



APPLICATION FOR ADMINISTRATIVE APPROVAL OF CONSUMPTION ON PREMISES IN UNINCORPORATED AREAS ONLY

[LDC Section 34-1264]

Project Name: LA OLA SURFSIDE RESTAURANT

Request: INDOOR/OUTDOOR COP

-
1. **Name of Applicant:** TEH4, Inc.
 Address: 13499 US 41 SE, STE 137
 City, State, Zip: Fort Myers, FL, 33907
 Phone Number: (239) 400-2060 E-mail: keith@longlawfl.com
 2. **Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**
☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-203(a)(3)]
 3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-203(a)(4)]**
 - a. **Company Name:** Long Law, P.A.
 Contact Person: Keith Long
 Address: 1306 SE 46th Ln., Suite 1
 City, State, Zip: Cape Coral, FL, 33904
 Phone Number: 239-400-2060 E-mail: keith@longlawfl.com
 - b. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-203(a)(4)]
 4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-203(a)(2)]**
 Name: BELL TOWER SHOPS LLC
 Address: 801 GRAND AVE
 City, State, Zip: DES MOINES, IA 50392
 Phone Number: 239-489-1221 E-mail: _____
 5. **Disclosure of Interest [34-203(a)(2)]**
☒ Attach [Disclosure of Interest](#) Form.
 6. **STRAP Number(s) [34-203(a)(5)]:**
24-45-24-00-00005.1000
 7. **Street Address of Property:** 13499 US 41 SE, STE 137, Fort Myers, FL 33907

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

8. Legal Description (must submit one):☒ Legal description and sealed sketch of the legal description. **[34-203(a)(5)]****OR**☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.) **[34-203(a)(5)]****9. Use(s) of Property:****a.** Current uses of property are:

RESTAURANT

b. Intended uses of property are:

INTENSIVE DEVELOPMENT

10. Lee Plan (Future Land Use) Designation of Property: FUTURE URBAN AREA**11. Current Zoning of Property:** C-1**12. Type of Establishment:** RESTAURANT*If a RESTAURANT, submit copy of the menu. Label as **Menu**. **[34-1264(a)(1)g.]****13. Outdoor Seating: Is there (or will there be) outdoor seating areas?**☐ NO☒ YES – If YES, please indicate the number of outdoor seats **[34-1264(a)(1)g.1.]** 55**14. Type of State Liquor License Requested [34-203(b)(1)a]:** 4COP-SFS**15. Hours for sale and service of alcoholic beverages [34-203(b)(1)a]:** From 10:00AM to 01:00AM**16. Site Plan:** Submit a site plan (24"x36"), to scale, illustrating, at a minimum, all buildings on the property, all public entrances and exits to the buildings, all parking on the property and ingress/egress. **[34-203(a)(8)]****17. Floor Plan:** Submit a floor plan illustrating, at a minimum, the floor area including the kitchen, indoor seating area (including the area [sq. ft.] and number of seats), outdoor seating areas (including the area [sq. ft.] and number of seats), and rest rooms. If a restaurant is proposing a bar or lounge for patrons waiting to be seated in the restaurant, the floor area and seating area of the bar or lounge needs to be illustrated in addition to the restaurant seating area. **[34-203(b)(1)b]****18. Affidavit:** Submit a sworn statement that there are no religious facilities, schools (non-commercial), day care centers (child), parks, dwelling units under separate ownership, or other establishment primarily selling alcoholic beverages for consumption on site, within 500 feet of the proposed establishment. If within 500 feet of one of these uses, provide a map that indicates the location and distance of the religious facility, school, daycare, park, dwelling units under separate ownership and/or other establishment selling alcoholic beverages for consumption on site in relation to the proposed establishment. **[34-203(b)(1)c]**

SUBMITTAL REQUIREMENT CHECKLIST

Clearly label your attachments as noted in bold below.

