

ADMINISTRATIVE APPROVAL ADD2023-00058

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, TEH4, Inc. DBA La Ola Surfside Restaurant, 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 La Ola Surfside Restaurant; and

WHEREAS, the subject property is located at 13499 US 41 SE, Ste #137, at the Bell Tower Shops, and the applicant has indicated the property's current STRAP number is 24-45-24-00-00005.1000; and

WHEREAS, a legal description of the subject property is attached as Exhibit "A"; and

WHEREAS, the subject property is zoned Commercial (C-1) and is located in the Intensive Development Future Land Use Category as designated by Lee Plan; and

WHEREAS, TEH4, Inc., the owner of the subject parcel, has authorized Long Law, P.A., 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, La Ola Surfside Restaurant is classified as a Restaurant, standard (Group III) by the LDC and is located within the Bell Tower Shops, a mixed-use shopping center (see Exhibit "B"); and

WHEREAS, the restaurant contains approximately 4,100 square feet of indoor floor area and 1,800 square feet of outdoor seating areas (see Exhibit "C"); and

WHEREAS, Bell Tower Shops contains approximately 405 parking spaces, which is sufficient for the restaurant, in addition to the current tenants within the shopping center (see Exhibit "D"); and

WHEREAS, the applicant is requesting approval to obtain a 4-COP SFS alcoholic beverage license with the hours for the sale and service of alcohol from 10:00 a.m. to 1:00 a.m.; 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 a Restaurant, Group III. If any other type of restaurant 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 10:00 a.m. and 1:00 a.m. daily. The sale of alcoholic beverages may not occur after 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 7/10/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits

Exhibit A: Legal Description

Exhibit B: Location Map

Exhibit C: Restaurant Floorplan

Exhibit D: Site Plan

Exhibit A

BOUNDARY SURVEY
OF
THE BELL TOWER MALL
LYING IN THE
WEST 1/2 OF THE NORTHWEST 1/4 OF
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION
PARCEL IN THE W-1/2 OF THE NW-1/4
SECTION 24, T. 45 S., R. 24 E.
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE WEST HALF (W-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE CONCRETE MONUMENT MARKING THE INTERSECTION OF THE NORTH LINE OF SAID SECTION WITH THE EASTERLY LINE OF TAMiami TRAIL (STATE ROAD NO. 45) (68 FEET FROM THE CENTERLINE) RUN S 01°12'46" E ALONG SAID EASTERLY LINE FOR 591.96 FEET TO THE CENTERLINE OF BIG PINE WAY S.E. AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

