



**VILLAGE OF ESTERO**  
**ZONING STAFF REPORT**

**PROJECT NAME:** JDS OF COCONUT POINT, INC.

**CASE TYPE:** AMENDMENT TO EXPAND OUTDOOR AREA FOR CONSUMPTION ON PREMISES

**CASE NUMBER:** ADD2022-E005

**PLANNING ZONING AND DESIGN BOARD:** DATE: July 12, 2022

**REQUEST**

Extend the outdoor Consumption on Premises (COP) of alcoholic beverages for South Fork Grille Suite 113 Village Shops Way to the adjacent suite now occupied by the applicant and known as El Nido Modern Mexican at Coconut Point.

**APPLICATION SUMMARY**

Applicant: Joseph Sofia

Authorized Agent: None

Request: Request to expand the outdoor seating area from 56 to 145 seats.

Location: The subject property is located at 23161 Village Shops Way, Unit 113, Coconut Point Mall, Village of Estero, FL.

STRAP Number: 09-47-25-E2-360SC-0010

**PROJECT HISTORY**

The property is located within the Coconut Point Development of Regional Impact (DRI). It was rezoned from Agricultural (AG-2) to Mixed Planned Development (MPD) on October 21, 2002 by Lee County by Resolution #Z-02-009. Subsequent amendments have been approved which do not affect this property.

**PROJECT DESCRIPTION**

The applicant is the owner of South Fork Grille which was formally known as The Grape. The restaurant's name changed when The Grape's term franchise expired in 2012. This Group III restaurant received approval for Consumption on Premises in 2006 under COP2006-00169. The approval granted alcoholic beverage service to patrons within the 2,200 square foot indoor seating

area and to the 330 square foot outdoor area serving 48 seats. The approval was limited to the sale of beer and wine between the hours of 11:00 AM and 10:00 PM Sunday through Thursday, and 11:00 AM and 11:00 PM Friday through Saturday.

No additional approvals have been located in County records by staff or provided by the applicant.

A search on the official site of the Florida Department of Business & Professional Regulation (DBPR) finds that JDS of Coconut Point Inc., doing business as South Fork Grille, holds a retail business license for a 4COP (BEV4607437). The licensure date is January 15, 2015 and has an expiration date of March 31, 2023.

Early this year the applicant applied for a remodel permit for South Fork Grille and El Nido, expanding the South Fork Grille approximately 1,500 square feet. The remodel permit application indicates the applicant's plans of providing 2 different restaurant concepts, with 2 menus, served out of 1 kitchen. With expansion to the neighboring space the restaurant's outdoor service area expands as shown on the Final Buildout Floor Plan dated February 15, 2021. The outdoor area totals 3,285 square feet, more than double the original outdoor area. The expanded area is comprised of the original outdoor area at South Fork of 56 seats, the area fronting Village Shops Way (in front of El Nido) with 56 seats, the area at the side of El Nido, with 24 seats, and an area in front of El Nido's side bar with 9 stools. It appears that pedestrian access is maintained along and through the outdoor service area.

Outdoor seating area is delineated on the Final Build Out Floor Plan, Exhibit B.

The application states that the full-service Group III Restaurant will continue with no change and that there will be no change to the existing 4COP beverage license. Currently the restaurant operates between the hours of 11:00 AM - 10:00 PM Sunday through Thursday, and 11:00 AM - 11:00 PM Friday and Saturday.

No music or entertainment is proposed in the outdoor seating area.

### **SURROUNDING USES**

The surrounding uses at the Coconut Point Mall are primarily retail/commercial. Restaurants with Consumption on Premises located in the vicinity include Ruth's Chris Steak House, The Saloon, Divieto Ristorante, California Pizza Kitchen and Tommy Bahama Marlin Bar. See Attachment C.

The applicant has affirmed that there are no religious facilities, non-commercial schools, child day care centers, parks, dwelling units under separate ownership, or other establishments primarily selling alcoholic beverages for consumption on site, within 500 feet of South Fork Grille/ El Nido.

### **STAFF ANALYSIS**

Staff has reviewed this request pursuant to Section 4-402, Sale or Service for On-Premises Consumption of the Land Development Code (LDC).

The applicant is requesting an administrative approval for the expansion of alcoholic beverage service to the 3,285 square foot outdoor area, shown on Attachment B.

The Lee County approval for South Fork Grille COP change from a 2COP to a 4COP was not provided with the application nor found by searching the Lee County records. However, a search of the Florida Department of Business and Professional Regulation (DBPR) finds that JDS of Coconut Point Inc. doing business as South Fork Grille holds an active retail business license for

a 4COP (BEV4607437). This indicates that a filing for a change was received, and the appropriate license issued.

Staff finds the subject space is suitable in regard to location, site characteristics and intended purpose. Consumption on Premises with outdoor seating in conjunction with a Group II, III or IV restaurant is permitted if the outdoor seating area is not within 500 feet of a religious facility, school (non-commercial), day care center (child), park or dwelling unit under separate ownership. The applicant complies with the distance requirements for outdoor seating.

The application meets the requirements of the Land Development Code. The request for outdoor alcoholic beverage service requires a public hearing.

### **FINDINGS**

1. The premises are suitable for the intended use.
2. There are no apparent deleterious effects upon surrounding properties and the immediate area.

### **RECOMMENDATION**

Staff recommends approval with the conditions in the draft Resolution:

1. Approval is limited to a 4COP license in conjunction with a restaurant. If any other type of license is sought, a new approval in accordance with the LDC will be required.
2. Approval is limited to 23161 Village Shops Way, Suite 113 which has an outdoor area of 3,285 square feet as shown on Attachment B.
3. Approval is limited to the sale and service of alcoholic beverages between the hours of 11:00 AM - 10:00 PM Sunday through Thursday, and 11:00 AM - 11:00 PM Friday and Saturday for both indoor and outdoor seating.
4. No outdoor entertainment is permitted without an amendment to this Resolution.
5. If it is determined that inaccurate or misleading information was provided to staff or the Planning Zoning and Design Board or if this decision does not comply with the LDC when rendered then, at any time, the Planning Zoning and Design Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may seek necessary approvals by filing an application for public hearing in accordance with the provisions of the LDC.

### **ATTACHMENTS**

- A. Coconut Point Mall Location Map
- B. Final Buildout Floor Plan
- C. COPs in Vicinity