

ADMINISTRATIVE APPROVAL COP2010-00126

ADMINISTRATIVE APPROVAL  
CONSUMPTION ON PREMISES  
LEE COUNTY, FLORIDA

WHEREAS, William Crouch filed an application for administrative approval to amend COP2004-00178 to increase the number of seats inside; add outside seating and expand the hours operation for consumption on premises of beer and wine on a project known as Gulf Harbour Condominium Association; and

WHEREAS, the subject property is located at 14490 Vista River Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 30, Township 45 South, Range 24 East, Lee County, Florida:

SEE Exhibit "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 30-45-24-07-0000B.0010; and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Gulf Harbour Condo Association, the owner of the subject parcel, has authorized William Crouch, President of B.O.D., to act as agent to pursue this application; and

WHEREAS, the subject property is located within Gulf Harbour yacht and Country club that is zoned Planned Unit Development by Resolution Z-82-112, as amended; and

WHEREAS, a Group II restaurant (cafe/deli) is located at the Gulf Harbour Marina; and

WHEREAS, the PUD permits a food and beverage service (cafe/deli) provided the service is located in a private club with access limited to residents of the PUD and their guests and members of the private club; and

WHEREAS, Gulf Harbor Yacht and Country Club is a private, gated community and the proposed restaurant will be available to the residents and their guests; and

WHEREAS, in 2004, an Administrative Approval (COP2004-00178, see Exhibit "B") granted approval for a 2-COP (beer and wine) with the following conditions:

1. Approval is limited to the 2,000± square foot area shown on the Site Plan labeled "Gulf Harbour Marina, new clubhouse layout", stamped received by Permit Counter on August 26, 2004.

2. The approval for consumption on premises (2-COP, beer and wine) is in conjunction with a 2,000± square foot, Group II Restaurant. Any future expansion of the restaurant must obtain additional approval for consumption on premises.
3. This consumption on premises approval does not approve the consumption on premises in conjunction with outdoor seating.
4. The hours of operation for the service and consumption of beer and wine in conjunction with a Group II restaurant will be from 7:00 a.m. to 2:00 p.m. daily.

WHEREAS, it is the intent of the community to increase the inside seating from 24 seats to 49 seats in the same 2,000± square foot area, see Exhibit "C"; add 20 seats outside, see Exhibit "D"; and expand the hours of operation from 7 am to 2 pm to 7 am to 10 pm; and

WHEREAS, the Group II restaurant (cafe/deli) provides breakfast, lunch and dinner for the residents and guests of the Gulf Harbour community; and

WHEREAS, the Lee County Land Development Code provides for certain administrative approvals for Consumption on Premises; 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, there will be no apparent deleterious effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises; and

WHEREAS, the premises are suitable in regard to their location, site characteristics and intended purpose. Lighting on the permitted premises must be shuttered and shielded from surrounding properties.

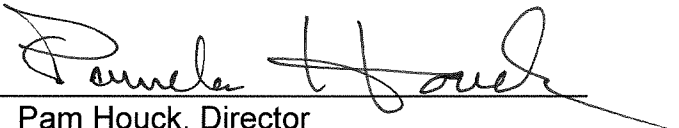
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for Consumption on Premises is **APPROVED**.

Approval is subject to the following conditions:

1. **Approval is limited to the 2,000± square foot inside area with 49 seats shown on the Site Plan labeled "Gulf Harbour Marina, Cafe Inside seating" stamped received by community Development on August 19, 2010, attached hereto as Attachment "C".**
2. **Approval is limited to the 20 outside seats shown on the Site Plan labeled "Gulf Harbour Marina, Outside Seating" stamped received by community Development on August 19, 2010, attached hereto as Attachment "D".**

3. The hours of operation for the service and consumption of beer and wine in conjunction with a Group II restaurant will be from 7:00 a.m. to 10:00 p.m. daily.
4. Any future expansion of the restaurant must obtain additional approval for consumption on premises.
5. ADD2004-00178 is null and void with this approval with conditions.