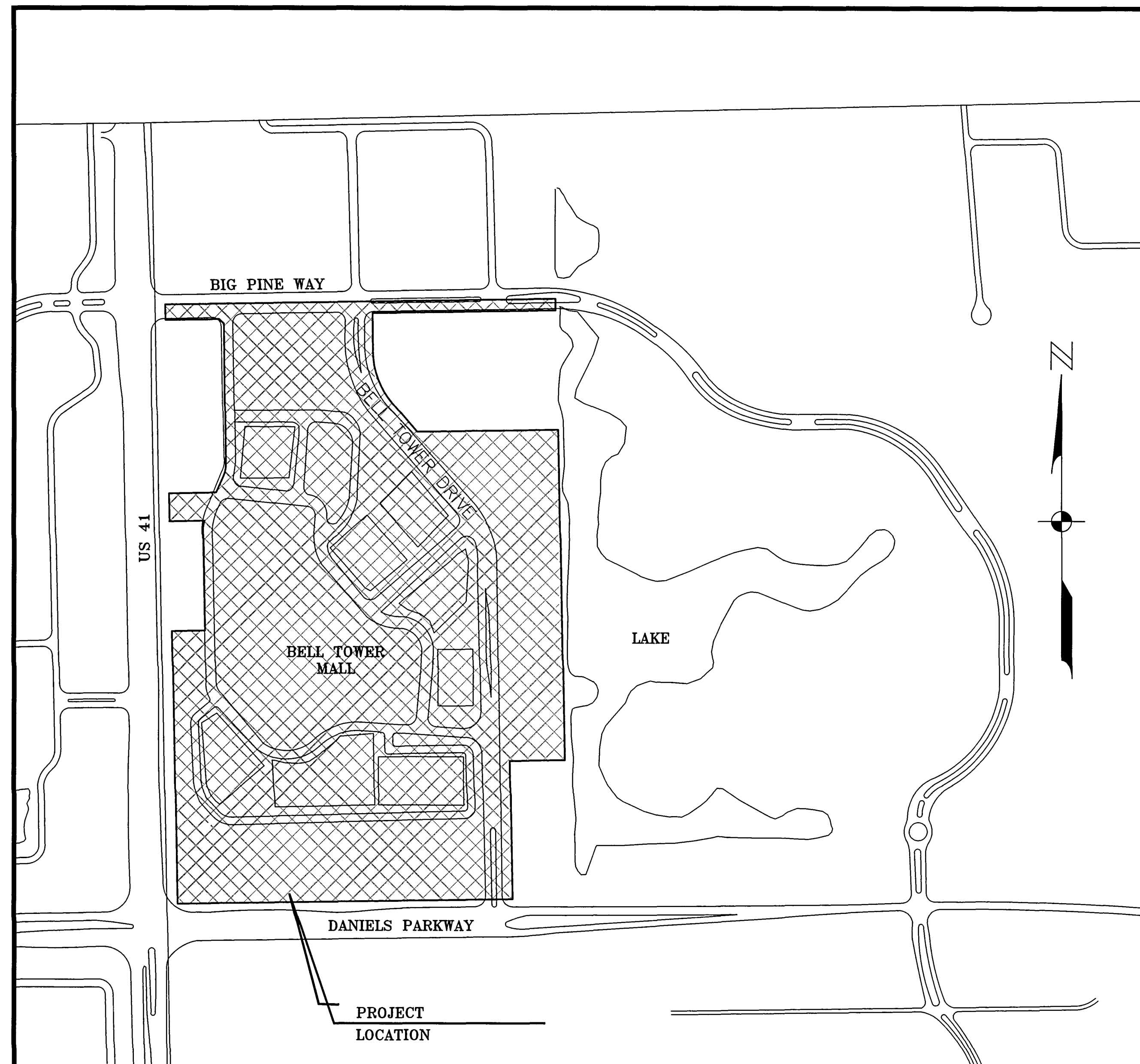
FROM SAID POINT OF BEGINNING CONTINUE S 01°12'46" E ALONG SAID EASTERLY LINE FOR 49.50 FEET TO THE SOUTH LINE OF SAID BIG PINE WAY S.E.; THENCE RUN N 89°10'00" E ALONG SAID SOUTH LINE FOR 173.17 FEET; THENCE RUN S45°50'00"E FOR 21.21 FEET; THENCE RUN S00°50'00"E FOR 450.31 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 90.00 FEET (DELTA 25°00'00") (CHORD 38.96 FEET) (CHORD BEARING S11°40'00"W) FOR 39.27 FEET TO A POINT OF TANGENCY; THENCE RUN S24°10'00"W FOR 57.11 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 2797 AT PAGE 188 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S88°47'14"W ALONG SAID NORTH LINE FOR 151.93 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF TAMiami TRAIL; THENCE RUN S01°12'46"E ALONG SAID EASTERLY LINE FOR 90.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2797 AT PAGE 188; THENCE RUN N88°47'14"E ALONG SAID SOUTH LINE FOR 112.13 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT OF RADIUS 157.89 FEET (DELTA 14°55'41") (CHORD 41.02) (CHORD BEARING S06°15'04"W) FOR 41.14 FEET TO A POINT OF TANGENCY; THENCE RUN S01°12'46"E FOR 312.33 FEET; THENCE RUN S88°47'14"W FOR 106.80 FEET TO SAID EASTERLY LINE OF TAMiami TRAIL; THENCE RUN S01°12'46"E ALONG SAID EASTERLY LINE FOR 876.30 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE (120 FEET FROM THE CENTERLINE) OF DANIELS PARKWAY; THENCE RUN N89°11'50"E ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1078.45 FEET TO THE EAST LINE OF BELL TOWER DRIVE (A 75 FOOT ROADWAY EASEMENT) THENCE RUN N01°12'32"W ALONG SAID EAST LINE FOR 445.26 FEET; THENCE RUN N89°11'50"E FOR 