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RESOLUTION NO. PZB 2020-07
CONSUMPTION ON PREMISES COP2020-E001

ADMINISTRATIVE APPROVAL
VILLAGE OF ESTERO, FLORIDA

WHEREAS, First Watch Restaurant, Inc. (“applicant”) filed an application to amend the previous approval of consumption on premises for a 4COP/SFS alcoholic beverage license at the First Watch Restaurant #142; and

WHEREAS, the property is located at 22923 Lyden Drive and described more particularly as:

Strap Number: 09-47-25-E2-49000.0020; and

LEGAL DESCRIPTION, Lot 2, Tract A, of Coconut Trace Replat, recorded as instrument #2013111268990 of the Public Records of Lee County Florida; and

WHEREAS, the property was originally rezoned with the adoption of Resolution Number Z-00-010 from Agricultural AG-2 to Commercial Planned Development; and

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

WHEREAS, in Resolution Z-00-010, Consumption on Premises is listed as a permitted use for Tract A accessory to a full service restaurant if the hours of operation are between 6:00 a.m. and 11:00 p.m.; and outdoor seating must be located on the east sides of the buildings and may not be utilized after 9:00 p.m. on weekdays and 11 p.m. on Friday and Saturday nights; and

WHEREAS, the outdoor patio seating area at the southeast side of the building was permitted in 2014 by Lee County Permit COM2014-01023; 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 proposes to extend the service of alcoholic beverages to the existing outdoor patio area which accommodates 14 seats during the operating hours of 7:00 a.m. to 2:30 p.m.; and

WHEREAS, the following findings of fact are offered:

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1. There will be no apparent detrimental effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises.
2. The premises are suitable in regard to their location, site characteristics and intended purpose.
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 the outdoor consumption on premises is approved, subject to the following conditions:

1. Approval is limited to a 4COP/SFS for the First Watch 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 the existing outdoor patio area as shown on the site plan, excluding the waiting benches.
3. Approval is limited to the sale and service of alcoholic beverages between the hours of 7:00 a.m. and 2:30 p.m. daily for both indoor and outdoor seating areas.
4. The volume of music must not exceed normal conversation levels.
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 acquire the necessary approvals by filing an application for public hearing in accordance with the Land Development Code.

PASSED AND DULY ADOPTED this 20th day of October, 2020.

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

Scotty Wood, Chairman

Attest:

94 By: _____
95 Steve Sarkozy, Acting 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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109 **Vote:**

110 Scotty Wood	Yes ___	No ___
111 Tim Allen	Yes ___	No ___
112 Anthony Gargano	Yes ___	No ___
113 Marlene Naratil	Yes ___	No ___
114 James Tatooles	Yes ___	No ___
115 John Yarborough	Yes ___	

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118 Exhibit A: Site Plan