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1. There will be no apparent deleterious effects upon surrounding properties and immediate neighborhoods.
2. The premises are suitable to their location, site characteristics and intended purpose.
3. The music, internally controlled and not live, will be at a conversational level.

**NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for an administrative amendment is approved with the following conditions:

1. Approval is limited to a 4COP-SFS alcoholic beverage license in conjunction with a full-service restaurant.
2. Approval is limited to 23106 Fashion Drive, Suite 135, known as, The Cheesecake Factory, with an interior restaurant area of 8,080 square feet and an exterior dining area of 1,620 square feet, as illustrated on Exhibit A.
3. Approval is limited to the sale and service of alcoholic beverages between the hours of 10:00 AM to 11:00 PM daily for both indoor and outdoor seating.
4. Outdoor music volume is limited to a conversational level.
5. Approval must comply with Simon (Mall Management) restrictions and enforcement.
6. 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.

**PASSED AND DULY ADOPTED** this 25th day of July, 2023.

**VILLAGE OF ESTERO, FLORIDA  
PLANNING ZONING AND  
DESIGN BOARD**

\_\_\_\_\_  
Scotty Wood, Chairman

Attest:

By: \_\_\_\_\_  
Carol Sacco, Village Clerk

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96 Reviewed for legal sufficiency

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99 By: \_\_\_\_\_

100 Nancy Stroud, Esq., Land Use Attorney

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102 **Vote:**

103

104 Scotty Wood Yes \_\_\_ No \_\_\_

105 Anthony Gargano Yes \_\_\_ No \_\_\_

106 Kristin Jeannin Yes \_\_\_ No \_\_\_

107 Barry Jones Yes \_\_\_ No \_\_\_

108 Michael Sheeley Yes \_\_\_ No \_\_\_

109 James Tatooles Yes \_\_\_ No \_\_\_

110 Jim Wallace Yes \_\_\_ No \_\_\_