0"

**KEY COLONY BEACH CLUB**  
501 E. OCEAN DRIVE  
MARATHON, FL 33061  
CML SITE PLAN

**SHEERWOOD CONSTRUCTION**  
4683 HEATH PARK TRAIL  
VENUE, FL 33966

**DATE:** 02/25/2019  
**BY:** [Signature]  
**CHECKED:** [Signature]  
**APP:** [Signature]  
**DATE:** 02/25/2019

**PEREZ ENGINEERING**  
2 DEVELOPMENT, INC.  
2000 S. W. 10TH AVE., SUITE 200  
MIAMI, FL 33135  
TEL: (305) 555-1111  
FAX: (305) 555-1112  
WWW.PEREZENGINEERING.COM

**DATE:** 02/25/2019  
**BY:** [Signature]  
**CHECKED:** [Signature]  
**APP:** [Signature]  
**DATE:** 02/25/2019

KEY COLONY BEACH HOTEL

OCEAN DRIVE

## Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?

REBUILDING FIRM STRUCTURES DESTROYED BY  
HURRICANE IRMA - IN THE FOOTPRINT

2. What are the unnecessary hardships that would result if the variance is not granted?

OWNERS WOULD NOT BE ABLE TO  
RESTORE THEIR PROPERTY DESTROYED BY  
HURRICANE IRMA

3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

NO

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

THE BUILDINGS WERE DAMAGED BEYOND 50%  
IN HURRICANE IRMA. THEY COULD ONLY BE REBUILT  
IN THE ORIGINAL FOOTPRINT. THERE IS NO OTHER  
FEASIBLE LOCATION TO RESTORE THESE STRUCTURES.

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

NO. PROPERTIES WERE ALLOWED TO BE REBUILT IN  
THEIR FOOTPRINT

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### Office Use Only

### Comments and Recommendation of the Building Official

## **Applicant Questions and Responses-**

### **LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.**

(1) Initiation. Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) Planning and zoning committee procedure.

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) City commission procedure.

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) Effective period.

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

**MINUTES**  
**PLANNING & ZONING BOARD**  
**REGULAR MEETING & PUBLIC HEARING**

Wednesday, December 20, 2023 - 9:30 a.m.

Key Colony Inn Banquet Room, located at 700 W. Ocean Drive, Key Colony Beach, Florida 33051  
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance & Roll Call:** *The Key Colony Beach Planning & Zoning Board Meeting was called to order by Chair George Lancaster at 9:30 am followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Bob Glassman, Lin Walsh, Mike Yunker. **Also present:** Assistant City Attorney Scott Black, Building Official Lenny Leggett, Building Assistant Karl Bursa, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.*

**Public Attendance:** 2

2. **Agenda Additions, Deletions, or Changes:** *None.*

3. **Citizen Comments & Correspondence:** *None.*

4. **Approval of Minutes:**

a. **Planning & Zoning Board Meeting Minutes August 16, 2023:** *Chair Lancaster asked for any changes or corrections to the minutes. There were none and Chair Lancaster accepted the changes as written.*

5. **Discussion/Approval on recommendation of appointment of Douglas Colonell to the Planning & Zoning Board:** *Chair Lancaster asked for Board Member comments on the recommendation of appointment of Douglas Colonell to the Planning & Zoning Board. Mike Yunker spoke on the applicant having a construction background and supported the recommendation of appointment. Chair Lancaster gave support for the recommendation also and asked for a motion to approve.*

**MOTION:** *Motion made by Mike Yunker to recommend the appointment of Douglas Colonell to the Planning & Zoning Board. Bob Glassman seconded the motion.*

**DISCUSSION:** *None.*

**ON THE MOTION:** *Rollcall vote. Unanimous approval.*

6. **Administration of Oath of Witnesses:** *City Clerk Gransee administered the Oath of Witness to all planning to testify.*

7. **Disclosure of Ex-Parte Communication:** *None.*

8. **Variance Request - 501 E. Ocean Drive "Key Colony Beach Club" – Owners: Key Colony Beach Club Inc:** *Applicant requests a variance to the City of Key Colony Beach Land Development Regulations Chapter 26, Section 101, to rebuilt two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for the Key Colony Beach Club. The original structures were in the 100' setback from the ocean*

*Chair Lancaster introduced the Variance Request and asked for the Building Department to continue the presentation.*

- a. **Proof of Legal Publications & Affidavits of Mailing/Posting:** *Included in the agenda packet.*  
b. **Presentation of Variance Request:** *Building Official Leggett spoke on the requested variance and presented the matter to the Board. Building Official Leggett explained the requested setbacks, previous footprint and proposed locations of the structures. Building Official Leggett confirmed for the proposed structures to be relevant close to*

*the footprint of the previous ones.*

- c. *Statement by Applicant:*** Bob Kenny, Board member of the Key Colony Beach Club, spoke to the Planning & Zoning Board as the representative of the applicant and informed of rebuilding plans after Hurricane Irma, approved engineering plans, approval by the Florida DEP, and a positive opinion of no impact to turtles. Bob Kenny further informed on setbacks and dimensions of the proposed Tiki Huts to be open 16x20 units. Building Assistant Bursa clarified the setback requirements to be following the land regulations per the City Code of Ordinances. Building Official Leggett informed for the Building Department to be impartial in a recommendation but not to raise any objections to an approval.