☒	Completed application [34-203(a)(1)]
☒	Filing Fee [34-201(d)]
☒	Affidavit of Authorization Form [34-203(a)(3)]
☒	Additional Agents [34-203(a)(4)]
☐	Multiple Owners List (if applicable) [34-203(a)(2)]
☐	Disclosure of Interest Form [34-203(a)(2)]
☐	Legal description (must submit one) [34-203(a)(5)]
☐	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☒	Menu (if a restaurant) [34-1264(a)(1)g.]
☒	Site Plan (24"x36") [34-203(a)(8)]
☒	Floor Plan [34-203(b)(1)b]
☐	Location Affidavit and Map (if applicable) [34-203(b)(1)c]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an administrative application in no way guarantees its approval. If the Director determines that the requested approval is beyond the scope of Land Development Code Section 34-1264 and that a public hearing for the approval is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing of the requested approval.

The Director's decision on an administrative application is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing special exception. No fees paid for the administrative approval will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or if the decision does not comply with the Land Development Code when rendered, then, at any time, the Director 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.

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, DAVID BRAINERD (name), as VICE PRESIDENT
(owner/title) of BELL TOWER SHOPS LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

[Signature]
Signature

March 14, 2023
Date

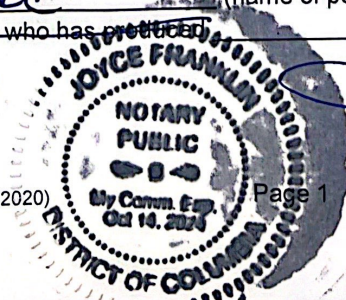
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 14th day of March, 2023, by DAVID BRAINERD (name of person providing oath or affirmation), who is personally known to me or who has produced [Signature] (type of identification) as identification.

STAMP/SEAL

Web/AffidavitofAuthorization (01/2020)



[Signature]
Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared DAVID BRAINERD, VICE PRESIDENT, who, being first duly sworn and deposed says:

1. That I am ~~the record owner, or~~ a legal representative of the record owner, of the property that is located at 13499 CLEVELAND AVE, SE, FORT MYERS, FL and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
<u>N/A</u>	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

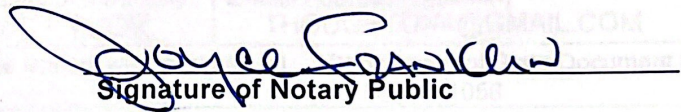
DAVID BRAINERD, VICE PRESIDENT
Print Name

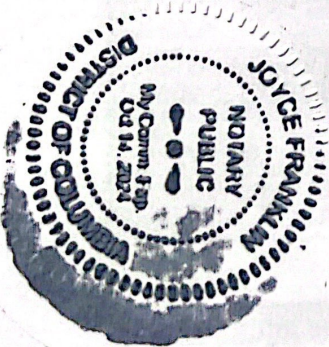
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

District of Columbia
~~STATE OF FLORIDA~~
~~COUNTY OF LEE~~

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on MARCH 14, 2023 (date) by David Brainerd (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification. OK