177.61 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID WEST HALF (W-1/2) OF THE NORTHWEST QUARTER (NW-1/4); THENCE RUN N01°12'32"W ALONG SAID EAST LINE FOR 1060.72 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1815 AT PAGE 142, SAID LEE COUNTY PUBLIC RECORDS; THENCE RUN S89°11'50"W ALONG THE SOUTH LINE OF SAID LANDS FOR 453.78 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID BELL TOWER DRIVE; THENCE RUN N40°40'00"W ALONG SAID EASTERLY LINE FOR 121.64 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 257.50 FEET (DELTA 39°50'00") (CHORD 175.44 FEET) (CHORD BEARING N20°45'00"W) FOR 179.02 FEET TO A POINT OF TANGENCY; THENCE RUN N00°50'00"W FOR 123.51 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE RUN N89°10'00"E ALONG THE NORTH LINE OF SAID LANDS FOR 588.93 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N01°12'32"W FOR 37.50 FEET TO THE CENTERLINE OF SAID BIG PINE WAY S.E.; THENCE RUN S89°10'00"W ALONG SAID CENTERLINE FOR 1256.19 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING ROADWAY EASEMENT APPURTENANT TO THE AFOREDESCRIBED REAL ESTATE PROPERTY:
ROADWAY EASEMENT CREATED BY THOSE CERTAIN EASEMENT AGREEMENTS RECORDED IN OFFICIAL RECORDS BOOK 1555, PAGE 1146, AND IN OFFICIAL RECORDS BOOK 2720, PAGE 1747, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING RECIPROCAL EASEMENT AGREEMENT APPURTENANT TO THE AFOREDESCRIBED REAL ESTATE PROPERTY,
NON-EXCLUSIVE ACCESS EASEMENTS CREATED BY THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2720, PAGE 1747, AND RE-RECORDED IN OFFICIAL RECORDS BOOK 2737, PAGE 408, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOTES:

