

ADMINISTRATIVE APPROVAL ADD2023-00042

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, Esplanade Lake Club Homeowners Association, Inc. filed an application for administrative approval of consumption on premises for a 4-COP SFS (beer, wine, liquor) alcoholic beverage license in conjunction with a restaurant on a project known as Esplanade Lake Club Homeowners Association, Inc; and

WHEREAS, the subject property is located at 11501 Canal Grande Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 12-46-25-L1-230A1.00CE; and

WHEREAS, the subject property is zoned Mixed Use Planned Development (MPD), and is located in the University Community Future Land Use Category as designated by the Lee Plan (see attached Exhibit "B"); and

WHEREAS, Taylor Morrison of Florida Inc., the owner of the subject parcel, has authorized Benjamin Stearns, Esplanade Lake Club Homeowners Association, Inc., to act as agent to pursue this application; and

WHEREAS, the Lee County Land Development Code (LDC) Section 34-1264 provides for certain administrative approvals for consumption on premises; and

WHEREAS, the applicant is requesting approval to obtain a 4-COP SFS alcoholic beverage license in conjunction with Food and Beverage Service, Limited, with the hours for the sale and service of alcohol from 11:00 a.m. to 9:00 p.m.; and

WHEREAS, the subject establishment requires a total of 40 parking spaces and 131 parking spaces are provided on the subject property (see Exhibit "D"); and

WHEREAS, the applicant has indicated the establishment will host live music, and will utilize software that permits the operator to monitor the decibel levels to ensure guidelines within the Lee County Noise Ordinance 14-18, as amended, are followed per Condition 8 of Resolution Z-22-020, (see attached Exhibit "C"); and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS the following findings of fact are offered:

1. There will be no apparent deleterious 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. Lighting must be shuttered and shielded from surrounding properties.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the administrative application for consumption on premises is **APPROVED, subject to the following conditions:**

1. **Approval is limited to a 4-COP SFS alcoholic beverage license in conjunction with Food and Beverage Service, Limited. If any other type of establishment or license is sought, a new approval in accordance with the LDC will be required.**
2. **Approval is limited to the sale and service of alcoholic beverages between the hours of 11:00 a.m. and 9:00 p.m. The sale of alcoholic beverages may occur after the hours for the sale and service of food and non-alcoholic beverages has elapsed.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager 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 Chapter 34.**

Duly passed, adopted, and electronically signed on 6/23/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits

Exhibit A: Legal Description

Exhibit B: Resolution Z-22-020

Exhibit C: Narrative to Noise Ordinance condition

Exhibit D: Site Plan