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**RESOLUTION NO. PZB 2019 - 04
CONSUMPTION ON PREMISES COP2019-E001**

**ADMINISTRATIVE APPROVAL
VILLAGE OF ESTERO, FLORIDA**

WHEREAS, Tony Sacco's Coal Oven Pizza (applicant) has filed an application for a Consumption on Premises for a 4COP SFS Alcoholic Beverage License for the existing Tony Sacco's Coal Oven Pizza restaurant, located at the Coconut Point Mall; and

WHEREAS, the subject property is located at 8001 Plaza Del Lago Drive #109, Estero, Florida; and

WHEREAS, the applicant has indicated that the current property STRAP number is 04-47-25-E3-50000.0090; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Village of Estero Comprehensive Plan; and

WHEREAS, the property is zoned Mixed Use Planned Development (MPD); and

WHEREAS, the applicant previously received approval by Lee County for a Consumption on Premises 2COP Alcoholic Beverage License in conjunction with indoor and outdoor seating; and

WHEREAS, Coconut Point Developers, LLC, the owner of the subject parcel, has authorized Keith Long to act as agent to pursue this application; and

WHEREAS, the applicant seeks approval for a Consumption on Premises 4COP SFS Alcoholic Beverage license in conjunction with outdoor and indoor seating; and

WHEREAS, Tony Sacco's Coal Oven Pizza is a Group III Restaurant under the Village of Estero Land Development Code (LDC); and

WHEREAS, the hours of operation requested for Tony Sacco's Coal Oven Pizza are from 10:00 a.m. to midnight daily; and

WHEREAS, the Village of Estero provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the following findings of fact are offered:

1. The applicant currently operates with a 2COP (beer and wine) Alcoholic Beverage License and is requesting a 4COP SFS license (beer, wine and liquor).
2. There are no schools, daycare facilities or religious facilities within 500 feet of the property.

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- 3. The outdoor seating area is not changing. It is internal to Coconut Point and will not impact any nearby residences.
- 4. 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 4COP SFS license only. If any other type of license is sought, a new approval in accordance with the LDC will be required.
- 2. The approval is limited to a Group III restaurant equipped to serve meals to 150 persons at one time.
- 3. The sale of alcohol for consumption on premises may only occur during the hours of 10:00 a.m. to midnight daily for both indoor and outdoor seating.
- 4. The outdoor seating area remains the same as COP 2008-00103, and is attached as Exhibit A.
- 5. Music for the outdoor seating area shall be piped, and limited to the hours of 10:00 am to midnight daily. The volume must be at or below normal conversation level.
- 6. Administrative Approval COP2018-00103 is superseded by this approval.
- 7. 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 acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34 of the Land Development Code.

PASSED AND DULY ADOPTED this 16th day of July, 2019.

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

Scotty Wood, Chairman

90 Attest:

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93 By: _____

94 Kathy Hall, MMC, Village Clerk

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97 Reviewed for legal sufficiency

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100 By: _____

101 Nancy Stroud, Esq., Land Use Attorney

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103 **Vote:**

104 Scotty Wood Yes___ No___

105 Tim Allen, PhD Yes___ No___

106 Anthony Gargano Yes___ No___

107 Robert King Yes___ No___

108 Marlene Naratil Yes___ No___

109 James Tatoes Yes___ No___

110 John Yarbrough Yes___ No___

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112 Exhibit:

113 A - Seating Plan