

ADMINISTRATIVE APPROVAL ADD2024-00090

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, Leeanne Calderon filed an application for administrative approval of consumption on premises for a 4-COP (beer, wine and liquor) alcoholic beverage license in conjunction with a standard restaurant (Restaurant, Group III) on a project known as The Capital Grille #8073; and

WHEREAS, the subject property is located at 5070 Bell Tower Shops Ave, Fort Myers, FL 33907, and the applicant has indicated that the property's current STRAP number is 24-45-24-00-00005.1000 (see 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 the Lee Plan; and

WHEREAS, Bell Tower Shops, LLC, the owner of the subject parcel, has authorized Leeanne Calderon, to act as agent to pursue this application; and

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

WHEREAS, the subject property is developed with a multiple-occupancy shopping plaza and is in the Mixed-Use Overlay (MUO) as designated by the Lee Plan; and

WHEREAS, the applicant is requesting approval to obtain a 4-COP (beer, wine, and liquor) alcoholic beverage license with the hours for the sale and service of alcohol from 11:00AM to 12:00AM in conjunction with a Restaurant, Group III with no outdoor seating; and

WHEREAS, the Mixed-Use Overlay provides for a 50 percent parking reduction from the parking requirements established in LDC Section 34-2020 for properties in the Intensive Development Future Land Use Category; and

WHEREAS, the standard restaurant (Restaurant, Group III) requires a total of 63 parking spaces to meet the parking requirements within a multiple-use development in accordance with the above reduction; and

WHEREAS, the applicant has supplied a site plan demonstrating that this section of Bell Tower Shops will supply an additional 67 parking spaces to the already existing 341 parking spaces at this location (see Exhibit "B"); and

WHEREAS, the applicant has supplied a specific purpose survey demonstrating the standard restaurant to be more than 500 feet from the closest residential dwelling unit (see Exhibit "C"); and

WHEREAS, similar cases have been approved to obtain a 4-COP and 2-COP alcoholic beverage license within Bell Tower Shops; 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 alcoholic beverage license in conjunction with a standard restaurant (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 11:00AM and 12:00AM daily. The sale of alcoholic beverages may not 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 6/5/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

List of Exhibits

Exhibit A: Legal Description

Exhibit B: Site Plan and Parking Calculations

Exhibit C: Specific Purpose Survey