DULY SIGNED this 14<sup>th</sup> day of September, A.D., 2010.

BY:   
Pam Houck, Director  
Division of Zoning  
Department of Community Development

Exhibits:

- A - Legal Description
- B - ADD2004-00178
- C - Inside seating site plan
- D - outdoor seating site plan

**Legal Description**

A portion of Tract B (recorded in Plat Book 55, Pages 6 thru 27), Gulf Harbor Marina, a subdivision, located in Section 30, Township 45, Range 24 East, according to the plat thereof on file and recorded in Official Records Book 3521, Page 89 of the Public records of Lee County, Florida.

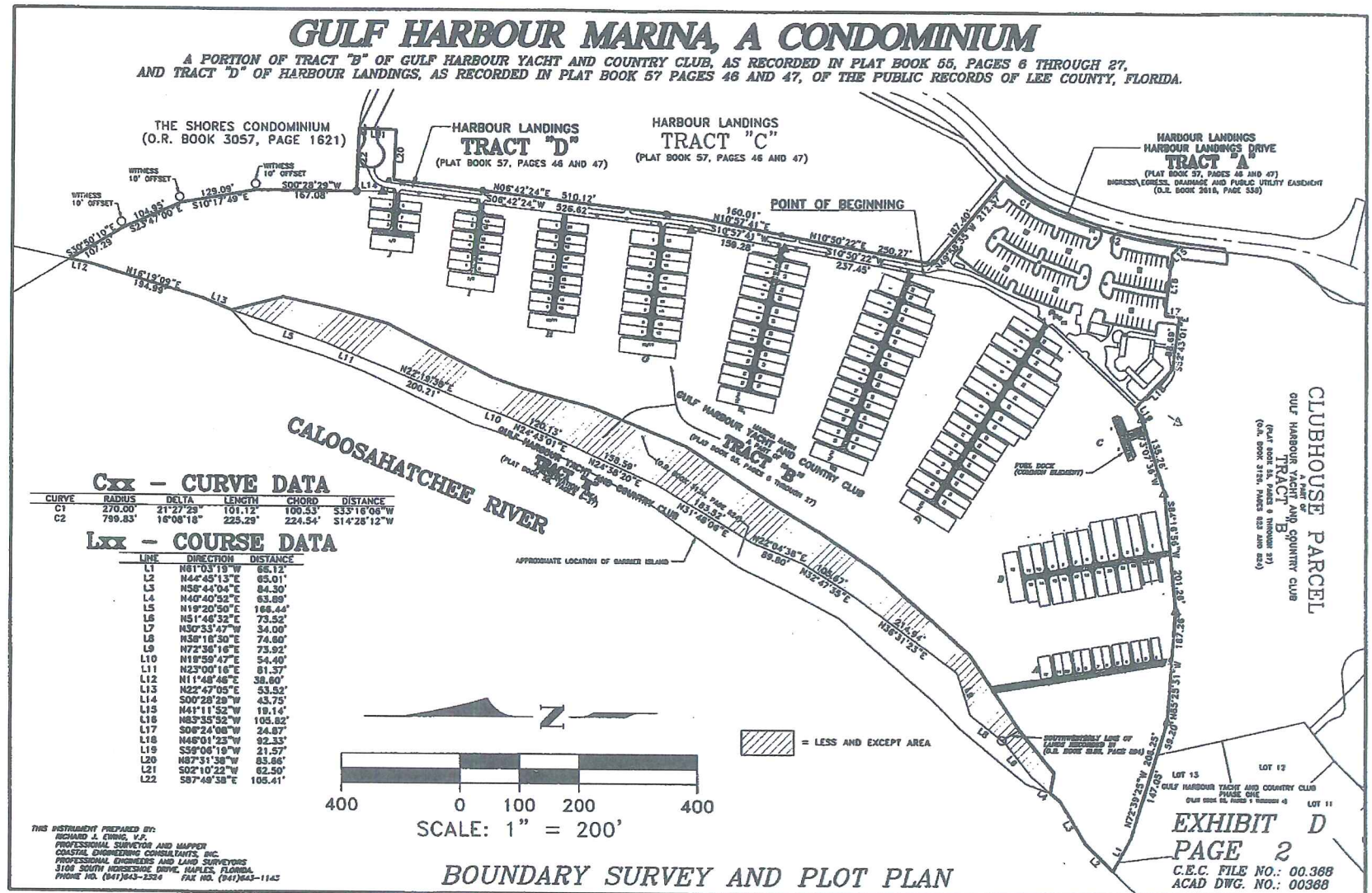
**Strap Number**

30-45-24-44-00000.00CE

COP2010-00126

Legal Reviewed By:  9-2-10

EXHIBIT A



ADMINISTRATIVE APPROVAL  
CONSUMPTION ON PREMISES  
LEE COUNTY, FLORIDA

WHEREAS, Gulf Harbour Marina Condominium Association, Inc. filed an application for administrative approval for Consumption on Premises for a 2-COP Alcoholic Beverage License on a project known as Harbourside Café; and

WHEREAS, the subject property is located at 14490 Vista River Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 30, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit A

WHEREAS, the applicant has indicated the property's current STRAP number is 30-45-24-07-0000B.0010; and

WHEREAS, Gulf Harbour Marina Condominium Association, Inc., the owner of the subject parcel, has authorized Lynn Bishop, to act as agent to pursue this application; and

WHEREAS, the Lee County Land Development Code provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the subject property is located within Gulf Harbour Yacht and Country Club that was zoned to Planned Unit Development by Resolution Z-82-112, as amended; and

WHEREAS, the applicant proposes to operate a Group II restaurant (café/deli) at the Gulf Harbour Marina; and

WHEREAS, the PUD permits a food and beverage service (café/deli) provided the service is located in a private club with access limited to residents of the PUD and their guests and members of the private club; and

WHEREAS, Gulf Harbour Yacht and Country Club is a private, gated community and the proposed restaurant will be available to the residents and their guests; and

WHEREAS, the proposed restaurant will contain 2,000± square feet of floor area with 6 tables and 24 chairs; and

WHEREAS, the proposed hours of operation will be from 7:00 a.m. to 2:00 p.m. daily; 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, there will be no apparent deleterious effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises; and

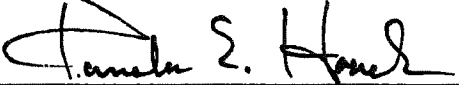
WHEREAS, the premises are suitable in regard to their location, site characteristics and intended purpose. Lighting on the permitted premises must be shuttered and shielded from surrounding properties.