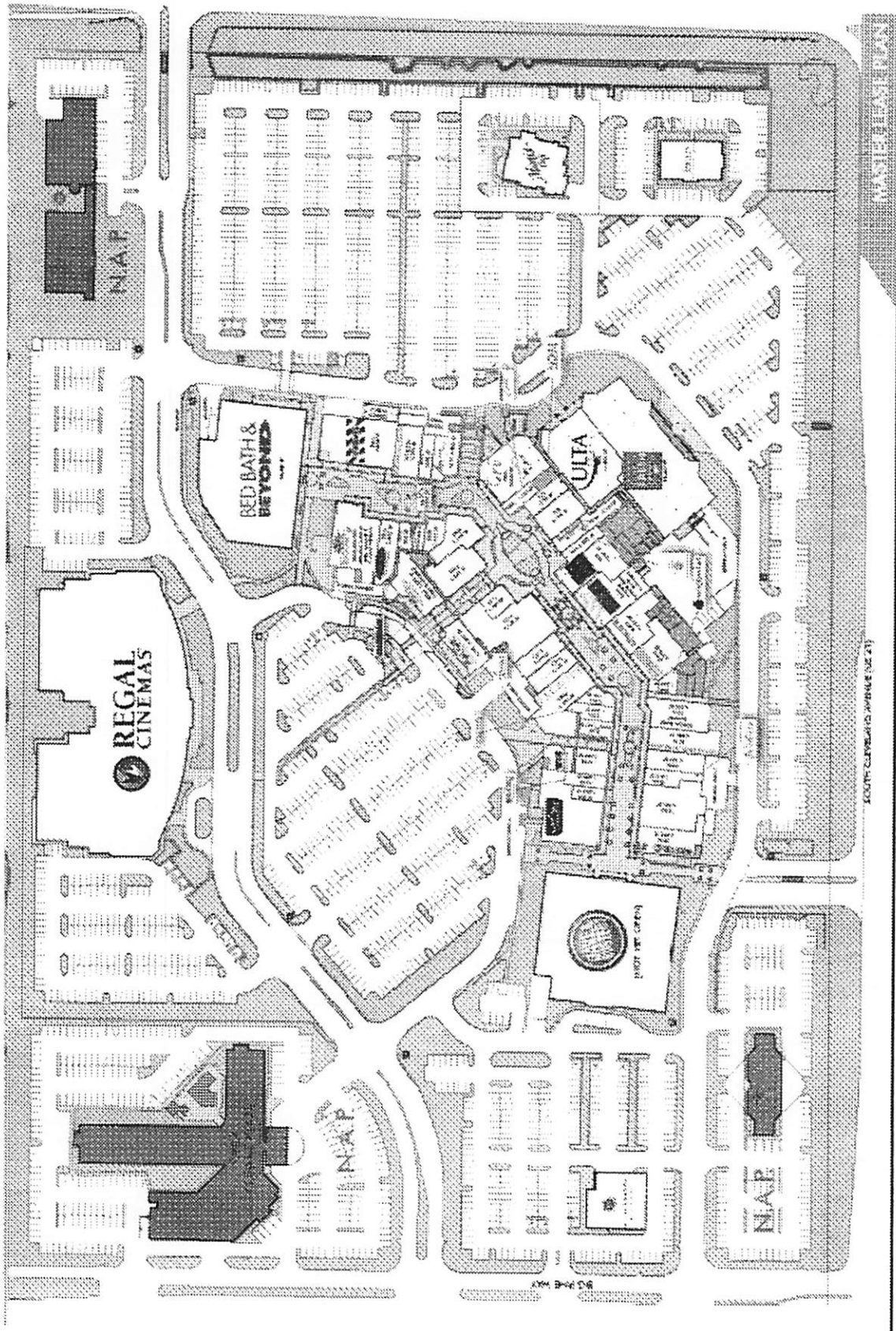
STAMP/SEAL


Signature of Notary Public



A-1-1

SHOPPING CENTER SITE PLAN SHOWING GENERAL LAYOUT



DRAFT

EXHIBIT F

(MENU)



La Ola

- Breakfast -

Served from 8:30 am until 11:30 am daily



BREAKFAST BURRITO
Large Soft Tortilla Filled with Sausage, Eggs, Cheddar Jack Cheese, Onions, Green Peppers and Salsa. Served with Choice of Potatoes or Fresh Fruit 12

VEGGIE BREAKFAST BURRITO
Large Soft Tortilla Filled with Eggs, Cheddar Jack Cheese, Avocado, Mushrooms, Onions, Green Peppers, Spinach and Salsa. Served with Choice of Potatoes or Fresh Fruit 12

THE CLASSIC*
2 Eggs Fried or Scrambled, Choice of Sausage Patty or Bacon, White or Wheat Toast and Potatoes or Fresh Fruit 12

FIT SKILLET
Egg Whites, Fresh Spinach, Onions, Mushrooms, Tomatoes, Potatoes. Served in a Cast Iron Skillet 12

LA OLA OMELET
A Three Egg Omelet with Choice of Ham or Sausage, Onions, Spinach, Mushrooms, Green Peppers, Cheddar Jack Cheese and Potatoes or Fresh Fruit and Choice of White or Wheat Toast 12

COUNTRY SKILLET*
Two Fried Eggs, Served over Ham, Bacon, Sausage, Green Peppers, Onions, Mushrooms, Potatoes and Cheddar Cheese. Served in a Cast Iron Skillet 12

FRENCH TOAST
3 Pieces of Thick and Delicious French Toast served with Choice of Sausage or Bacon. Served with a Side of Fresh Fruit. Includes Choice of Blueberry or Strawberry Topping 12

AVOCADO TOAST*
Fresh Avocado, Olive Oil, Sea Salt. Served on 2 Slices of Whole Wheat Toast. Topped with 2 Fried Eggs 12

