



# Council Communication

**To:** Mayor and Village Council  
**From:** Emily Hernandez, Planner  
**Date:** May 8, 2025  
**SUBJECT:** **Public Hearing - 73501 Overseas Hwy Minor Amendment to PLCUP20220140 Notice of Intent to Issue an Approval TAB D**

## **Background:**

On January 22, 2025 Caloosa SMI LLC and its named agent, Ty Harris, P.A., submitted an application for a Minor Deviation to amend the conditions imposed by a Minor Conditional Use permit for the former location of the Safari Lounge located at 75301 Overseas Hwy. The Minor Conditional Use permit was issued with conditions on April 25, 2023 for outdoor seating on the veranda. On March 3, 2025 the Village mailed notices to property owners within 300 feet informing them of the Director's intent to issue Minor Conditional Use permit with amendments having determined that the project has met all the requirements for said approval.

The amendments to the conditions included removing the following conditions: (a) The operating hours for seating customers at the Safari Lounge will be Sunday-Thursday 11am – 9pm and Friday and Saturday 11am – 10pm; (b) The Safari Lounge shall not play amplified music on the veranda at any time; and (c) There shall be no live music at the Safari Lounge. A condition restricting all special events and/or parties from being hosted at and/or operated by the Safari Lounge was amended to restrict such events and/or parties to a maximum of 12 per calendar year.

On or about March 19, 2025, the Planning and Development Services Department received a request for a public hearing from Russel A. Yagel on behalf of adjacent property owners and/or their homeowners association (Lower Matecumbe Beach Property Owners Association). Pursuant to the Village Code of Ordinances (the "Code"), a public hearing before the Village Council was scheduled, adjacent property owners were notified, the hearing was properly advertised, and the property was posted.

The portion of the property where the restaurant is located is approximately 24,671 square feet in size. The property is zoned Tourist Commercial (TC) and within the Mixed Use (MU) Future Land Use Map designation (FLUM). The property is located on the south side of Overseas Hwy and the restaurant is located at the southwestern tip of the Caloosa Cove Marina property, abutting the edge of the Caloosa Cove Resort to the north and east and the open water shoreline to the south.

The use is a permitted use in the Tourist Commercial Zoning District.



### Analysis:

Pursuant to Sec 30-216, The Planning Director may approve minor deviations from a development permit for conditional use. Authorized minor deviations are those that allow minor redesign or change to a project that would not substantially change or increase the originally anticipated impacts.

Conditional uses are those are generally compatible with the other uses permitted in a zoning district, but that require individual review of their location, design, configuration, and intensity and density of use and structures and may require the imposition of conditions pertinent thereto to ensure the appropriateness and compatibility of the use at a particular location.

Pursuant to Sec 30-217(c), at the public hearing, the village council shall consider the application, the relevant support materials, the director's recommendations, and public testimony given at the hearing. If at any time during the public hearing the village council determines that the application is based upon incomplete or inaccurate information or misstatements of fact, it may deny the application or refer the application back to the director for further review and revised recommendations.

At the close of the public hearing, the village council by not less than a majority of a quorum present shall approve, approve with conditions, or deny the application by resolution, based on the standards in this chapter.

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director and Village Council shall consider the following factors, and no conditional use shall be approved which fails to meet any standard below. Failure to comply with any

standard shall be deemed adverse to the public interest:

- (1) The proposed conditional use is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

The proposed minor deviation is within the Tourist Commercial (TC) Zoning District and Mixed Use (MU) FLUM Category. The Applicant's proposal meets the general criteria of Objective 1-2.4 of the Comprehensive Plan relating to the type and scope of uses that are permitted within the Mixed Use (MU) FLUM category and Policies 1-2.4.1, 1-2.4.3 and 1-2.4.6 where existing structures, business types and locations lend themselves to compatible coexistence with residential uses.

Policy 1-2.4.3: - Commercial Uses Located Outside of Village Activity Centers.

Redevelopment shall be encouraged for commercial structures and uses designated MU and located outside of the Village Activity Centers, but only to the extent that impacts generated by the new structure and use are equal to or less than that generated by the previous structure and use. Commercial uses adjoining residential canals, except commercial fishing uses, shall be limited to fully enclosed uses of medium to low intensity. In lieu of commercial development, vacant properties shall be allowed, one (1) single family home or a transfer of development rights associated with the property, providing that such transfer restricts all future development options as further implemented by standards in the Land Development Regulations.