- d. *Applicant Questions & Responses:*** Chair Lancaster read the applicants questions. Mike Yunker read the applicants responses.

*Lin Walsh asked for clarification on the requested setback. Bob Kenny stated for the setback on the east side to fall within 80 feet and for the west side structure to be closer. Bob Kenny further stated for the structures to be able to moved back further on one side if necessary and explained the location of the proposed structures on the provided map.*

*There were no other questions.*

- e. *Post Hearing Questions:*** Chair Lancaster provided the reading of the Post Hearing Questions.

**1.) *Has the applicant shown good and sufficient cause to grant the variance?***

Mike Yunker	Yes
George Lancaster	Yes
Lin Walsh	Yes
Bob Glassman	Yes

**2.) *Will denial of the variance result in unnecessary hardship for the applicant?***

Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	Yes
Mike Yunker	Yes

**3.) *Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?***

Lin Walsh	Yes
Bob Glassman	Yes
Mike Yunker	Yes
George Lancaster	Yes

**4.) *The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.***

Mike Yunker	Yes
Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	Yes



**5.) Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood?**

Mike Yunker	Yes
George Lancaster	Yes
Lin Walsh	Yes
Bob Glassman	Yes

**f. Planning & Zoning Board Recommendation:** Chair Lancaster asked for a motion.

**MOTION:** Motion made by Mike Yunker to recommend approval of the variance request. Lin Walsh seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

City Clerk Gransee informed the applicant for the recommendation to be presented to the City Commission on January 18<sup>th</sup>.

**9. Discussion/Approval for the application of a new alcoholic Beverage license and corresponding compliance with zoning requirements for the property located at 400 Sadowski Causeway.**

**a. Proof of Publication:** Included in the agenda packet.

**b. Statement by Applicant:** Jim Figuerado, owner of the property located at 400 Sadowski Causeway, spoke to the Board on the requested approval of zoning requirements for the alcoholic beverage license.

Mike Yunker asked for a summary of requirements for the issuance of a license.

Building Official Leggett spoke on the requirements for the approval of an alcoholic beverage license and having provided the Board with a document for review.

Assistant City Attorney Black asked Building Official Leggett to read the requirements into the record.

Building Official Leggett read the requirements into the record.

Mike Yunker asked if the Building Department confirmed if the minimum requirements were met. Building Official Leggett explained for the Building Department to be awaiting DEO approval but stated to have reviewed the drawings for consideration of approval and determined for the minimum requirements to have been met. Building Official Leggett advised on a stipulation that the building has not been build yet and only a verbal approval could be given. Assistant City Attorney Black recommended a conditional approval, subject to the permit being issued, or that the approval can be granted by the Board without a physical structure being there, provided the applicant meets the minimum requirements.

Rob DiGenaro, Restaurant Operator for the applicant, informed for the name of the Restaurant to be changed not be confused with the Restaurant down the street. Rob DiGenaro explained the difficulties with obtaining the license and permits and talked of the process of obtaining the alcoholic beverage license. Rob DeGenaro further talked on the proposed menu, drink selections, pricing, and the plan to be a family-style restaurant. Rob DeGenaro talked about some acoustic music, visions for the restaurants, and regular closing hours to be by 10:00 pm. Rob DeGenaro explained the future building to have two floors and bars.

Chair Lancaster explained that the building and zoning requirements for the property were previously approved.

The Board talked about the possibility of a conditional approval.

Assistant City Attorney Black explained the question of approval to be for the confirmation of fulfilling zoning requirements and for the DBPR to issue the license itself. Assistant City Attorney Black recommended to approve for the execution of application confirming the zoning requirements. Assistant City Attorney clarified that the City will not issue the license but the DBPR and recommended a motion for the City to approve the completion of the City's portion of the zoning application license issuance subject to DBPR regulations. Assistant City Attorney Black explained the City's role in confirming zoning requirements for the applicant to apply for the license with the DBPR and recommended verbiage.

There were no further questions.

~~**e. Recommendation by Building Department**~~

**d. Planning & Zoning Board Discussion/Recommendation:** Chair Lancaster asked for a motion.

**MOTION:** Motion made by Mike Yunker to approve and recommend to the City Commission for their approval of the application completion by the City in accordance with State regulations and DBPR and meeting all the conditions of State requirements. Chair Lancaster asked for a second. Lin Walsh seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

City Clerk Gransee informed for the recommendation by the Planning & Zoning Board to be presented to the City Commission by January 18<sup>th</sup>. City Clerk Gransee explained for the Planning & Zoning Board to be an Advisory Board only and the final determination to be with the City Commission. Chair Lancaster supported the explanation.