PANCAKES
Large Fluffy Buttermilk Pancakes served with Choice of Sausage or Bacon. Served with a Side of Fresh Fruit. Includes Choice of Blueberry or Strawberry Topping 12

BAGEL BREAKFAST SANDWICH*
Fresh NY Bagel with Scrambled or Fried Eggs, American Cheese and Choice of Bacon, Ham, or Sausage Patty 12

- For Starters -

WORLD FAMOUS NACHOS
Oven Baked, Layered with Cheddar Jack Cheese, Diced Tomatoes, Crisp Lettuce, Onions, and Jalapenos. Served with Cold Beer Creamer and our Fresh Made Guacamole. Includes 1/2 of Nachos 12

CRAB DIP
Maryland Lump Blue Crab Dip. Served Warm with Tortilla Chips 12

GUACAMOLE
Made Daily in our Kitchen by our Mariachi using Fresh Avocados, Cilantro, Tomatoes, Onions, Fresh Squeezed Lime Juice and Sea Salt 12

GARLIC SHRIMP TAPAS
Gulf Shrimp Broiled in Butter, Garlic, White Wine and Parsley. Served with Toast Points 12

BAKED CHICKEN WINGS
10 of our Tender Baked Chicken Wings served with Choice of Mild, Medium, Hot, Teriyaki, Garlic, Jamaican Jerk, Garlic Teriyaki Sauce or Plain Baked. Served with Blue Cheese or Ranch Dressing and Celery 12

BEEF SLIDERS*
Three Fresh Hand Made Angus Beef Patties served on Brioche Buns with Choice of Cheddar Jack or American Cheese Along with our Famous La Ola Sauce and Crisp Baked French Fries 12

TOMATO CORN SALSA
Our Version of Pico de Gallo - Fresh Diced Tomatoes, Sweet Corn and our own blend of Mexican Spices served with Tortilla Chips 8

QUESO DIP
Queso is Spanish for Cheese and ours is served Warm with Tortilla Chips 8

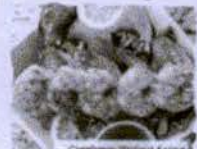
SPINACH DIP
Made with Fresh Spinach served Warm with Tortilla Chips 12

AHI TUNA TOWER*
"Voted Best Appetizer on the Beach" Baked Onions with Tuna Steamed with Japanese Sauce then Topped with our Fresh Made Guacamole, Pineapple Mango Salsa, Tomato Corn Salsa, Cucumber, Shredded Salad and Sesame Seeds 12



BACON WRAPPED GULF SHRIMP
"Voted Best Appetizer on the Beach" Gulf Shrimp Wrapped in Bacon and Finished with a BBQ Glaze Served atop our Tomato Corn Salsa 12

- Salads -



CRANBERRY WALNUT*
Fresh Spring Greens, Sweet Dried Cranberries, Candied Walnuts, Fresh Strawberry and Goat Cheese. Served with our Raspberry Vinaigrette 12

CLASSIC CAESAR*
We start with Chilled Crisp Romaine Lettuce, then add Cucumber, Parmesan Cheese and our Caesar Dressing 12

TACO
Choose either our Fresh Seasoned Beef or Chili Lime Marinated Chicken over Crisp Iceberg Lettuce, Diced Fresh Tomatoes, Red Onions, Black Olives, Tortilla Chips and Cheddar Jack Cheese. Served with our Ranch Dressing or Salsa and Cool Sour Cream 12

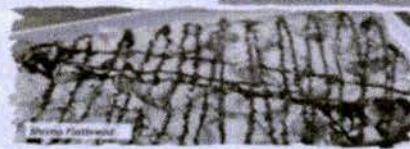
MARGHERITA
Mozzarella, Tomatoes, Garlic, Oregano, Basil and Chili Oil 12

PEPPERONI
Pepperoni, Mozzarella and Oregano 12

HAWAIIAN
Ham, Bacon, Mozzarella, Oregano and Pineapple 12

SHRIMP
Seasoned Shrimp, Mozzarella, Garlic, Tomato, Basil and Balsamic Reduction 12