Policy 1-2.4.1: Guide the Location of Commercial Uses and Revitalize Commercial Areas.

Mixed Use (MU) is the only FLUM category in which commercial uses shall be permitted. The general pattern of commercial land uses in MU shall:

1. Prevent negative impacts on the fragile coastal ecosystem by directing commercial development away from environmentally sensitive lands and critical habitat;
2. Revitalize all existing commercial areas and further distinguish Village Activity Centers;
3. Restrict the scale and intensity of commercial development outside of the Village Activity Centers and other appropriate areas in the Village;
4. Promote safe and efficient vehicle, cyclist and pedestrian movement;
5. Prevent or minimize Village costs to provide infrastructure;
6. Avoid encroachment of incompatible commercial activity into established residential neighborhoods;
7. Enhance the unique character of the Village's commercial land uses through incentives for bufferyards and landscaping; and
8. Facilitate within the Village Activity Centers, the creation of aesthetically pleasing commercial spaces outdoors, as places for social leisure and interaction, while limiting light industrial uses, outdoor storage and sales as a primary use of land, and outdoor retail sales as an accessory use of land.

Policy 1-2.4.3: Commercial Uses Located Outside of Village Activity Centers

Redevelopment shall be encouraged for commercial structures and uses designated MU and located outside of the Village Activity Centers, but only to the extent that impacts generated by the new structure and use are equal to or less than that generated by the previous structure and use. Commercial uses adjoining residential canals, except commercial fishing uses, shall be limited to fully enclosed uses of medium to low intensity. In lieu of commercial development, vacant properties shall be allowed, one (1) single family home or a transfer of development rights associated with the property, providing that such transfer restricts all future development options as further implemented by standards in the Land Development Regulations.

Policy 1-2.4.6: Establish Zoning District Criteria for MU.

The following criteria shall be used as guidelines for designating Zoning Districts within the Mixed Use FLUM category:

1. Residential Zoning Districts: In general, residential Zoning Districts shall be established where there are existing residential neighborhoods within the Village Activity Centers.
2. Commercial Zoning Districts: In general, commercial Zoning Districts shall be established where there are existing commercial uses, including single vacant parcels of land located between two (2) existing commercial uses.
3. Integrated Use Zoning Districts: Integrated use Zoning Districts, which encourage commercial and residential uses to co-locate on the same parcel or within the same building shall be established to maintain and promote affordable, workforce and employee housing. Appropriate locations for integrated use zoning shall include, in general, areas where such uses already exist, the core areas of the Village Activity Centers and other select locations along U.S. 1 where existing structures, business types and locations lend themselves to compatible co-existence with residential uses.
4. School and Recreational Zoning Districts: These Zoning Districts shall be established to accommodate existing or proposed school or recreational uses.

The proposed Minor Deviation from the Minor Conditional Use is consistent with the above policies. A restaurant/lounge has existed in the same location for decades without the conditions that were placed on the new restaurant/lounge. The project is compatible with the surrounding commercial uses and will not negatively impact level of service standards.  
IN COMPLIANCE.

- (2) The proposed conditional use complies with all relevant and appropriate portions of the LDRs;

Landscaping Standards:

NOT APPLICABLE

Parking:

NOT APPLICABLE

- (3) The proposed conditional use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

The proposed minor deviation is compatible and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

IN COMPLIANCE

- (4) The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

The historic location of the restaurant remains unchanged. Intensity has been addressed by imposing a condition that limits the amount of special events and/or parties held at or by the restaurant operator to twelve (12) per calendar year.

IN COMPLIANCE

- (5) The Proposed Development complies with Division 5 (Concurrency Management) [of Article IV of the LDRs];

The proposed minor deviation does not entail the further development of any part of the property.

## IN COMPLIANCE

(6) The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and,

There are no environmentally sensitive habitats on the subject property.

NOT APPLICABLE

(7) The proposed conditional use will result in logical, timely and orderly development patterns.

The minor deviation does not involve any new development.

NOT APPLICABLE

### **Budget Impact:**

None.

### **Staff Impact:**

None.

