



VILLAGE OF ESTERO
Planning & Zoning Board
Staff Report

CASE TYPE: Consumption on Premises
CASE NUMBER: COP2020-E001
APPLICANT: First Watch Restaurant, Inc.
PLANNING & ZONING BOARD DATE: October 20, 2020

REQUEST & RECOMMENDATION

This is a request to amend the First Watch Restaurant Consumption on Premises 4COP SFS alcoholic beverage license to allow the service of alcoholic beverages in an outdoor seating area on the southeast side of the building.

*Staff recommends **APPROVAL** with conditions.*

SUMMARY

Request: Amend the 4COP SFS - Consumption on Premises for the service of alcoholic beverages in an outdoor area.

Location: First Watch Restaurant, 22923 Lyden Drive, Estero FL.

STRAP No.: 09-47-25-E2-49000.0020

ZONING

The property is recorded as Lot 2 on the Coconut Trace Replat and further described as Tract "A" of Coconut Trace Commercial Planned Development (CPD). (See Exhibit A) It was rezoned from Agricultural (AG-2) to Commercial Planned Development (CPD) on March 20, 2000, by Lee County in Resolution #Z-00-010. Several amendments to the zoning have been approved since 2000.

In Resolution Z-00-010 (Attached as Exhibit B) Consumption on Premises is listed as a permitted use for Tract "A" accessory to a full service restaurant use only as restricted by Condition 15.

Condition 15 states;

a. Hours of operation for restaurants are limited to 6:00 a.m. to 11:00 p.m. 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 11:00 p.m. on Friday and Saturday nights. Outside speaker systems, loud speakers, and public address systems are prohibited.

b. Outside consumption on premises is prohibited at all restaurants and hotels except in conjunction with a restaurant or hotel meal service outside.

PROJECT DESCRIPTION

The First Watch restaurant is a 3,368 square foot establishment located east of US 41 and south of Bulb Lane and directly across from Coconut Point Mall's main entrance on US 41. First Watch is located at the southern end of Tract "A", with business such as Mattress Firm, Aspen Dental and T- Mobil to the north of the restaurant and Pollo Tropical to the south.

First Watch Restaurants are well-known franchises popular for breakfast and lunch meals offering expanded menus for each mealtime and include coffee, tea, and soft drinks on their menu. In August of this year, First Watch was approved for the current operating 4 COP SFS license (BEV4608252) which allowed for beer, wine and alcoholic beverages to be served with the meal.

The applicant is now seeking an approval to amend the 4 COP SFS license to allow alcoholic beverage service in the existing outdoor seating area. This area accommodates 14 seats in a well-defined area with a barrier wall surrounding the patio area sheltered by an arbor and market-style umbrellas. (See Exhibit C- Floor Plan & Photo)

ANALYSIS

The applicant is requesting an amendment to the current Consumption on Premises 4COP SFS to allow for the service of alcoholic beverages in the 14 seat outdoor area. The existing Schedule of Uses in Resolution Z-00-010 for Tract "A" through "D" allows for Consumption on Premises accessory to a full service restaurant only as restricted by Condition 15.

First Watch by definition is a standard 3,368 square foot restaurant where customers arrive via automobile and are seated within the restaurant for service. In addition, the restaurant meets Condition 15 of the resolution with:

- Daily hours of operation from 7:00 AM to 2:30 PM,
- Outdoor seating at the southeast side of the building was permitted in 2014 by Lee County, COM2014-01023, (adhering to an eastern position as much as possible), and
- No loud outdoor speakers or public address system.

Administrative approvals for 4COP SFS licenses are 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 First Watch Restaurant complies with this Section of the LDC for outdoor seating.

If approved by the Planning and Zoning Board, the applicant will apply to the State of Florida Division of Alcoholic Beverages and Tobacco to amend their current 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 Land Development Code.

RECOMMENDATION

Staff recommends approval of the application with the following conditions, which are contained in the Planning and Zoning Board resolution:

- Approval is limited to the patio area shown on the Site Plan, excluding the waiting benches;
- Approval is limited to the sale and service of alcoholic beverages between the restaurant hours of operation, 7:00 AM to 2:30 PM;
- Any music volume for the outdoor seating area must be at normal conversation level; and
- Approval is limited to amending the 4COP SFS (BEV4608252) only. If any other type of license is warranted, a new approval in accordance with the Land Development Code will be required.

ATTACHMENTS:

- A. Site Plan
- B. Resolution Z-00-010
- C. Floor Plan and Photo
- D. Resolution PZB 2020-07