



VILLAGE OF ESTERO

Zoning Staff Report

CASE TYPE: Consumption on Premises
CASE NUMBER: COP2019-E001
NAME: Tony Sacco's Coal Oven Pizza
PLANNING & ZONING BOARD DATE: July 16, 2019

REQUEST AND STAFF RECOMMENDATION

This is a request is for Consumption on Premises (COP) for a 4COP SFS alcoholic beverage license for Tony Sacco's Coal Oven Pizza, an existing restaurant, located within Tract 2B at the Coconut Point Mall. A prior action by Lee County approved a COP for beer and wine. The applicant is asking to serve liquor in addition to beer and wine. Staff recommends **APPROVAL** with conditions.

APPLICATION SUMMARY

Applicant: Tony Sacco's Coal Oven Pizza
Request: Consumption on Premises for 4COP SFS license for Tony Sacco's Coal Oven Pizza Restaurant
Location: The subject property is located at 8001 Plaza Del Lago Drive #109, Estero, Florida
Strap No.: The applicant indicates the STRAP number is: 04-47-25-E3-50000.0090

PROJECT ZONING

The property is a tract within the 482.4-acre Coconut Point Mall, zoned Mixed Planned Development (MPD). The tract is internal to the shopping center.

PROJECT DESCRIPTION

The applicant is requesting Consumption on Premises of liquor, in addition to beer and wine which was already approved for Tony Sacco's. The restaurant is located in the center of Coconut Point Mall and in the vicinity of Bokampers Sports Bar and Grill, Hurricane Grill and Wings, Rodizio Grill and Ted's Montana Grill.

The applicant operates the existing restaurant which serves various types of pizza, appetizers, Italian dishes and salads. Beverages are also served and include coffee, tea, soft drinks, beer and wine. The existing restaurant received an administrative approval (COP2008-00103) for a 2COP Consumption on Premises Permit from Lee County (copy attached). The approval included an indoor seating area of approximately 2,688 square feet with seating for 78 and an outdoor seating area of approximately 600 square feet with seating for 44, for a total of 122 seats.

The applicant is now seeking approval to obtain a 4COP SFS license. This license would allow liquor in addition to beer and wine. The Florida Division of Alcoholic Beverages and Tobacco defines a 4COP SFS as *"an establishment consisting of 2,500 square feet of service area, equipped to serve meals to 150 persons at one time, and derives at least 51% of gross food and beverage revenue from the sale of food and non-alcoholic beverages"*.

The applicant will need to increase the occupancy to 150 to comply with license requirements. Florida Statutes pertaining to alcoholic beverage licenses have been amended to be based on occupancy (persons), instead of seats. The type of license has also been revised from SRX to SFS.

The applicant has received approval from Simon Property Group via a letter from the Coconut Point Mall general manager.

STAFF ANALYSIS

The applicant is requesting a Consumption on Premises 4COP SFS approval with outdoor seating. A Group III restaurant is currently listed as a permitted use for Tract 2B in previously approved Resolution Z-02-009. The existing Schedule of Uses for Tract 2B allows for Consumption on Premises in compliance with Land Development Code Section 34-1264.

An administrative approval for a 4COP SFS is permissible if the applicant complies with Section 34-1264(g) of the Land Development Code (LDC). This section requires a Group II, III or IV restaurant with seating to be at least 500 feet from a religious facility, school (noncommercial), daycare center (child), park or dwelling unit under separate ownership. The proposed location complies with this section of the LDC. Outdoor seating in conjunction with a Group III restaurant is permitted if the outdoor seating area is not within 500 feet of a religious facility, school (non-commercial), day care center (child), park or dwelling unit under separate ownership. The applicant complies with the distance requirements for outdoor seating. There are several establishments within 500 feet which sell alcoholic beverages for consumption on site. The daily hours of operation will be from 10:00 am to midnight.

Resolution Z-12-017 was approved by Lee County and allowed live outdoor entertainment in association with restaurants with consumption on premises and outdoor seating for

restaurants located in tracts 2A and 2B. Tony Sacco's Coal Oven Pizza Restaurant was listed in the resolution as permitted to have live outdoor entertainment. Outdoor entertainment is not currently provided. Music is provided through speakers.

If approved by the Planning and Zoning Board, the applicant has indicated that it will submit an application to the State of Florida Division of Alcoholic Beverages and Tobacco for a 4COP SFS license.

The change in alcoholic beverage license for the existing restaurant will not have any detrimental impact upon surrounding properties and meets the intent of Section 34-1264 of the LDC and the administrative requirements for an administrative approval.

RECOMMENDATION

Staff recommends approval of the 4COP SFS with the following conditions that are contained in the Planning and Zoning Board resolution:

- 4COP SFS to be in conjunction with a Group III restaurant;
- Approval must comply with Florida Statute 561.20, including being equipped to serve meals for 150 persons at one time;
- Administrative Approval COP 2008-00103 will be superseded by this approval;
- Any music for the outdoor seating area must be piped, and limited to the hours of 10:00 am to midnight daily. The volume must be at or below normal conversation level.
- Approval is limited to the sale and service of alcoholic beverages between the hours of 10:00 a.m. and midnight for both indoor and outdoor seating; and
- Approval is limited to a 4COP SFS only. If any other type of license is warranted, a new approval in accordance with the Land Development Code will be required.

ATTACHMENTS:

1. Site Plan
2. Applicant's Menu
3. Resolution COP2008-00103
4. Resolution Z-12-017