**10. Discussion/Approval of Unity of Title for the property located at 401 and 411 3<sup>rd</sup> Street**

- a. Recommendation by Building Department:** Building Official Leggett spoke on the requested Unity of Title and presented the matter to the Board. Building Official Leggett explained for the homeowner requesting approval for the installation of a boatlift down the center of the existing property line. Building Official Leggett explained for the property to be a townhome referred to as a duplex. Building Official Leggett advised the homeowner that a Unity of Title has to be requested to grant the request for the boat lift.
- b. Statement by Applicant:** Jonathan Burns, representative for the homeowners, talked to the Board and explained for the duplex having been owned since 2014 and never having been rented. Jonathan Burns stated for the duplex being used as a single-family home for family use only and talked about plans of removing the current two boatlifts on the property and replacing it with one single boatlift. Building Assistant Bursa informed the current structure being two units and the Unity of Title allowing to take down the current structure and reconstructing it with a single one. Building Assistant Bursa confirmed for the Unity of Title making it technically one unit and other homes in the City with the same circumstances. Building Official Leggett stated no awareness of problems with those homes.
- c. Planning & Zoning Board Discussion/Recommendation:** Chair Lancaster asked for a motion.

**MOTION:** Motion made by Lin Walsh to approve the Unity of Title for 401 and 411 3<sup>rd</sup> Street. Bob Glassman seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**11. Other Business:** None.

**12. Adjourn:** The meeting adjourned at 10:06 am.

Respectfully submitted,

*Silvia Gransee*

City Clerk

# City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



December 20<sup>th</sup>, 2023

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: 501 E. Ocean Drive “Key Colony Beach Club”

The Planning & Zoning Board heard the applicant’s request for a variance to the City of Key Colony Beach Land Development Regulations Chapter 26, Section 101, to rebuilt two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for the Key Colony Beach Club. The original structures were in the 100’ setback from the ocean

## **Post Hearing Questions Results:**

- |                              |  |
|------------------------------|--|
| 1) Chair George Lancaster    | Yes on all 5 (five) Post Hearing Questions |
| 3) Board Member Mike Yunker  | Yes on all 5 (five) Post Hearing Questions |
| 4) Board Member Lin Walsh    | Yes on all 5 (five) Post Hearing Questions |
| 5) Board Member Bob Glassman | Yes on all 5 (five) Post Hearing Questions |

**MOTION:** Motion made by Mike Yunker to recommend approval of the variance request. Lin Walsh seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**Final Recommendation:** The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 501 E. Ocean Drive to be approved.

  
George Lancaster, Chair



Published Weekly  
Marathon, Monroe County, Florida

## **PROOF OF PUBLICATION**

### **STATE OF FLORIDA COUNTY OF MONROE**

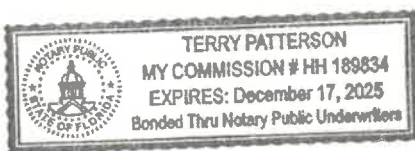
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

December 7, 2023

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before  
me this day of Dec 7, 2023  
(SEAL)

Notary



PUBLIC HEARING NOTICE  
NOTICE IS HEREBY GIVEN, THAT  
THE CITY OF KEY COLONY BEACH  
WILL BE HOLDING PUBLIC  
HEARINGS ON:  
DATE/TIME:  
Planning & Zoning Hearing:  
December 20th, 2023, 9:30 A.M.  
City Commission Public Hearing:  
January 18th, 2024, 9:30 A.M.  
LOCATION:  
City of Key Colony Beach  
Temporary Meeting Place at the  
Key Colony Inn Banquet Room,  
700 W. Ocean Drive, Key Colony  
Beach, Florida 33051,  
TO HEAR A REQUEST FROM THE  
Keys Food Group, d/b/a Fishtales  
Eatery.  
Owner: Robert DeGennaro, 1321  
Madison Street, Hollywood,  
Florida 33019,  
to apply to the State of Florida  
for a NEW ALCOHOLIC  
BEVERAGE LICENSE, and receive  
approval from the City of Key  
Colony Beach Zoning Authority  
for compliance with zoning  
requirements for the sale of  
alcoholic beverages within city  
limits at the property located  
at 400 Sadowski Causeway, Key  
Colony Beach, Florida 33051.  
This meeting will be available  
via Zoom Meetings. Members of  
the public who wish to attend  
virtually may email the City Clerk  
at cityclerk@keycolonybeach.net  
or call 305-289-1212, Ext. 2 for  
further instructions on attending  
via Zoom Meetings.  
Interested parties may attend  
the Hearing and be heard  
with respect to the requested  
variance.  
If any person decides to appeal  
any decision made by the City  
Commission of the City of Key  
Colony Beach with respect to any  
matter considered at a Public  
Hearing, that person will need a  
record of the proceedings and  
for such purpose may need to  
ensure that a verbatim record of  
the proceedings is made, which  
record includes the testimony  
and evidence upon which the  
appeal is to be based.  
If you are unable to attend  
the Hearings on Wednesday,  
December 20th, 2023, or  
Thursday, January 18th, 2024,  
but wish to comment, please  
direct correspondence to the  
City Clerk at P.O. Box 510141,  
Key Colony Beach, FL 33051,  
or via email at cityclerk@  
keycolonybeach.net and your  
comments will be entered into  
the record.  
City Clerk, City of Key Colony  
Beach  
Publisher  
December 7, 2023  
The Weekly Newspapers

