

RESOLUTION NO. PZB 2018 - 04

**ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES-COP2018-E001
VILLAGE OF ESTERO, FLORIDA**

WHEREAS, Viene Restaurants (“applicant”) filed an application for an approval of consumption on premises for a 2COP alcoholic beverage license with outdoor seating at the Burgerim restaurant; and

WHEREAS, the property is located at 23111 Fashion Drive, Suite #111 and described more particularly as: Strap Number: 09-47-25-E2-360SC.0010; and

WHEREAS, the property was originally rezoned with the adoption of Resolution Number Z-02-009 from Agriculture (AG-2) to Mixed Planned Development; and

WHEREAS, the subject property is zoned Mixed Use Planned Development (MPD) and is located in the Urban Community Future Land Use Category of the Village of Estero Comprehensive Plan; and

WHEREAS, The Village of Estero Land Development Code (LDC) Section 34-1264 provides for certain administrative approvals for consumption on premises; and

WHEREAS, under the provisions of Ordinance 2015-01 of the Village of Estero, the Planning and Zoning Board has been delegated the authority to make determinations with respect to all applications for administrative actions; and

WHEREAS, the applicant is requesting approval for a 2COP liquor license in conjunction with a restaurant located in Suite 111 of the Coconut Point Mall and outdoor seating; and

WHEREAS, the hours of operation for the sale and service of alcohol will be from 10:00 am to 12:00 pm, 7 days a week for both indoor and outdoor seating; and

WHEREAS, the indoor dining area will provide a capacity of 56 seats with an area of 2,183 fee and an outdoor area of 505 square feet with 24 seats; see Exhibit A; and

WHEREAS, the following findings of fact are offered:

- 1. There will be no apparent deleterious effect upon surrounding properties with the proposed conditions.
- 2. The premises are suitable in regard to their location, site characteristics and intended purpose.

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3. The Planning and Zoning Board has taken this action at a duly constituted public hearing after due public notice.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for consumption on premises is approved, subject to the following conditions:

1. Approval is limited to a 2COP in conjunction with a restaurant. If any other type of license is sought, a new approval in accordance with the LDC will be required.
2. Approval is limited to Suite 111 which has an indoor area of 2,183 square feet with 56 seats and an outdoor area of 505 square feet with 24 seats as shown on the attached site plan (Exhibit A).
3. Approval is limited to the sale and service of alcoholic beverages between the hours of 10:00 am to midnight, 7 days a week for both indoor and outdoor seating areas.
4. No outdoor entertainment is permitted without an amendment to this resolution.
5. If it is determined that inaccurate or misleading information was provided to staff or the Planning and Zoning Board or if this decision does not comply with the LDC when rendered, then at any time the Planning and Zoning Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may seek necessary approvals by filing an application for public hearing in accordance with Chapter 34.

PASSED AND DULY ADOPTED this 20th day of February, 2018.

**VILLAGE OF ESTERO, FLORIDA
PLANNING AND ZONING BOARD**

Scotty Wood, Chairman

Attest:

By: _____
Kathy Hall, MMC, Village Clerk

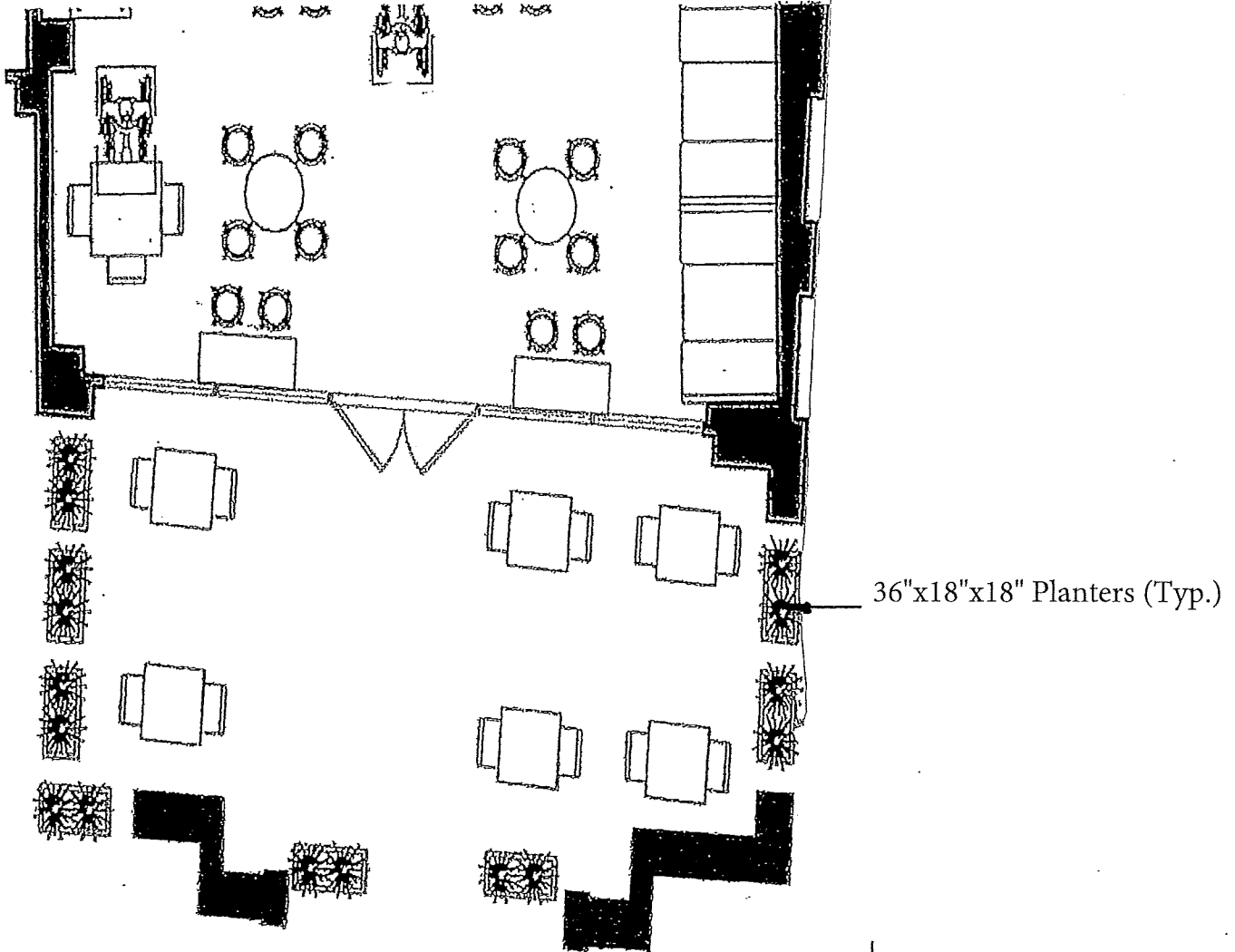
Reviewed for legal sufficiency

By: _____
Nancy Stroud, Esq., Land Use Attorney

93 **Vote:**
94 Scotty Wood Yes___ No___
95 William Campos Yes___ No___
96 Anthony Gargano Yes___ No___
97 Robert King Yes___ No___
98 Marlene Naratil Yes___ No___
99 James Tatooles Yes___ No___
100 John Yarbrough Yes___ No___
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103 Exhibits:
104 A - Site Plan

Exhibit A

SITE PLAN
Bergerim Coconut Point Mall



Outdoor Seating Area : 505 Square Feet
Outdoor Seating Capacity: 24 Seats



South Elevation