- Flatbreads -

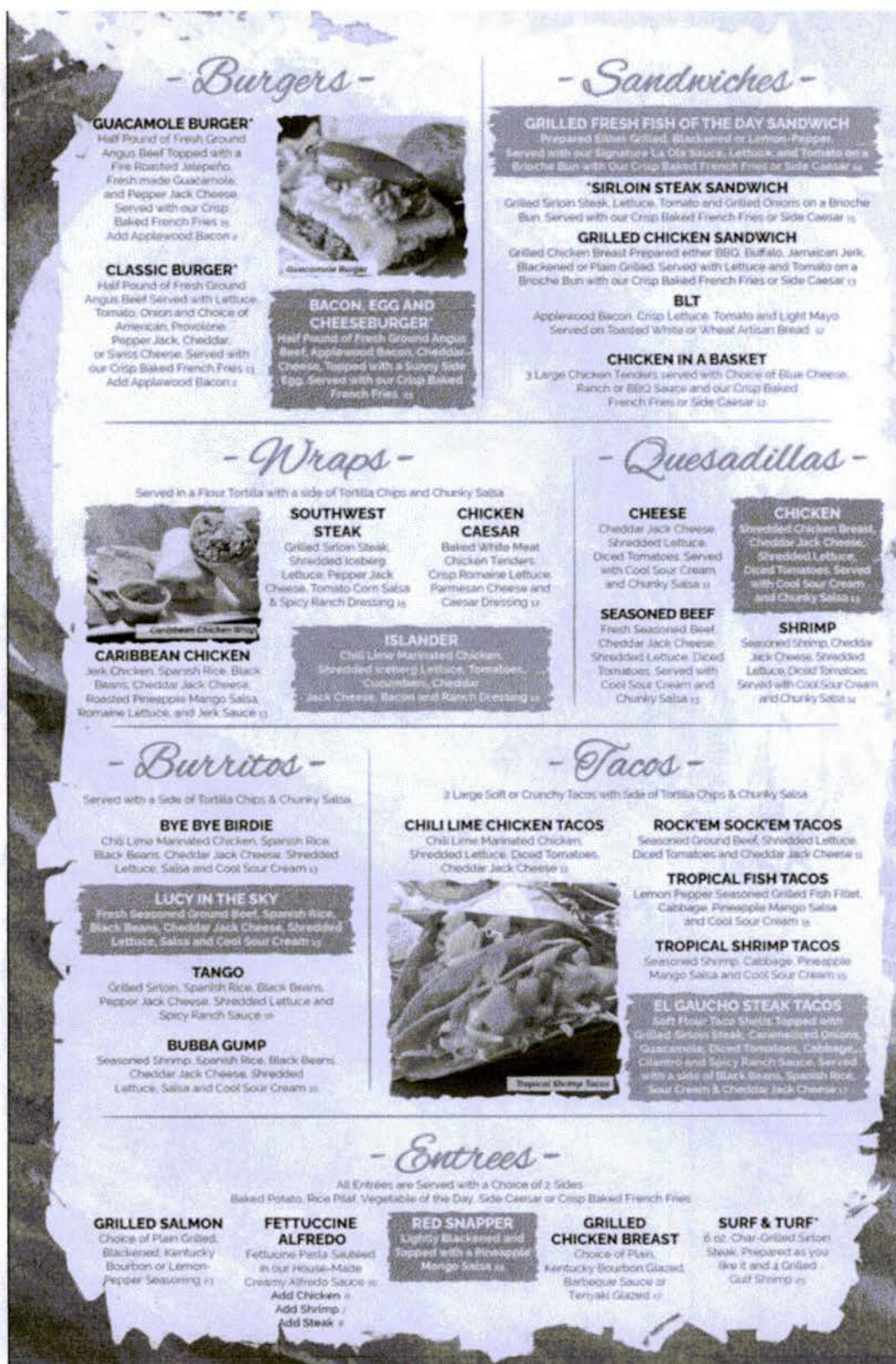


SHRIMP FLATBREAD
Shrimp, Mozzarella, Garlic, Tomato, Basil and Balsamic Reduction 12

We add a 20% Gratuity to groups of six or more.

Consumer Advisory: The Department of Public Health advises that eating raw or under cooked meat, poultry, eggs, or shellfish poses a health risk to everyone, but especially to the elderly, young children under age 5, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking of such animal foods reduces the risk of illness.

