1	RESOLUTION NO. PZDB 2023- 02
2 3 4	CONSUMPTION ON PREMISES COP2023-E002 VILLAGE OF ESTERO, FLORIDA
5 6 7 8	WHEREAS, The Cheesecake Factory Restaurants, Inc. (applicant) filed an application for an administrative amendment for the Cheesecake Factory as follows:
8 9 10	An administrative amendment for approval of Consumption on Premises of alcoholic beverages in 2 outdoor patio areas.
11 12 13	WHEREAS, the property is located at 23106 Fashion Drive, Suite #135, and described more particularly as: STRAP Number: 04-47-25-E2-360SC.0010; and
14 15	WHEREAS, the property is a leased to Cheesecake Factory located in the
16 17 18	Coconut Point Mall which is part of the Coconut Point Development of Regional Impact (DRI) (Tract 2A) and is zoned Mixed-Use Planned Development, which was approved by Lee County on October 21, 2002 in Resolution Z-02-009 as amended; and
19 20 21	WHEREAS, the Future Land Use designation of the subject property is Transitional Mixed Use; and
22232425	WHEREAS , authorization for the amendment was provided to The Cheesecake Factory Restaurants, Inc. by the property owner, Coconut Point Developers LLC c/o Simon Property Group; and
26 27 28	WHEREAS, the Village of Estero Land Development Code (LDC) Section 4-402 provides for certain approvals for Consumption on Premises; and
29 30 31 32 33	WHEREAS, the Land Development Code requires a public hearing for the review and approval of Consumption on Premises applications within Planned Developments that include outdoor seating areas for patrons consuming alcoholic beverages; and
34 35 36 37	WHEREAS, the applicant requests the current 4COP-SFS license to include both the interior and exterior seats for alcoholic beverage service at The Cheesecake Factory located in Coconut Point Mall; and
38 39 40 41	WHEREAS, exterior seating areas totaling 1,620 square feet is divided into 2 covered patio areas with a total of 76 seats as shown on Exhibit A; and
42 43 44	WHEREAS, The Cheesecake Factory hours of operation are Monday through Thursday 11:30 AM to 10:00 PM, Friday and Saturday 11:30 AM to 11:00 PM and Sunday 10:00 AM to 10:00 PM
45 46	WHEREAS, the following findings of fact are offered:

48 49	1.	There will be no apparent deleterious effects upon surrounding properties and immediate neighborhoods.				
50 51 52	2.	The premises are suitable to their location, site characteristics and intended				
53 54	3.	purpose. The music, internally controlled and not live, will be at a conversational				
55 56	3.	level.				
57 58	NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative amendment is approved with the following conditions:					
59 60	1.	Approval is limited to a 4COP-SFS alcoholic beverage license in conjunction				
61 62	_	with a full-service restaurant.				
63 64 65 66	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.				
67 68 69	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.				
70 71	4.	Outdoor music volume is limited to a conversational level.				
72 73 74	5.	Approval must comply with Simon (Mall Management) restrictions and enforcement.				
75 76 77 78 79 80	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.				
81 82	PA	ASSED AND DULY ADOPTED this 25th day of July, 2023.				
83 84		VILLAGE OF ESTERO, FLORIDA PLANNING ZONING AND				
85 86		DESIGN BOARD				
87 88		Scotty Wood, Chairman				
89 90 91	Attest:					
92 93	By: Carol	Sacco, Village Clerk				
75	Caror	Succes, Things Cloth				

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96	Reviewed for legal sufficiency			
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98				
99	By:			
100	Nancy Stroud, E	sq., Land Us	se Attorney	
101	•	-	•	
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	