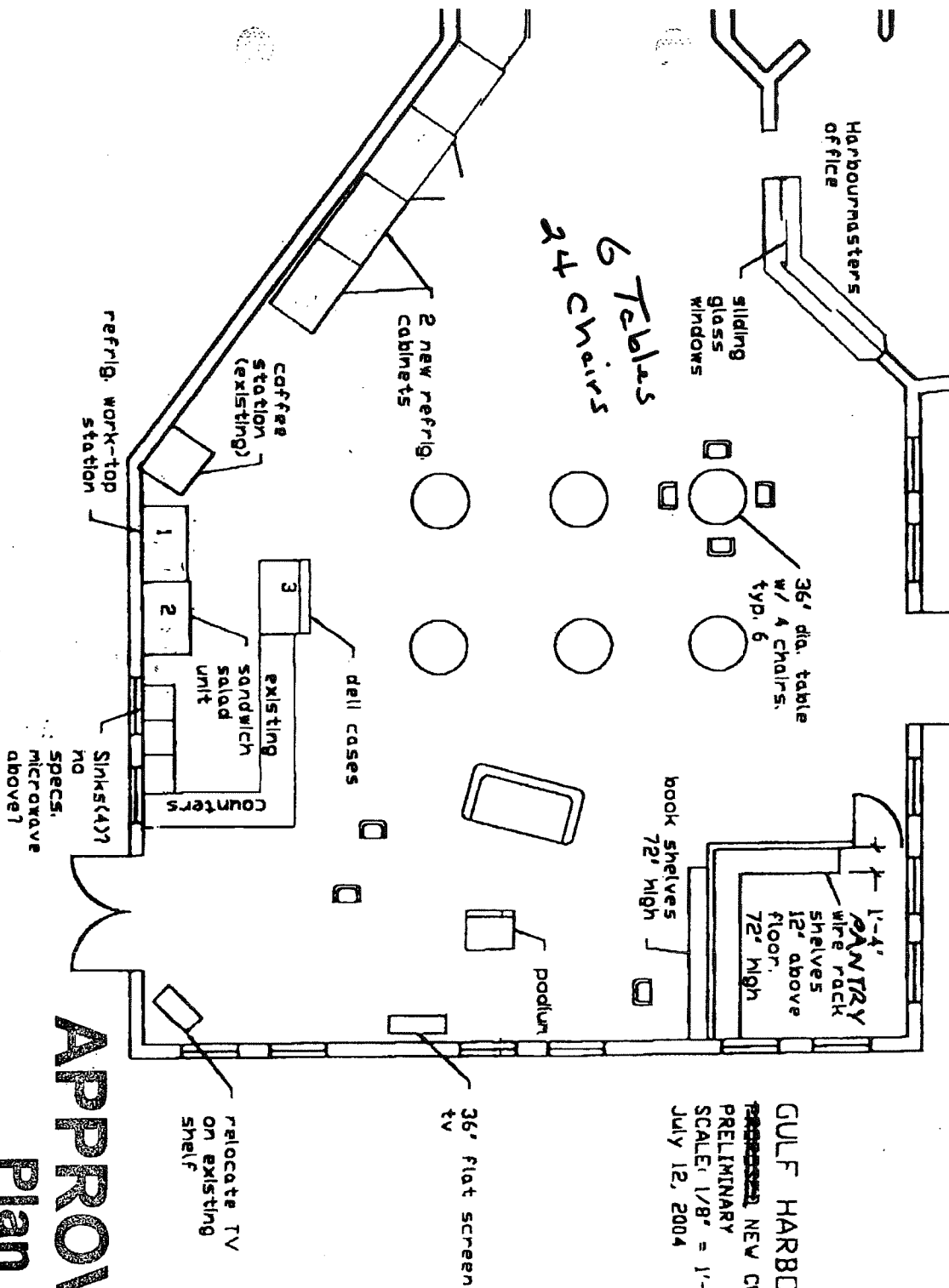
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for Consumption on Premises is **APPROVED**.

Approval is subject to the following conditions:

1. **Approval is limited to the 2,000± square foot area shown on the Site Plan labeled "Gulf Harbour Marina, new clubhouse layout", stamped received by Permit Counter on August 26, 2004, attached hereto as Attachment "A".**
2. **The approval for consumption on premises (2-COP, beer and wine) is in conjunction with a 2,000± square foot, Group II Restaurant. Any future expansion of the restaurant must obtain additional approval for consumption on premises.**
3. **This consumption on premises approval does not approve the consumption on premises in conjunction with outdoor seating.**
4. **The hours of operation for the service and consumption of beer and wine in conjunction with a Group II restaurant will be from 7:00 a.m. to 2:00 p.m. daily.**

DULY SIGNED this 10<sup>th</sup> day of September A.D., 2004.

BY:   
Pamela E. Houck, Director  
Division of Zoning  
Department of Community Development