**DBPR ABT-6001 – Division of Alcoholic Beverages and Tobacco  
Application for New Alcoholic Beverage License**

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DBPR Form  
ABT-6001  
Revised 08/2013**

*If you have any questions or need assistance in completing this application, please contact the Division of Alcoholic Beverages & Tobacco's (AB&T) local district office. Please submit your completed application and required fee(s) to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's web site at the link provided below:*


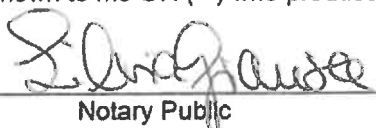
Local ABT District Licensing Offices

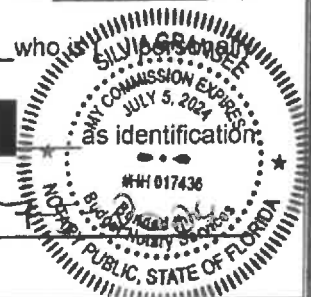
SECTION 1 - CHECK LICENSE CATEGORY					
License Series Requested	Type/Class Requested	Do you wish to purchase a Temporary License? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Child License Requested	Number of Child Licenses Requested				
<input checked="" type="checkbox"/> Retail Alcoholic Beverages <input type="checkbox"/> Alcoholic Beverage Manufacturer <input type="checkbox"/> Beer/Wine/Liquor Wholesaler <input type="checkbox"/> Passenger Waiting Lounge <input type="checkbox"/> Retail Tobacco Products Dealer Permit (must check one or more of the below) <input type="checkbox"/> Pipes <input type="checkbox"/> Over the Counter <input type="checkbox"/> Vending Machine					
SECTION 2 - LICENSE INFORMATION					
If the applicant is a corporation or other legal entity, enter the name and the document number as registered with the Florida Department of State Division of Corporations on the line below.					
FEIN Number	Business Telephone Number	E-Mail Address (Optional)			
93-4536840	2392188695	ISLAND FOOD GROUP@yahoo.com			
Full Name of Applicant(s): (This is the name the license will be issued in)					Department of State Document #
KEYS FOOD GROUP, LLC					
Business Name (D/B/A)					
FISH TALKS RESTAURANT					
Location Address (Street and Number)					
400 SADDLOSKI CAUSEWAY					
City	County	State	Zip Code		
ICEY CANYON BEACH	MONROE	FL	33051		
Mailing Address (Street or P.O. Box)					
1321 MADISON STREET					
City	State	Zip Code			
HOLLYWOOD	FL	33019			
Contact Person - This section is optional, see application instructions for details					
Contact Person		Telephone Number			
ROBERT DEGEORARD		2392188695 ext.			
E-Mail Address (Optional)					
ISLAND FOOD GROUP@yahoo.com					
Mailing Address (Street or P.O. Box)					
1321 MADISON ST					
City	State	Zip Code			
HOLLYWOOD	FL	33019			

**ABT District Office Received Date Stamp**

SECTION 3 - RELATED PARTY PERSONAL INFORMATION					
This section must be completed for <u>each</u> person directly connected with the business, unless they are a current licensee.					
1.	Business Name (D/B/A) <b>FISH TALKS EVERY</b>				
2.	Full Name of Individual <b>ROBERT DEGENARD</b>				
	[Redacted]		Home Telephone Number [Redacted]		Date of Birth [Redacted]
	Race [Redacted]	Sex [Redacted]	Height [Redacted]	Weight [Redacted]	Eye Color [Redacted]
	Hair Color [Redacted]				
3.	Are you a U.S. citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, immigration card number or passport number:				
4.	Home Address (Street and Number) [Redacted]				
	City <b>Hollywood</b>			State <b>FL</b>	Zip Code <b>33019</b>
5.	Do you currently own or have an interest in any business selling alcoholic beverages, wholesale cigarette or tobacco products, or a bottle club? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below. The location address should include the city and state.				
	Business Name (D/B/A)			License Number	
	Location Address				
6.	Have you had any type of <u>alcoholic beverage</u> , or bottle club license, or cigarette, or tobacco permit refused, revoked or suspended anywhere in the past 15 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below. The location address should include the city and state.				
	Business Name (D/B/A)			Date	
	Location Address				
7.	Have you been convicted of a <u>felony</u> within the past 15 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below and provide a <b>Copy of the Arrest Disposition</b> , as requested in the <b>Application Requirements</b> checklist.				
	Date		Location		
	Type of Offense				
8.	Have you been convicted of an offense involving <u>alcoholic beverages or tobacco products</u> anywhere within the past 5 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below and provide a <b>Copy of the Arrest Disposition</b> , as requested in the <b>Application Requirements</b> checklist.				
	Date		Location		
	Type of Offense				