### **Recommendation:**

Staff has reviewed the request for Minor Deviation to the Minor Conditional Use and has determined that the application is consistent with the goals, objectives, and policies of the comprehensive plan and complies with applicable provisions of the Code of Ordinances. Staff recommends that the Village Council APPROVE the proposed Minor Deviation application subject to the following Conditions of Approval:

1. This minor conditional use is for restaurant seating. The total gross floor area inside will be limited to 2,456 square feet. The outdoor seating is limited to the veranda with 682 square feet and a maximum occupancy of 42 seats as shown on the site plan attached.
2. All parking shall remain on site and under no circumstances shall there be parking within the right of way for U.S. 1
3. There shall be a maximum of twelve (12) special events and/or parties hosted at and/or operated by the Safari Lounge per calendar year.
4. Daily the Applicant will be responsible for maintaining a trash free environment on the veranda.
5. The Village reserves the right to rescind in whole or part any aspect of this Minor Conditional Use permit in the event violation of these conditions occurs.
6. Except as otherwise provided herein, applicant/owner agrees to comply in all respects with any applicable Federal, State, or local rules and regulations.
7. Based on the shared parking analysis provided to the Village, all parking shall remain on site. In the event that issues arise, the Village Council reserves the right to require additional on-site parking or other reasonable solution after a public hearing process.
8. All lighting shall comply in all respects with Village requirements including Chapter 30, Article VII, Division 3 (Sea Turtle Nesting Protection).

- Attachments:**
1. Recorded NOA\_Minor Conditional Use
  2. NOI\_PropertyOwners\_Minor Deviation
  3. HLY to Village requesting hearing

#### 4. Safari Lounge Reso



This instrument prepared by and return to:  
Islamorada, Village of Islands  
Planning and Development Services Department  
86800 Overseas Highway  
Islamorada, Florida 33036



Doc # 2416367 Bk# 3223 Pg# 1458  
Recorded 5/3/2023 8:44 AM Page 1 of 3

Filed and Recorded in Official Records of  
MONROE COUNTY KEVIN MADOK, CPA

**Notice of Approval: Minor Conditional Use (PLCUP20220140)**

<b>Project Name:</b>	Caloosa Cove – Outdoor Seating
<b>Parcel Number:</b>	00388620-000000
<b>Project Owner:</b>	Caloosa SMI, LLC
<b>Agent:</b>	Eric Metz
<b>Project #:</b>	<b>PLCUP20220140</b>
<b>Zoning District Designation:</b>	Tourist Commercial (TC)
<b>Property Address:</b>	73501 Overseas Highway on Lower Matecumbe Key
<b>Project Summary:</b>	2,456 square foot restaurant with 682 square feet of outdoor seating
<b>Date of Approval:</b>	April 28, 2023
<b>Date of Expiration:</b>	April 28, 2025

Pursuant to Section 30-217 of the Islamorada, Village of Islands Code of Ordinances (Code), Minor Conditional Use Approval is required before the issuance of Building Permits. The Director of Planning has determined that the Site Plan prepared for the project meets the requirements for Site Plan Approval and in accordance with Section 30-215(f)(1) of the Code, this letter shall serve as the Notice of Intent to issue Minor Conditional Use Approval, subject to the following Conditions of Approval:


1. This minor conditional use is for a restaurant with outdoor seating. The total gross floor area inside will be limited to 2,456 square feet. The outdoor seating is limited to the veranda with 682 square feet and a maximum occupancy of 42 seats as shown on the site plan attached.
2. The operating hours for seating customers at the Safari Lounge will be Sunday-Thursday 11am – 9pm and Friday and Saturday 11 am – 10 pm.
3. The Safari Lounge shall not play amplified music on the veranda at any time.
4. There shall be no live music at the Safari Lounge.
5. All parking shall remain on site and under no circumstances shall there be parking within the right of way for U.S. 1.
6. There shall be no special events and/or parties hosted at and/or operated by the Safari Lounge.
7. Daily the Applicant will be responsible for maintaining a trash free environment on the veranda.
8. The Village reserves the right to rescind in whole or part any aspect of this Minor Conditional Use in the event violation of these conditions occurs.
9. Except as otherwise provided herein, applicant/owner agrees to comply in all respects with any applicable Federal, State, or local rules and regulations.
10. Based on the shared parking analysis provided to the Village, all parking shall remain on site. If issues arise, the Villages Council reserves the right to request additional on-site parking or other reasonable solution after a public hearing process.
11. All lighting shall comply in all respects with Village requirements including Chapter 30, Article VII, Division 3 (Sea Turtle Nesting Protection).