**APPROVED**  
**Plan**

AUG 26 2004

PERMIT COUNTER

**COP2004-00178**

ATTACHMENT A

Subject to Case # COP2004-00178

Date 9/10/04

COP 2010-00126

GULF HARBOUR MARINA

Cafe

Inside Seating for 49

# APPROVED Plan

Subject to Case # COP2010-00126

Date 9/14/10

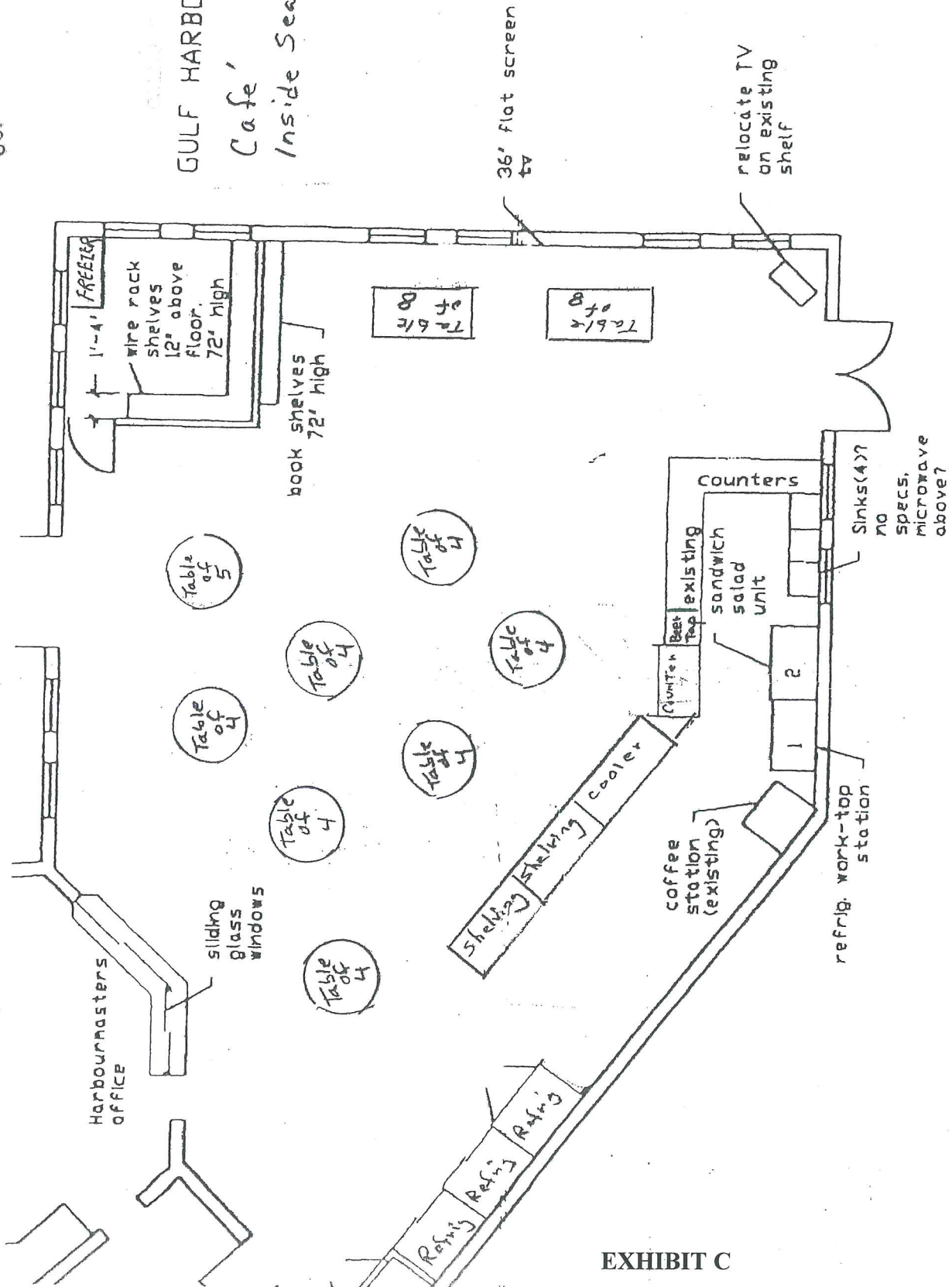


EXHIBIT C

COP 2010-00126

# APPROVED Plan

Subject to Case # COP2010-00126

Date 9/14/10

Seating for 20

GULF HARBOUR MARINA  
OUTSIDE SEATING

SCALE: 1/8" = 1'-0"