9.	Have you been arrested or issued a notice to appear in any state of the United States or its territories within the past 15 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below and a <b>Copy of the Arrest Disposition</b> . <b>Attach additional sheet if necessary.</b>				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">Date</td> <td style="padding: 2px;">Location</td> </tr> <tr> <td colspan="2" style="padding: 2px;">Type of Offense</td> </tr> </table>	Date	Location	Type of Offense	
Date	Location				
Type of Offense					
10.	Do you meet the standards of the moral character rule? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
11.	Are you an officer or employee of the Division of Alcoholic Beverages and Tobacco; are you a sheriff or other state, county, or municipal officer, including reserve or auxiliary officers, certified by the state as such, with arrest powers, whose certification is current and active? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<b>NOTARIZATION STATEMENT</b>					
<p>"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that I have fully disclosed any and all parties financially and or contractually interested in this business and that the parties are disclosed in the Disclosure of Interested Parties of this application. I further swear or affirm that the foregoing information is true and correct."</p>					
STATE OF <u>Florida</u>					
COUNTY OF <u>Holmes</u>					
 APPLICANT SIGNATURE					
The foregoing was ( <input checked="" type="checkbox"/> ) Sworn to and Subscribed OR ( <input type="checkbox"/> ) Acknowledged Before me this <u>09</u> Day of <u>November</u> , 20 <u>03</u> , By <u>Robert V. De Gennaro</u> who is _____ (print name of person making statement)					
known to me OR ( <input type="checkbox"/> ) who produced _____  Notary Public					
Commission Expires: _____					



(ATTACH ADDITIONAL COPIES AS NECESSARY)

**\*Social Security Number**

Under the Federal Privacy Act, disclosure of Social Security numbers is voluntary unless a Federal statute specifically requires it or allows states to collect the number. In this instance, disclosure of social security numbers is mandatory pursuant to Title 42 United States Code, Sections 653 and 654; and sections 409.2577, 409.2598, and 559.79, Florida Statutes. Social Security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security numbers must also be recorded on all professional and occupational license applications and are used for licensee identification pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub.L.193, Sec. 317. The State of Florida is authorized to collect the social security number of licensees pursuant to the Social Security Act, 42 U.S.C. 405(c)(2)(C)(I). This information is used to identify licensees for tax administration purposes. This information is used to identify licensees for tax administration purposes, and the division will redact the information from any public records request.



**SECTION 4 – DESCRIPTION OF PREMISES TO BE LICENSED  
TO BE COMPLETED BY THE APPLICANT**

Business Name (D/B/A)

- |    |                              |  |  |
|----|------------------------------|--|--|
| 1. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the proposed premises movable or able to be moved?  |
| 2. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is there any access through the premises to any area over which you do not have dominion and control?  |
| 3. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the business located within a Specialty Center? If yes, check the applicable statute:<br><input type="checkbox"/> 561.20(2)(b)1, F.S. or <input type="checkbox"/> 561.20(2)(b)2, F.S. |
| 4. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there any mobile vehicles used to sell or serve alcoholic beverages?   |
| 5. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there more than 3 separate rooms or enclosures with permanent bars or counters?  |

Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show the details of each floor.

*SEE ATTACHED*

**DRAWING TITLE:**  
**LIFE SAFETY PLAN**

**A NEW COMMERCIAL DEVELOPMENT AT  
400 SADOWSKI CAUSEWAY  
KEY COLONY BEACH , FL 33051**

**T. B. NEAL ARCHITECTS INC.**  
ARCHITECTS & ENGINEERS  
1000 N.W. 10TH AVENUE, SUITE 100  
MIAMI, FL 33136  
(305) 371-4444

**LS1.1**  
LEVEL 1

**TSI**  
T.B. NEAL ARCHITECTS INC.

### SECTION 5 - APPLICATION APPROVALS

Full Name of Applicant: (This is the name the license will be issued in)

KEYS FOOD GROUP LLC

Business Name (D/B/A)

FISH TALKS FARM

Street Address

400 SADOWSKI CAUSEWAY

City

KEY BICORDON BEACH

County

MONROE

State

FL

Zip Code

33051

### ZONING

TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION

- A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series: \_\_\_\_\_ Type: \_\_\_\_\_ license.
- B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch?" ☐ Yes ☐ No

**Check either: Please do not skip, this is important for license fee sharing**

☐ Location is within the city limits or ☐ Location is in the unincorporated county

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ This approval is valid for \_\_\_\_ days.