- THE DATE OF THE LAST FIELD WORK WAS MAY 19, 2010
- BEARINGS SHOWN HEREIN ARE BASED ON THE CENTERLINE OF U.S.41 (S.R. 45 - SOUTH CLEVELAND AVENUE) TO BEAR S 01°12'46" E.
- THERE ARE NO APPARENT PHYSICAL USES OTHER THAN THOSE SHOWN
- SUBSTANTIAL VISIBLE IMPROVEMENTS OTHER THAN THOSE SHOWN, NOT LOCATED.
- THIS SURVEY IS BASED IN PART IN INFORMATION CONTAINED IN AN UPDATE ENDORSEMENT OF TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER CM 1-03-354-04 FILE NUMBER 04-354-04. NO NEW TITLE WORK WAS REVIEWED FOR THIS SURVEY.
- THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
- NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM.
- THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED.
- PARCEL CONTAINS 45.60 ACRES, MORE OR LESS
- ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- ALL BUILDING TIES SHOWN HEREIN TO THE PROPERTY LINES ARE @ 90°.
- THE UTILITY SYSTEMS SERVICING THIS PARCEL ARE A PART OF A LARGER SYSTEM SERVICING THE ENTIRE MALL PROPERTY. THOSE ABOVE GROUND APPURTENANCES THAT ARE VISIBLE AND A PART OF THOSE SYSTEMS ARE LOCATED AND DEPICTED HEREIN.
- THE BELL TOWER DRIVE EASEMENT (75' WIDE) AS RECORDED IN OFFICIAL RECORD 2130 AT PAGE 3226 HAS BEEN REALIGNED AS RECORDED AS INSTRUMENT NUMBER 2006000376413.
- THE UNRECORDED WATERLINE EASEMENT APPEARS ON OLD RECORD BOUNDARY SURVEYS LABELED AS "UNRECORDED WATERLINE EASEMENT". THE UNDERSIGNED IS UNABLE TO DETERMINE WHETHER OR NOT A WATERLINE ACTUALLY EXISTS WITHIN SAID EASEMENT.
- THIS SURVEY IS BASED ON A PREVIOUS SURVEY PREPARED BY THIS FIRM DATED AUGUST 2007.
- ALL LOCATION, EXCEPT ALONG THE WEST SIDE OF ENTRANCE OF BELL TOWER DRIVE, AS SHOWN ON SHEET 4, WAS TAKEN FROM THE SURVEY DATED AUGUST 2007.



