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3 **RESOLUTION NO. PZB 2020 – 02**
4 **CONSUMPTION ON PREMISES-COP2019-E003**

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6 **ADMINISTRATIVE APPROVAL**
7 **VILLAGE OF ESTERO, FLORIDA**
8

9 **WHEREAS**, Nicola Schiano Lomoriello (“applicant”) filed an application for an
10 approval of consumption on premises for a 2COP alcoholic beverage license with
11 outdoor seating at the **Mamma Anna** restaurant; and
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13 **WHEREAS**, the property is located at 23111 Fashion Drive, Suite #109 at the
14 Coconut Point Mall and described more particularly as: Strap Number: 09-47-25-E2-
15 360SC.0010; and
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17 **WHEREAS**, the property was originally rezoned with the adoption of Resolution
18 Number Z-02-009 from Agriculture (AG-2) to Mixed Planned Development; and
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20 **WHEREAS**, the subject property is zoned Mixed Use Planned Development
21 (MPD) and is located in the Transitional Mixed Use Future Land Use Category of the
22 Village of Estero Comprehensive Plan; and
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24 **WHEREAS**, The Village of Estero Land Development Code (LDC) Section 34-
25 1264 provides for certain administrative approvals for consumption on premises; and
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27 **WHEREAS**, under the provisions of Ordinance 2015-01 of the Village of Estero,
28 the Planning and Zoning Board has been delegated the authority to make determinations
29 with respect to all applications for administrative actions; and
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31 **WHEREAS**, the applicant is requesting approval for a 2COP liquor license in
32 conjunction with a restaurant located in Suite 109 of the Coconut Point Mall and outdoor
33 seating; and
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35 **WHEREAS**, the hours of operation for the sale and service of alcohol will be
36 from 11:00 am to 9:00 pm Monday through Thursday, 11:00 am to 10:00 pm Friday and
37 Saturday and from 12:00 to 6:00 pm Sunday for both indoor and outdoor seating; and
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39 **WHEREAS**, the indoor dining area will provide a capacity of 46 seats with an
40 area of 2,000 square feet and an outdoor patio area of 378 square feet with 26 seats; see
41 Exhibit A; and
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43 **WHEREAS**, the following findings of fact are offered:
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- 45 1. There will be no apparent deleterious effect upon surrounding
46 properties with the proposed conditions.

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- 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 consumption on premises is approved, subject to the following conditions:

- 1. Approval is limited to a 2COP license 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 109 which has an indoor area of 2,000 square feet with 46 seats and an outdoor area of 378 square feet with 26 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 11:00 am to 9:00 pm Monday through Thursday, 11:00 am to 10:00 pm Friday and Saturday and from 12:00 to 6:00 pm Sunday 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 21st day of January, 2020.

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

Scotty Wood, Chairman

Attest:

By: _____
Kathy Hall, MMC, Village Clerk

94 Reviewed for legal sufficiency

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97 By: _____

98 Nancy Stroud, Esq., Land Use Attorney

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101 **Vote:**

102 Scotty Wood Yes___ No___

103 Dr. Tim Allen Yes___ No___

104 Anthony Gargano Yes___ No___

105 Marlene Naratil Yes___ No___

106 James Tatooles Yes___ No___

107 John Yarbrough Yes___ No___

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110 Exhibits:

111 A - Site Plan