DRAFT

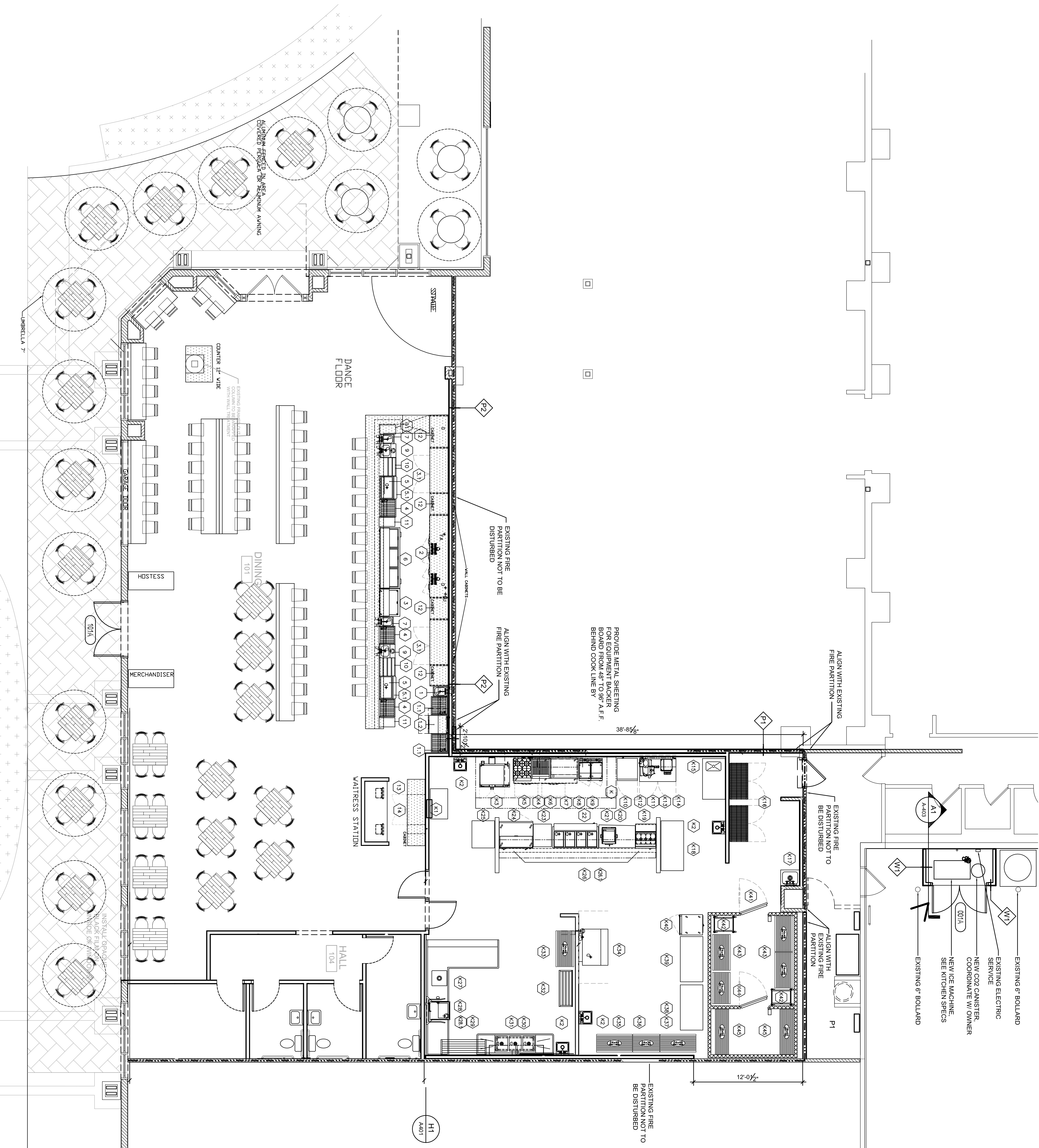


DRAFT



DRAFT







6800 NORTH FLORIDA AVENUE, TAMPA, FL 33604 USA
tel: 813.241.1234 | fax: 813.241.1235 | email: info@beltram.com

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REVISIONS	
DATE	REMARKS

PROJECT NAME

LA OLA

DRAWING NAME

RESTAURANT PLAN

PROJECT NO.	SCALE
XXXXXXXX	3/16" = 1'-0"
DRAWN BY	DATE
MDJ	11-18-2022

SHEET NO.

FS.0