### SALES TAX

TO BE COMPLETED BY THE DEPARTMENT OF REVENUE

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending \_\_\_\_\_ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 213.758 (4), F.S. (Not applicable if no transfer involved).
2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Department of Revenue Stamp

This approval is valid for \_\_\_\_ days.

### HEALTH

TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS  
OR COUNTY HEALTH AUTHORITY  
OR DEPARTMENT OF HEALTH  
OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Agency \_\_\_\_\_

This approval is valid for \_\_\_\_ days.

**SECTION 5 - APPLICATION APPROVALS**

Full Name of Applicant: (This is the name the license will be issued in)

Business Name (D/B/A)

Street Address

City

County

State

FL

Zip Code

**ZONING****TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION**

- A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series: \_\_\_\_\_ Type: \_\_\_\_\_ license.
- B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch?" ☐ Yes ☐ No

**Check either: Please do not skip, this is important for license fee sharing**☐ Location is within the city limits or ☐ Location is in the unincorporated county

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ This approval is valid for \_\_\_\_ days.

**SALES TAX****TO BE COMPLETED BY THE DEPARTMENT OF REVENUE**

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending \_\_\_\_\_ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 213.758 (4), F.S. (Not applicable if no transfer involved).
2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Department of Revenue Stamp

This approval is valid for \_\_\_\_ days.

**HEALTH****TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS  
OR COUNTY HEALTH AUTHORITY  
OR DEPARTMENT OF HEALTH  
OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Agency \_\_\_\_\_

This approval is valid for \_\_\_\_ days.

**SECTION 5 – APPLICATION APPROVALS**

Full Name of Applicant: (This is the name the license will be issued in)

Business Name (D/B/A)

Street Address

City

County

State  
FL

Zip Code

**ZONING****TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION**

- A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series: \_\_\_\_\_ Type: \_\_\_\_\_ license.
- B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch?" ☐ Yes ☐ No

**Check either: Please do not skip, this is important for license fee sharing**☐ Location is within the city limits or ☐ Location is in the unincorporated county

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ This approval is valid for \_\_\_\_ days.

**SALES TAX****TO BE COMPLETED BY THE DEPARTMENT OF REVENUE**

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending \_\_\_\_\_ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 213.758 (4), F.S. (Not applicable if no transfer involved).
2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Department of Revenue Stamp

This approval is valid for \_\_\_\_ days.

**HEALTH****TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS  
OR COUNTY HEALTH AUTHORITY  
OR DEPARTMENT OF HEALTH  
OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Agency \_\_\_\_\_

This approval is valid for \_\_\_\_ days.

### SECTION 6 - APPLICANT ENTITY FELONY CONVICTION

Business Name (D/B/A)

FISH TAILS CATERING

KEYS FOOD GROUP LLC

Has the applicant entity been convicted of a felony in this state, any other state, or by the United States in the last 15 years?

☐ Yes ☒ No

If the answer is "Yes," please list all details including the date of conviction, the crime for which the entity was convicted, and the city, county, state and court where the conviction took place.

(Attach additional sheets if necessary)

### SECTION 7 - SPECIAL LICENSE REQUIREMENTS (DOES NOT APPLY TO BEER AND WINE LICENSES)

Please check the appropriate box of the license for which you are applying. Fill in the corresponding requirements for the license type sought.

☐ Quota Alcoholic Beverage License  
☐ Club Alcoholic Beverage License

☒ Specialty Alcoholic Beverage License (e.g. SRX, S, etc)

This license is issued pursuant to \_\_\_\_\_, Florida Statutes or Special Act, and as such we acknowledge the following requirements must be met and maintained:

Please initial and date

Applicant's Initials

11/28/2023  
RD

Date

11/28/2023

# SECTION 8 - DISCLOSURE OF INTERESTED PARTIES

Note: Failure to disclose an interest, direct or indirect, could result in denial, suspension and/or revocation of your license. You MUST list all persons and entities in the entire ownership structure. To determine which of those persons must submit fingerprints and a Related Party Personal Information, sheet, see the fingerprint section in the application instructions.