LOCATION MAP
NOT TO SCALE

REVIEWED
ADD2023-00058
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/21/2023

THIS SURVEY IS ONLY FOR THE BENEFIT OF:

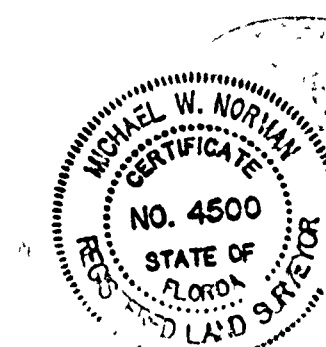
BELL TOWER SHOPS, INC.

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

IN MY PROFESSIONAL OPINION, AS A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE AND PLATTED UNDER MY DIRECTION, DATED AS SHOWN IN NOTE 1 ABOVE AND MADE IN ACCORDANCE WITH CHAPTER 472.027, FLORIDA STATUTES

Michael W. Norman
MICHAEL W. NORMAN (FOR THE FIRM LB. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4500

DATE SIGNED: MAY 24 2010
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS CERTIFICATION IS TO THE DATE OF LAST FIELD WORK AS SHOWN AND NOT THE SIGNATURE DATE.



JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

THE BELL TOWER MALL
LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

REVISIONS

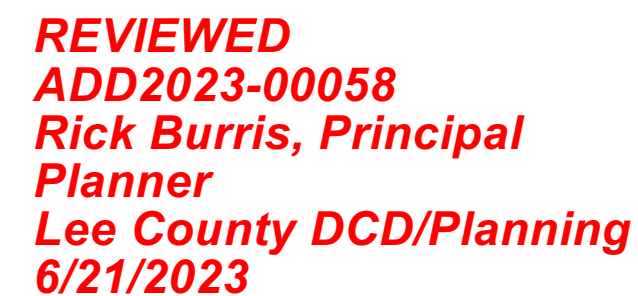
DATE	DESCRIPTION

DATE:	MAY 2010
PROJECT NO.:	20108418
FILE NO.:	24-45-24
SCALE:	AS SHOWN

FB 2597/PG 72

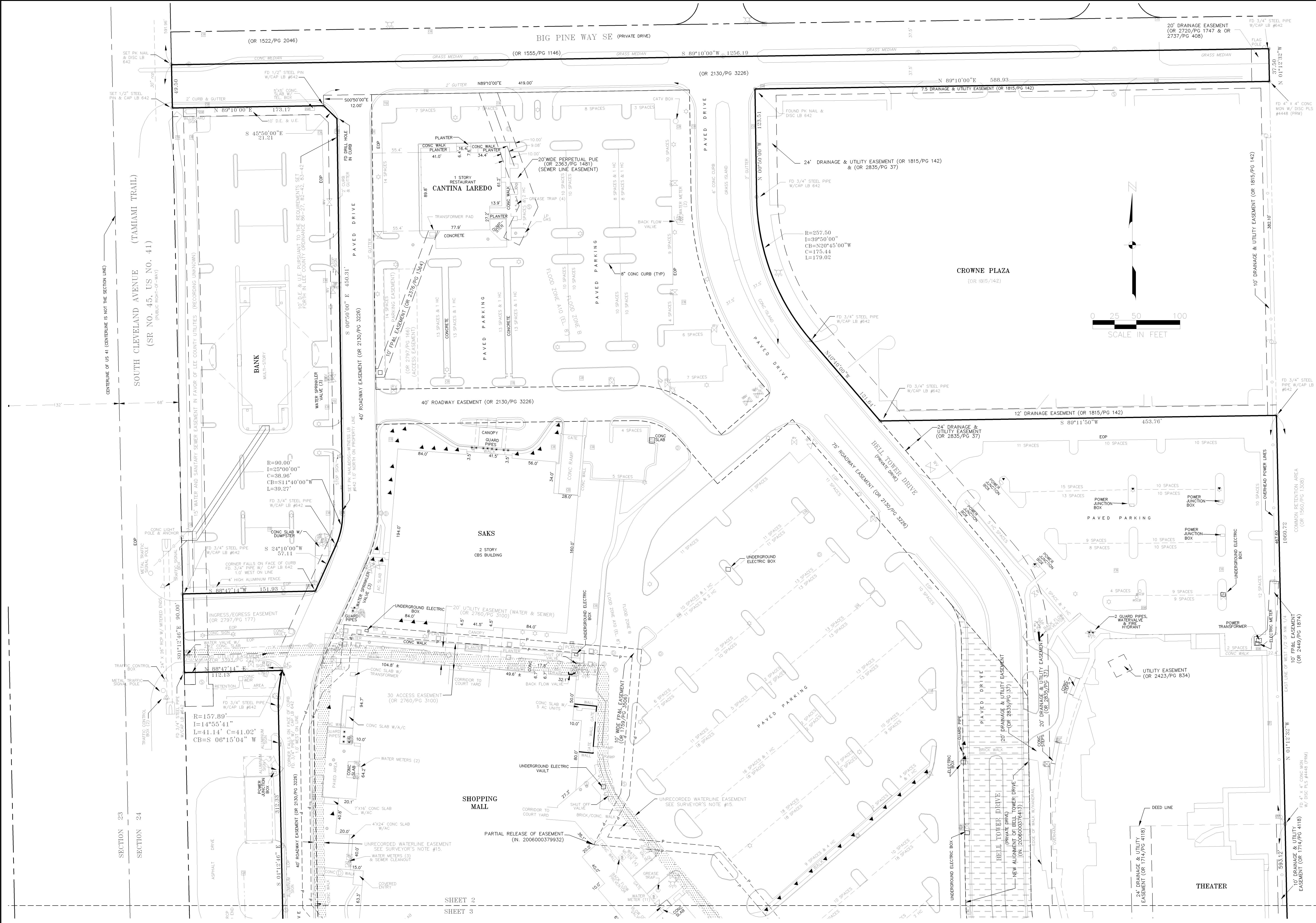
SHEET NUMBER

V-01



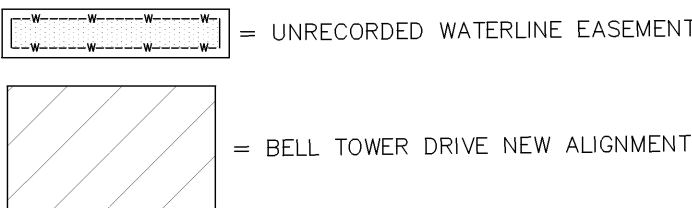
 = UNRECORDED WATERLINE EASEMENT
= BELL TOWER DRIVE NEW ALIGNMENT