October 23, 2004

GENERAL LAYOUT  
DWG. 1 of 3

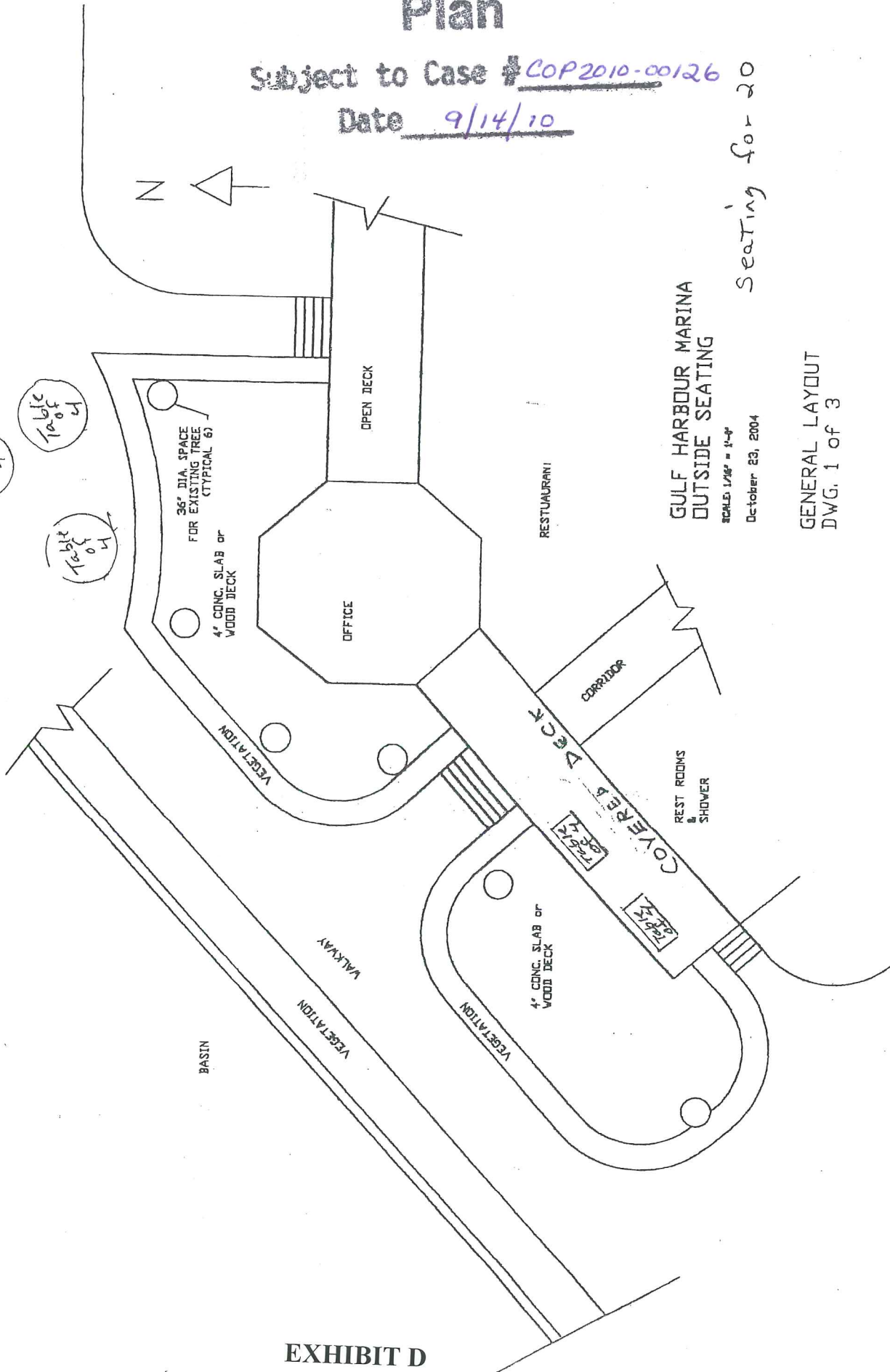


EXHIBIT D