Business Name (D/B/A)

FISH TALES ENTERY KEYS FOOD GROUP LLC

1. When applicable, complete the appropriate section below. Attach extra sheets if necessary.

Title/Position	Name	Stock %
CORPORATION-- List all officers, directors, and stockholders		
GENERAL PARTNERSHIP -- List all general partners		
	ROBERT V DE GENIARD	100
LIMITED LIABILITY COMPANY -- List all managers (member & non-member), directors, officers, and members		
	ROBERT V DE GENIARD MANAGER	100
LIMITED PARTNERSHIP -- List all general and limited partners.		
LIMITED LIABILITY PARTNERSHIP -- List all partners		

Bar Manager (Fraternal Organizations of National Scope only):

## OTHER INTERESTS

These questions must be answered about this business for every person or entity listed as the applicant

1. Are there any persons or entities not disclosed who have loaned money to the business?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Are there any persons or entities not disclosed that derive revenue from the license solely through a contractual relationship with the licensee, the substance of which is not related to the control of the sale of alcoholic beverages, or is exempt by statute or rule?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Are there any persons or entities not disclosed that have the right to receive revenue based on a contractual relationship related to the control of the sale of alcoholic beverages?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Are there any persons or entities not disclosed who have a right to a percentage payment from the proceeds of the business pursuant to the lease?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Are there any persons or entities not disclosed who have guaranteed the lease or loan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Are there any persons or entities not disclosed who have co-signed the lease or loan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Is there a management contract, franchise agreement, or concession agreement in connection with this business?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Have you or anyone listed on this application, accepted money, equipment or anything of value in connection with this business from any industry member as described in 61A-1.010, Florida Administrative Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If you answered yes to any of the above questions, a copy of the agreement must be submitted with this application. The terms of the agreement may require the interested persons or parties related to an entity to submit fingerprints and a related party personal information sheet.



SECTION 9 - AFFIDAVIT OF APPLICANT  
NOTARIZATION REQUIRED

Business Name (D/B/A)

KEYS FOOD GROUP LLC ESTABLISHED EARLY

"I, the undersigned individually, or on behalf of a legal entity, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the entire area and premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for the purposes of determining compliance with the beverage and retail tobacco laws."

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or tobacco permit, and all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or tobacco permit."

STATE OF Florida

COUNTY OF Monroe

ROBERT V. DE GENNARO  
APPLICANT/AUTHORIZED REPRESENTATIVE NAME

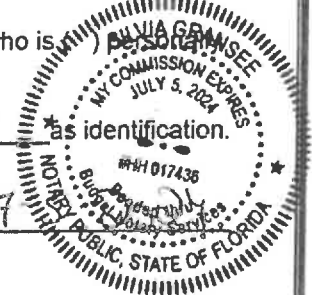
[Signature]  
APPLICANT/AUTHORIZED REPRESENTATIVE SIGNATURE

The foregoing was ( ☒ ) Sworn to and Subscribed OR ( ) Acknowledged Before me this 09 Day  
of November, 2023, By Robert V. De Gennaro who is ( ) Personal  
(print name(s) of person(s) making statement)

known to me OR ( ☒ ) who produced

[Signature]  
Notary Public

Commission Expires: 7



# SECTION 10 - CURRENT LICENSEE UPDATE DATA SHEET

This section is to be completed for all current alcoholic beverage and/or tobacco license holders listed on the application to ensure the most up to date information is captured.

Business Name (D/B/A)

KEYS FOOD GROUP LLC

FIS TALES EVERY

Last Name

DEGENARO

First

ROBERT

M.I.

✓

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

[REDACTED]

Soc

[REDACTED]

Street Address

1321 MADISON STREET

City

HOLLYWOOD

State

FL

Zip Code

33019

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

# City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



December 20<sup>th</sup>, 2023

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Discussion/Approval for the application of a new alcoholic Beverage license and corresponding compliance with zoning requirement for the property located at 400 Sadowski Causeway.

The Planning & Zoning Board heard the applicant's request for the approval of an application to the State of Florida for the completion of the application by the City for a new alcoholic beverage license for the future restaurant at 400 Sadowski Causeway.

**MOTION:** Motion made by Mike Yunker to approve and recommend to the City Commission for their approval of the application completion by the City in accordance with State regulations and DBPR and meeting all the conditions of State requirements. Chair Lancaster asked for a second. Lin Walsh seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**Final Recommendation:** The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested completion of the application to be approved.

George Lancaster, Chair

This Instrument Was Prepared By:  
Anthony J. Barrows, Esq.  
Wright Barrows PLLC  
9711 Overseas Highway  
Marathon, FL 33050  
Telephone: 305-743-8118  
File No. 23-550

Note: This document was prepared without examination of title and therefore the preparer expresses no opinion as to condition of title.