V-02



LEGEND

(C)	CALCULATED	BOC	BACK OF CURB	(R)	RADIUS
(D)	DEED	CB	CORNER	(L)	LENGTH
(M)	MEASURED	TEL	TELEPHONE	(C/B)	CHORD BEARING
CONC	CONCRETE	OR	OFFICIAL RECORD BOOK	(F/C)	FIBER OPTICS CABLE
MON	MONUMENT	DOT	DEPARTMENT OF TRANSPORTATION	(R/L)	REGISTERED LAND SURVEYOR
W	WITH	P/W	RIGHT OF WAY	(F)	FOUND
DESC	DESCRIPTION	(P)	POINT OF COMMENCEMENT	(A)	ANCHOR
POB	POINT OF BEGINNING	PL	PLAT BOOK	(O/P)	OVERHEAD POWER POLE
LB	LAND SURVEYING BUSINESS	PG	PAGE	(E)	EASEMENT
EOP	EDGE OF PAVEMENT			(PG 3506)	



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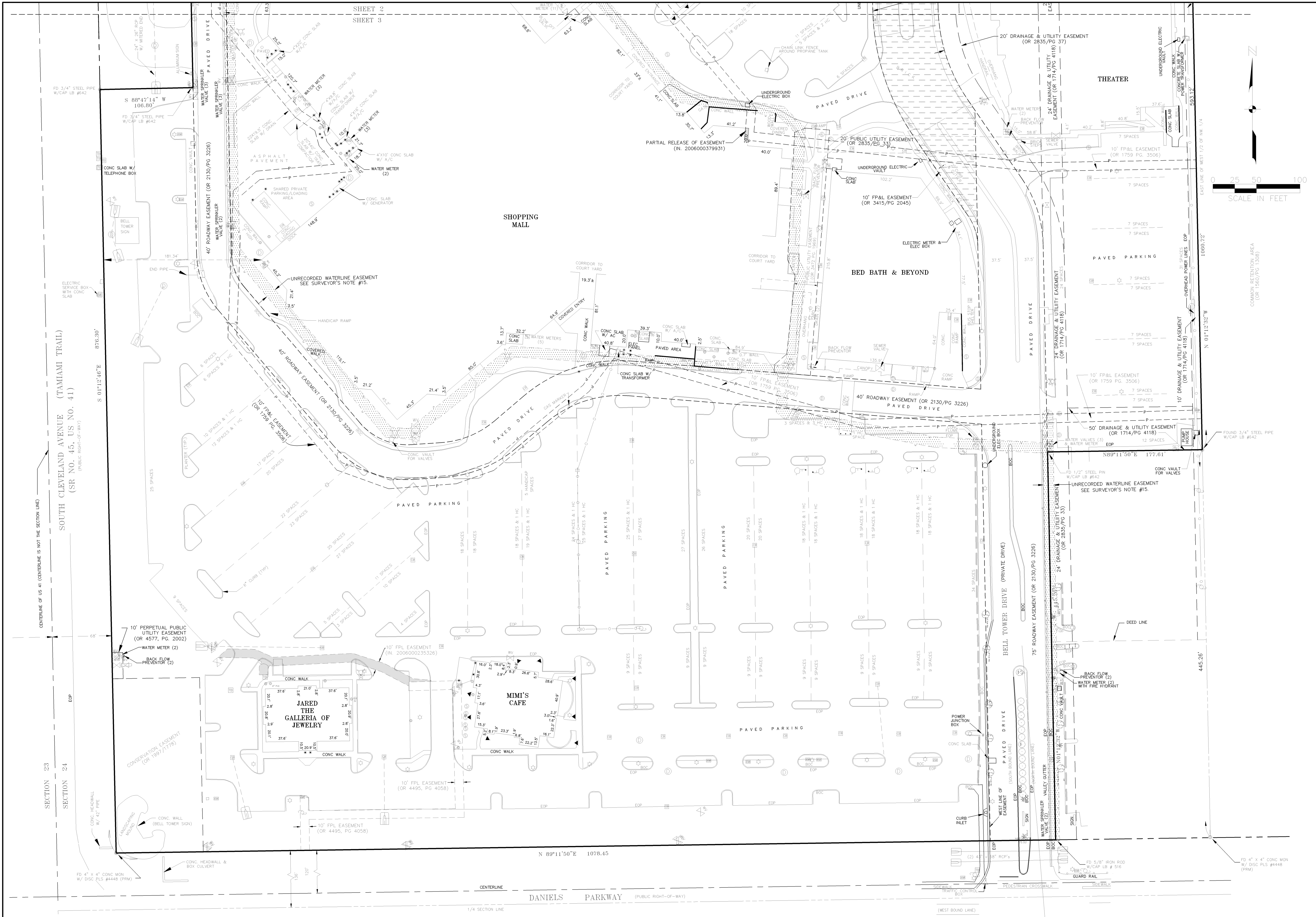
SYMBOL LEGEND

