



Kevin Ruane
District One

Cecil L Pendergrass
District Two

David Mulicka
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

March 10, 2025

Keith Long
Long Law, P.A.
1306 SE 46TH Lane, Suite 1
Cape Coral, FL 33904

Re: Request for Special Exception (Consumption on Premises)
SEZ2024-00007
Fiore's Café & Garden Center - COP

Dear Mr. Long,

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with the submittal requirements contained in the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. The insufficiency comments must be addressed within thirty (30) calendar days of this letter, or the case will be considered withdrawn in accordance with the LDC.

a) Zoning

- 1) Project Narrative. Pursuant to [LDC Section 202\(b\)\(5\)a](#). (hyperlink attached), the request narrative must be revised to explain how the project meets all applicable required findings set forth in [LDC Section 34-145\(c\)\(3\)](#) (hyperlink attached).
 - a) Informational comment: Although the narrative talks about compatibility, it must also include the specific findings/review criteria established in LDC Section 34-145(c)(3) and elaborate on how this request meets the criteria. It should also provide any specific Goals, Objectives or Policies established in the Lee County Comprehensive Plan (Lee Plan) and any applicable Land Development Code Sections that this proposed use will comply with.
- 2) The project narrative provides that the proposed café is currently in operation, however, the Occupancy Inspection Checklist (OCC2024-00836) that was issued for this use was never issued a Certificate of Occupancy and is not permitted to operate at this subject property until the Occupancy Inspection Checklist has been completed. This case cannot be found sufficient for hearing until OCC2024-00836 has been completed. Please reach out to Zoning Counter Staff via OccsZoning@leegov.com for assistance with getting the Occupancy Inspection Checklist completed and obtaining the Certificate of Occupancy.
- 3) Proof of potable water and sanitary sewer availability. The Lee County Utilities Bill provided does not meet the submittal requirements established in [LDC Section 34-202\(a\)\(10\)](#) (hyperlink attached). Please provide a Letter of Availability from Lee County Utilities establishing approval for the proposed use. Please reach out to Lee County Utilities via LCUNewInstalls@leegov.com or 239-533-8160.

- 4) Site Plan. The site plan provided does not include the entire subject property and does not provide setbacks for any existing or proposed buildings or structures. The site plan also does not depict any required buffers or show the limits of the areas being utilized for outdoor seating in conjunction with the proposed consumption on premise. Please revise the site plan accordingly. Refer to [LDC Section 34-202\(b\)\(5\)c](#). (hyperlink attached) for additional information on what needs to be included.
- 5) Floor Plan. Please provide a detailed interior and exterior floor plan demonstrating the service areas that are proposed in conjunction with the proposed café. Please refer to [LDC Section 34-202\(b\)\(5\)d.2](#). (hyperlink attached).
 - a) Informational comment. This floor plan will also need to be provided with OCC2024-00836 for final approval.
- 6) Please provide an updated distance map that adheres to code required measurement guideline established in [LDC Section 34-1264\(b\)\(1\)a](#). (hyperlink attached). Please also see below:
 - a) The distances maps provided to staff do not accurately measure the distance from the closest public entrance or exit of the establishment primarily engaged in the sale of alcoholic beverages to the entrance or exit of the nearest religious facility, school (noncommercial), day care center (child), dwelling unit or park.
 - b) The maps also need to provide the distance measured for each location that is a religious facility, school (noncommercial), day care center (child), dwelling unit or park.
- 7) Please provide any additional information on the proposed café addressing the following:
 - a) Will there be live music? If so, please elaborate on which days of the week this would take place and the hours of which it will happen.
 - b) Can a customer walk around with the alcoholic beverage, or do they have to remain in designated areas? Please revise the site plan to depict COP areas.
 - c) Any other information on how the café that is intending to serve alcoholic beverages will operate to provide substantial evidence that this request will meet the findings/review criteria established in LDC Section 34-145(c)(3)a.

b) Legal Description

Land Development Code (LDC) Section 34-202(a)(6-7) establishes the submittal requirements for applications requiring public hearing. Please provide the following noted from this section.

- 1) Boundary Survey
 - a) The boundary survey does not include the required state plane coordinates, one at the point of beginning (POB) and one at an opposing corner.
 - b) The boundary survey does not indicate a basis of title certification.
 - c) The boundary survey does not depict the easements listed in the property information report.

- 2) Certification of title and encumbrances – Please be aware that a property information report is not one of the forms of title certification accepted. The previously submitted title insurance policy references a cross-access easement recorded in instrument number 2005000097078 which is not included on the property information report. When the appropriate form of title certification is provided, please clarify the discrepancy.

c) Solid Waste

- 1) The plans do not clearly identify a proposed solid waste enclosure, with dimensions, in accordance with LDC Section 10-261.
 - a) Informational comment: Please be advised that the previously approved Administrative Approval (ADD2019-00206) was approved for the current use (Lawn and Garden Supply Store) and does not grant the same relief for the proposed use.

Please feel free to contact me at (239) 533-8350 or BSchroeder@leegov.com if you have any questions.

Sincerely,

Brianna Schroeder, Planner
Department of Community Development
Zoning Section