**A copy of the approved site plan, Exhibit A, shall be submitted with all applications for development for the subject property.**

Pursuant to Section 30-215(i), issuance of Site Plan Approval shall be deemed to authorize only the site configuration, layout, and level of impacts as submitted on plans dated March 21, 2023 (attached) unless the site plan is rescinded or revoked as provided in Chapter 30. Permitted uses may occur in conjunction with or in place of the approved uses. Site Plan Approval shall run with the land. Issuance of Site Plan Approval shall be deemed to authorize the Building Official to approve an application for a building permit if the applicant has complied with all other relevant portions of Chapter 30 and the Code.

Signed, witnessed, and executed on this 28th<sup>th</sup> day of April 2023.

**WITNESS:**

  
\_\_\_\_\_  
Jamie Terry

**DIRECTOR OF PLANNING:**

  
\_\_\_\_\_  
Jennifer DeBoisbriand

STATE OF FLORIDA

)SS

COUNTY OF MONROE

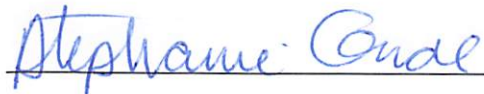
The foregoing instrument was acknowledged before me by Jennifer DeBoisbriand as Planning Director of Islamorada, Village of Islands, Florida, a Municipal Corporation. She is personally known to me.

Witness my signature and official seal this 28<sup>th</sup> day of April 2023 in the aforesaid County and State.

SEAL:



Stephanie Conde  
Comm.: HH 189981  
Expires: Nov. 27, 2025  
Notary Public - State of Florida

