

47 **WHEREAS**, the applicant made a public presentation to the Planning and Zoning
48 Board on September 22, 2015; and

49
50 **WHEREAS**, under the provisions of Ordinance 2015-01 of the Village of Estero,
51 the Planning and Zoning Board has been delegated the authority to make determinations
52 with respect to all applications for administrative actions; and

53
54 **WHEREAS**, the following findings of fact are offered:

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56 1. The original Schedule of Uses for Tract 2C included more intense uses
57 than the use proposed; and
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59 2. The proposed amendment to the Schedule of Uses does not impact the
60 overall density, intensity or character of the surrounding tenant spaces;
61 and
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63 3. Several nearby establishments are permitted for “Consumption on
64 Premises; and
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66 4. The proposed amendment does not decrease buffers or open space
67 required by the Land Development Code; and
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69 5. The proposed amendment does not result in the underutilization of
70 public resources and public infrastructure committed to support the
71 development; and
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73 6. The Planning and Zoning Board has taken this action at a duly
74 constituted public hearing after due public notice.
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76 **NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for
77 administrative approval for two amendments to the previously approved Schedule of
78 Uses is APPROVED, subject to the following conditions:

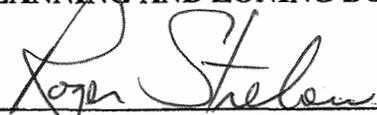
- 79
80 1. The terms and conditions of the original Zoning Resolution (Z-02-009) remain in
81 full force, except as modified herein.
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83 2. Hours of operation are Monday through Thursday 10:00 am to 9:00 pm, Friday
84 and Saturday 10:00 am to 10:00 pm and Sunday 12:00 pm to 6:00 pm.
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86 3. Consumption on Premises shall be in conjunction with painting classes; and
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88 4. No outdoor seating is approved.
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90 5. If it is determined that inaccurate or misleading information was provided to staff
91 or the Planning and Zoning Board or if this decision does not comply with the
92 LDC when rendered, then, at any time, the Planning and Zoning Board may issue

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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.

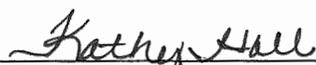
PASSED AND DULY ADOPTED this 15th day of December, 2015.

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



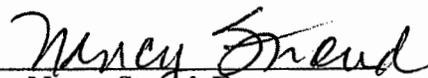
Roger Strelow, Chairman

Attest:

By: 

Kathy Hall, MMC, Village Clerk

Reviewed for legal sufficiency

By: 

Nancy Strohd, Esq.

Vote:

Roger Strelow	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Ryan Binkowski	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
David Crawford	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Ned Dewhirst	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Marlene Naratil	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Jeff Maas	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Scotty Wood	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Exhibits

A. Legal Description

EXHIBIT A

LEGAL DESCRIPTION

Tract SC-3, Coconut Point Area 2, according to the plat thereof as recorded in Instrument No. 2006000409925 of the Public Records of Lee County, Florida.