### UNITY OF TITLE

WHEREAS, the undersigned, Lewis M. Heaster, Trustee of the Lewis M. Heaster Revocable Trust dtd November 13, 1998, as General Partner of HEASTER FAMILY LIMITED PARTNERSHIP is the fee simple owner (the "Owner") of the Property described as:

The Southerly ½ of Lot 16, Block 3, Key Colony Beach, according to the map or Plat thereof, recorded in Plat Book 3, Page 120, of the Public Records of Monroe County, Florida.

a/k/a 401 3<sup>rd</sup> St, Key Colony Beach, FL 33051

Parcel ID No. 00072820-000000; Acct. No. 1076872

AND

The Northerly ½ of Lot 16, Block 3, Key Colony Beach, according to the Plat thereof, recorded in Plat Book 3, Page 120, of the Public Records of Monroe County, Florida.

a/k/a 411 3<sup>rd</sup> St, Key Colony Beach, FL 33051

Parcel ID No. 00072820-000100; Acct. No. 9094890

Owner recognizes and acknowledges that for the public health, welfare, safety or morals, the Property should not be divided into separate parcels owned by the owner and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby agrees to restrict the use of the subject Property in the following manner:

The Property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.

Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall be recorded, at Owner's expense, in the Public Records of Monroe County, Florida, and shall remain in full force and effect and be binding upon the Owner, its successors or assigns and upon all mortgages or lessees until such time as the same may be released in Paragraph 4 below.

### **CONDITIONS**

1. City: This Unity of Title is intended to benefit and run in favor of the City of Key Colony Beach, Monroe County, Florida.

2. Enforcement: This Unity of Title may be enforced by the City at law or in equity or as a code compliance action against any party or person violating, or attempting to violate, any of the covenants and restrictions contained herein. The remedies available to the City shall include, but are not limited to, obtaining a court order requiring the Owner or its successors or assigns to compel the Property's continuing compliance with the covenants and restrictions contained herein until the City releases this Unity of Title. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, reasonable attorneys' fees and costs as well as attorneys' fees and costs incurred in enforcing this prevailing parties' attorneys' fees provision. This enforcement provision shall be in addition to any other remedies available at law or in equity.

3. Authorization for City to Withhold Permits and Inspections. If the terms of this Unity of Title are not being complied with, in addition to any other remedies available at law or in equity, the City is hereby authorized after notice and an opportunity to cure, to withhold any permits regarding the Property or any portion thereof, and to refuse to make any inspections or grant any approvals for the Property or any portion thereof until such time as the Owner or his/her/its successor or assigns are in compliance with the conditions of this Unity of Title. The determination of non-compliance and to withhold permits, inspections, or approvals shall be by the Building Official and shall be subject to the appeal provision of the City's land development regulations.

4. Modifications, Amendments and Releases. This Unity of Title may only be modified, amended or released by a written instrument executed by the Building Official or his designee. All modifications, amendments and releases hereto shall be in writing and must be signed by the Owner, or its successors or assigns, and the Building Official or his designee. This document and all amendments hereto shall be recorded in the Public Records of Monroe County, Florida, and shall not be valid until recorded.

5. Governing Law. This Unity of Title and the enforcement of the rights and obligations established hereby shall be subject to and governed by the laws of the State of Florida.

6. Recordation. The Owner, at its sole expense, shall record this Unity of Title in the Public Records of Monroe County, Florida, within ten (10) working days after approval of the same by the City.

IN WITNESS WHEREOF, the undersigned has caused this Unity of Title to be executed as of this 20<sup>th</sup> day of November, 2023.

WITNESS OR ATTEST:

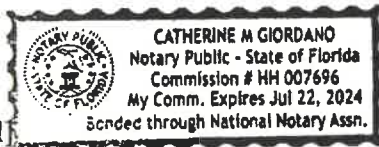
OWNER:

Catherine M. Gioiardo  
Signature of 1st Witness  
Printed Name: Catherine M. Gioiardo  
Address: 882 Village Dr.  
Ormond Beach FL 32174  
Angele Heaster  
Signature of 2nd Witness  
Print Name: Angele Heaster  
Address: 70 Riverside Dr  
Ormond Beach, FL 32176

L. M. Heaster  
Lewis M. Heaster, Trustee of the Lewis M.  
Heaster Revocable Trust dtd November 13,  
1998, as General Partner of  
Heaster Family Limited Partnership

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 20 day of November, 2023, Lewis M. Heaster, Trustee of the Lewis M. Heaster Revocable Trust dtd November 13, 1998, as General Partner of Heaster Family Limited Partnership, who ☒ is personally known to me or ☐ has produced a driver's license as identification.



[Notary Seal]

Catherine M. Giordano  
Notary Public

Printed Name: Catherine M. Giordano

My Commission Expires: 7/22/24

THIS UNITY OF TITLE IS ACCEPTED  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

CITY OF KEY COLONY BEACH

By: \_\_\_\_\_  
Lenny Leggett, Building Official





December 20<sup>th</sup>, 2023

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Discussion/Approval of Unity of Title for the property located at 401 and 411 3rd Street


The Planning & Zoning Board heard the applicant's request for the approval of Unity of Title for the property located at 401 and 411 3<sup>rd</sup> Street.

**MOTION:** Motion made by Lin Walsh to approve the Unity of Title for 401 and 411 3rd Street. Bob Glassman seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**Final Recommendation:** The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested Unity of Title to be approved.

  
George Lancaster, Chair