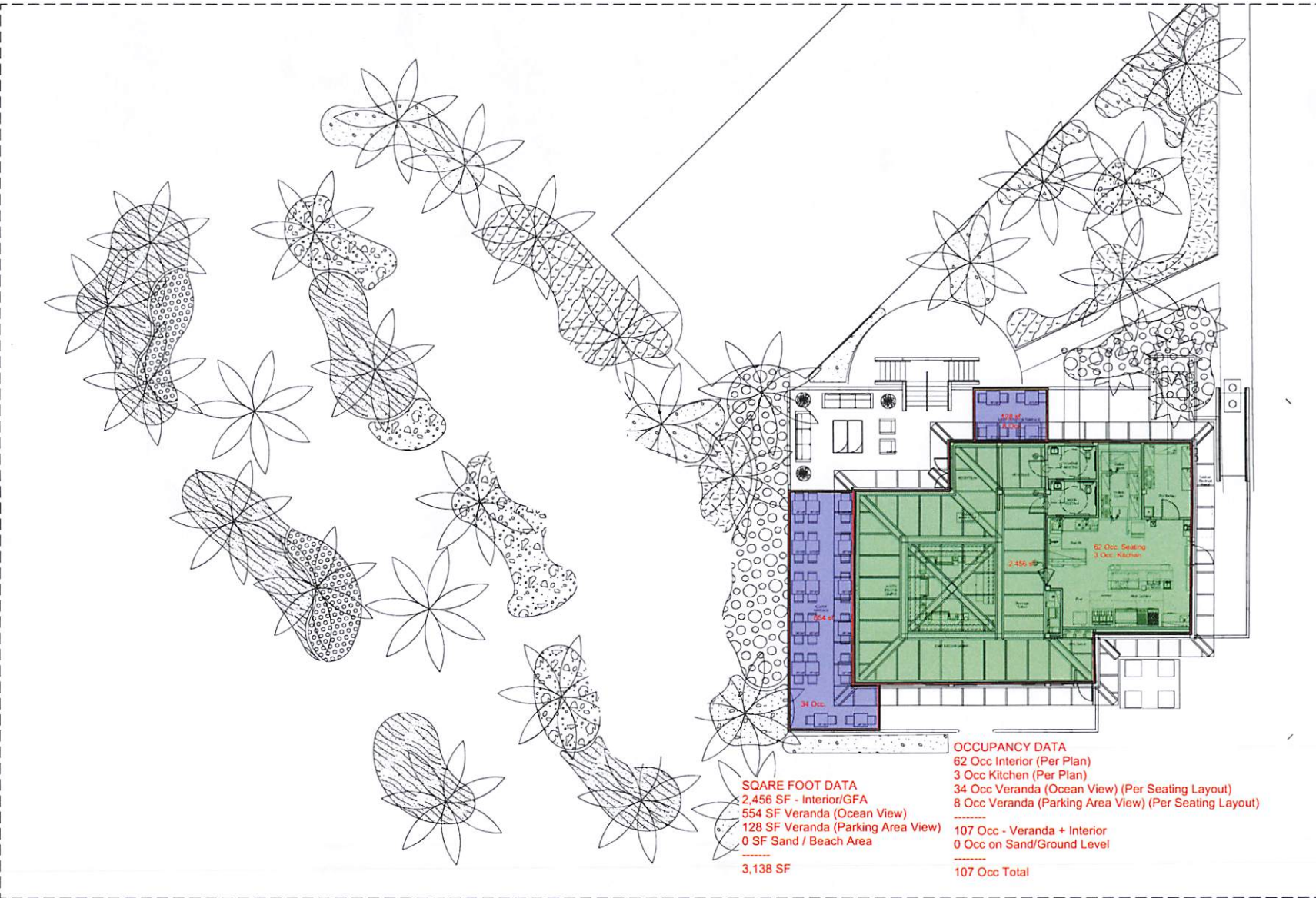
  
\_\_\_\_\_

NOTARY PUBLIC, State of Florida

Print Name:

Stephanie Conde





1 SITE PLAN  
SCALE 1/8" = 1'-0"



**ISLAMORADA, VILLAGE OF ISLANDS**  
**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

86800 Overseas Highway ♦ Islamorada, Florida 33036 ♦ 305-664-6400 ♦ [www.islamorada.fl.us](http://www.islamorada.fl.us)

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

March 3, 2025

**PROPERTY OWNERS (ADJACENT TO OR WITHIN 300 FT)**

**Notice of Intent to Issue Conditional Use Permit PLCUP20250012**

Please be advised that Islamorada, Village of Islands Staff has reviewed an application submitted by Ty Harris for Conditional Use Permit Approval for amending operating conditions only. The proposed project is located at 73501 Overseas Highway on Lower Matecumbe Key having real estate number 00388620-000000.

Pursuant to provisions contained in Chapter 30, Article IV of the Islamorada, Village of Islands Code of Ordinances (Code), this letter shall serve as the Notice of Intent to issue Conditional Use Permit Approval, subject to the following Conditions:

**Conditions:**

- 1 This minor conditional use is for restaurant seating. The total gross floor area inside will be limited to 2,456 square feet. The outdoor seating is limited to the veranda with 682 square feet and a maximum occupancy of 42 seats as shown on the site plan attached.
- 2 All parking shall remain on site and under no circumstances shall there be parking within the right of way for U.S. 1
- 3 There shall be maximum of twelve (12) special events and/or parties hosted at and/or operated by the Safari Lounge per calendar year.
- 4 Daily the Applicant will be responsible for maintaining a trash free environment on the veranda.
- 5 The Village reserves the right to rescind in whole or part any aspect of this Minor Conditional Use in the event violation of these conditions occurs.
- 6 Except as otherwise provided herein, applicant/owner agrees to comply in all respects with any applicable Federal, State, or local rules and regulations.
- 7 Based on the shared parking analysis provided to the Village, all parking shall remain on site. In the event that issues arise, the Village Council reserves the right to require additional on-site parking or other reasonable solution after a public hearing process.
- 8 All lighting shall comply in all respects with Village requirements including Chapter 30, Article VII, Division 3 (Sea Turtle Nesting Protection)

A copy of the Conditional Use Permit application may be reviewed at Village Hall, Islamorada Professional Center, 86800 Overseas Highway, Islamorada Village of Islands, Florida, between the hours of 8:00 A.M. and 5:00 P.M.



Pursuant to the Code, the applicant or adjacent property owners may request that a public hearing be held regarding the intent to approve. Requests must be made by to the Director of Planning and received within thirty (30) days of the date of this notice at the sole cost of the person requesting the public hearing. If a public hearing is requested, the Village shall schedule a public hearing of the Village Council. The hearing shall be conducted in accordance with Division 3 of Article IV of Chapter 30 of the Village Code. If no public hearing is requested within thirty (30) days of this notice, the Director of Planning shall issue a Notice of Approval.