(P)	POWER POLE
(S)	SANITARY MANHOLE
(C)	CLEANOUT
(M)	STORM MANHOLE
(E)	ELECTRIC SERVICE BOX
(G)	GRATE INLET
(W)	WATER METER
(V)	WATER VALVE
(F)	FIRE HYDRANT
(I)	IRRIGATION CONTROL VALVE
(L)	STREET LIGHT
(M)	METERED END
(G)	GUARD PIPE
(Y)	YARD LIGHT/FLOOD LIGHT
(T)	TELEPHONE BOX

THE BELL TOWER MALL
LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST
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DATE	DESCRIPTION
DATE:	MAY 2010
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SYMBOL LEGEND

POWER POLE

SANITARY MANHOLE

CLEANOUT

STORM MANHOLE

ELECTRIC SERVICE BOX

GRATE INLET

WATER METER

WATER VALVE

FIRE HYDRANT

IRRIGATION CONTROL VALVE

STREET LIGHT

METERED END

GUARD PIPE

YARD LIGHT/FLOOD LIGHT

TELEPHONE BOX

THE BELL TOWER MALL
LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

REVISIONS

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE: MAY 2010

PROJECT NO. 20108418

FILE NO. 24-45-24

SCALE: AS SHOWN

SHEET NUMBER

V-04

LEGEND

(C)	CALCULATED	BOC	BACK OF CURB	R	RADIUS
(D)	DEED	CB	CORNER	L	LENGTH
(I)	INTERNAL ANGLE	TEL	TELEPHONE	CB	CHORD BEARING
CONC	CONCRETE	OR	OFFICIAL RECORD BOOK	FOC	FIBER OPTICS CABLE
MON	MONUMENT	DOT	DEPARTMENT OF TRANSPORTATION	RLS	REGISTERED LAND SURVEYOR
W	WITH	R/W	RIGHT OF WAY	G/ANC	ANCHOR
DESC	DESCRIPTION	FD	FOUND	W	WOODEN POWER POLE
POC	POINT OF COMMENCEMENT	IN	INSTRUMENT NUMBER	PLAT	PLAT EASEMENT (PG. 3506)
PG	POINT OF BEGINNING	PLAT	PLAT BOOK		
LB	LAND SURVEYING BUSINESS				
EQP	EDGE OF PAVEMENT				

UNRECORDED WATERLINE EASEMENT

BELL TOWER DRIVE NEW ALIGNMENT

S:\20108418\20108418-MAY-2010-UPDATE-SURVEY.dwg (DETAIL-SHT-4) fts May 24, 2010 - 7:58am





SHOPPING CENTER SITE PLAN SHOWING GENERAL LAYOUT



EXHIBIT D