Sincerely,

*Emily Hernandez*

Emily Hernandez

Planner

86800 Overseas Highway, Islamorada, FL 33036

305-664-6424

[emily.hernandez@islamorada.fl.us](mailto:emily.hernandez@islamorada.fl.us)



ATTORNEYS AT LAW  
JAY A. HERSHOFF  
JAMES S. LUPINO  
RUSSELL A. YAGEL  
JESSICA L. ROTHENBERG  
ROBERT C. STOBER  
DEBORAH A. SERAFINI  
VICTORIA G. MIRANDA  
JOANNE M. PEREIRA

ALL CORRESPONDENCE TO:  
88539 OVERSEAS HIGHWAY  
TAVERNIER, FLORIDA 33070  
(305) 852-8440 FAX (305) 852-8848

MIAMI OFFICE  
9350 S. DIXIE HIGHWAY, SUITE 1470  
MIAMI, FLORIDA 33156

March 19, 2025

Via Email Transmission

[jennifer.deboisbriand@islamorada.fl.us](mailto:jennifer.deboisbriand@islamorada.fl.us)

Jennifer DeBoisbriand  
Planning Director  
Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, FL 33036

RE: Notice of Intent to Issue Conditional Use Permit  
Permit No.: PLCUP20250012

Dear Jennifer:

We represent certain adjacent property owners and/or their homeowners association (Lower Matecumbe Beach Property Owners Association) with property adjacent to the proposed project located at 73501 Overseas Highway on Lower Matecumbe Key having Parcel ID Number: 00388620-000000. With respect to the Notice of Intent to Issue Conditional Use Permit PLCUP20250012, on behalf of the aforesaid, we are requesting a public hearing be held regarding the intent to approve.

Kindly acknowledge receipt of this request, and please advise of the date such hearing shall be held.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

Russell A. Yagel, Esq.  
RAY/tld

## **RESOLUTION NO. 25-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLCUP20250012 FILED BY RUSSEL A. YAGEL, AGENT FOR LOWER MATECUMBE BEACH PROPERTY OWNERS ASSOCIATION (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION BY THE DIRECTOR OF PLANNING (AMMENDMENT TO MINOR CONDITIONAL USE PERMIT) FOR PROPERTY LOCATED AT 73501 OVERSEAS HWY, HAVING REAL ESTATE NUMBER 00388620-000000, ON LOWER MATECUMBE KEY; AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF COMMERCE AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS RESOLUTION FROM THE STATE DEPARTMENT OF COMMERCE.**

**WHEREAS**, Caloosa SMI LLC (the "Applicant") has submitted an application for Minor Deviation to a Minor Conditional Use pursuant to Section 30-216 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") for the modification of the Minor Conditional Use approval PLCUP20220140. The business is located at 73501 Overseas Highway on Lower Matecumbe Key, having real estate number 00388620-000000 (the "Property"); and

**WHEREAS**, property owners within 300 feet of the Property were sent a copy of the Planning Director's (the "Director") Notice of Intent to Issue (NOI) a Minor Deviation of a Minor Conditional Use with conditions March 3, 2025, and the Applicant posted a sign on the Property on March 3, 2025; and

**WHEREAS**, on or about March 19, 2025, Russel A. Yagel on behalf of adjacent property owners and/or their homeowners association (Lower Matecumbe Beach



Property Owners Association) requested a public hearing relating to the Director's NOI; and

**WHEREAS**, on May 8, 2025, a duly noticed public hearing was held by the Village Council to consider the Director's intent to issue a Minor Deviation to the Minor Conditional Use (PLCUP20250012).

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Findings of Fact.**

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

(1) The Application for a Minor Deviation to the Minor Conditional Use **does/does not meet** the requirements set forth in Code Section 30-216 and **has/has not** demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council **approves/denies** the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

64S RGE 36E PT TRACT A LOWER MATECUMBE BEACH 3.15 AC LOWER MATECUMBE KEY

**Section 3. Conclusions of Law.**

Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

(1) The Request has been processed in accordance with the Village Comprehensive Plan and the Code; and

(2) In rendering its decision, as reflected in this Resolution, the Village Council has:

- (a) Accorded procedural due process; and
- (b) Observed the essential requirements of the law; and
- (c) Supported its decision by competent substantial evidence contained within the record.

**Section 4. Effective Date.**

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by\_\_\_\_\_, second by\_\_\_\_\_.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:**

Mayor Sharon Mahoney

Vice Mayor Don Horon

Councilmember Deb Gillis

Councilmember Anna Richards

Councilmember Steve Friedman

**PASSED AND ADOPTED ON MAY 8, 2025.**

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SHARON MAHONEY, MAYOR

ATTEST:

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MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

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JOHN J. QUICK, INTERIM VILLAGE ATTORNEY