



CITY OF LABELLE, FLORIDA

Planning Staff Report For 139 E. Hickpochee Avenue

TYPE OF CASE: Special Exception

STAFF REVIEWER: Patty Kulak

DATE: July 9, 2026

APPLICANT: Love God, LLC

AGENT: Mindy Martinez

REQUEST: Special Exception to allow the sale of alcoholic beverages at a restaurant located within 750 feet of a school, pursuant to Section 3-4 of the City of LaBelle Land Development Code, for the property located at 139 E. Hickpochee Avenue.

LOCATION: 139 E. Hickpochee Avenue

BUILDING SIZE: 2,500+/-sqft

FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:

Existing Future Land Use Designation: Commercial

Existing Zoning: B-2 (Business General)

Land Use: Commercial (Multi-tenant commercial shopping plaza)

SURROUNDING LAND USE:

North: FLU – Downtown District
Zoning – Downtown Business District (DBD)
Land Use – Retail/ State Road

South: FLU – Public
Zoning – Public Service (PS)

Land Use – Municipal Building

East: FLU – Commercial
Zoning – Business General (B-2)
Land Use – Retail

West: FLU – Public
Zoning – Public Service (PS)
Land Use – Municipal Building

STAFF NARRATIVE:

Love God LLC has submitted a Special Exception application requesting approval pursuant to Section 3-4 of the City of LaBelle Land Development Code to allow the sale of alcoholic beverages at a proposed full-service restaurant located within 750 feet of a school. Section 3-4 of the Land Development Code requires a minimum separation distance of 750 feet between establishments selling alcoholic beverages and any church or school. Approval of a Special Exception is required to allow the proposed restaurant to serve alcoholic beverages at this location.

The subject property is located at 139 E. Hickpochee Avenue and is zoned B-2 (Business General). The property is developed as a multi-tenant commercial shopping center containing an approximately 6,432-square-foot commercial building constructed in 2021. The proposed restaurant will occupy an existing tenant space within the shopping center, and no expansion of the building or site improvements are proposed beyond interior tenant buildout.

According to the application, the proposed restaurant will operate as a full-service, dine-in establishment with seating for approximately 75 to 100 patrons. The applicant proposes hours of operation from 5:00 a.m. to 9:00 p.m., Monday through Sunday. Alcoholic beverages, including beer, wine, and distilled spirits, are proposed as an accessory component of the restaurant, subject to obtaining all applicable state and local licenses and approvals.

The B-2 (Business General) zoning district is intended to accommodate a wide range of commercial uses serving the community. The proposed restaurant is a permitted use within the B-2 zoning district; however, the sale of alcoholic beverages requires Special Exception approval due to the property's proximity to a school as regulated by Section 3-4 of the Land Development Code.

As part of the Special Exception review, staff has evaluated the request against the applicable review criteria contained in the Land Development Code to determine whether the proposed sale of alcoholic beverages is compatible with the surrounding area and consistent with the intent of the City's regulations governing alcoholic beverage establishments.

SPECIAL EXCEPTION REQUEST:

The applicant is requesting a Special Exception pursuant to Section 3-4 of the City of LaBelle Land Development Code to allow the sale of alcoholic beverages at a restaurant located within 750 feet of a school. In accordance with the Land Development Code, the request has been evaluated against the applicable Special Exception review criteria to determine whether the

proposed use is compatible with the surrounding area and consistent with the public health, safety, and welfare.

If approved, the applicant will be required to obtain all applicable building permits, a Certificate of Occupancy, Business Tax Receipt, and all required state and local alcoholic beverage licenses prior to commencing operations.

SPECIAL EXCEPTION REVIEW CRITERIA:

The following is Staff's analysis of the Applicant's request in relation to LDC Section 4-41(5), which sets forth the review criteria for special exceptions.

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

The proposed restaurant will occupy an existing tenant space within a developed commercial shopping plaza that provides established vehicular access, internal circulation, pedestrian walkways, and emergency vehicle access. Staff finds the existing access is adequate to serve the proposed use.

2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

The proposed restaurant will utilize the existing shared parking facilities serving the commercial shopping plaza. The use is not anticipated to generate noise, glare, odor, or other impacts beyond those typically associated with restaurant uses within a commercial zoning district..

3. Refuse and service areas, with particular reference to the items preceding;

Refuse collection will be provided through the existing facilities serving the commercial shopping plaza. Staff recommends that all refuse be maintained in accordance with applicable City regulations.

4. Utilities, with reference to locations, availability, and compatibility;

The subject property is served by existing public water and sewer facilities. No additional utility extensions are anticipated as part of the proposed tenant build-out.

5. Screening and buffering with reference to type, dimensions, and character;

No additional screening or buffering is required as the proposed restaurant will occupy an existing tenant space within a developed commercial center.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Any future signage shall comply with the City's Land Development Code and will require the appropriate permits. Existing site lighting is considered adequate to serve the proposed use.

7. *Required yards and other open space;*

The proposed use does not involve expansion of the existing building or modification of the site's established setbacks or open space areas.

8. *General compatibility with adjacent properties and other property in the district.*

The proposed restaurant is located within an existing commercial shopping plaza surrounded by commercial, public, and downtown uses. The request is limited to permitting the sale of alcoholic beverages for on-premises consumption in conjunction with a restaurant use.

ALCOHOLIC BEVERAGE ESTABLISHMENT FINDINGS:

Pursuant to Section 3-4(b) of the City of LaBelle Land Development Code, the following findings are required for approval of a Special Exception for an alcoholic beverage establishment:

1. *The proposed establishment is located in a zoning district in which the establishment is a permitted use.*

The subject property is zoned B-2 (Business General), where restaurant uses are permitted. The request for a Special Exception is required because the proposed establishment is located within 750 feet of a school and church.

2. *The proposed establishment will not contribute to an undue concentration of alcohol establishments in the area.*

The proposed establishment is a full-service restaurant requesting approval to serve alcoholic beverages for on-premises consumption. Staff has reviewed the surrounding area and finds the proposed use will not create an undue concentration of alcoholic beverage establishments.

3. *The proposed establishment will not detrimentally affect nearby neighborhoods considering the distance of the establishment to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing establishments.*

Although the subject property is located within 750 feet of a school and church, the proposed use will operate as a full-service restaurant within an existing commercial shopping plaza. Staff finds the proposed establishment is not expected to create adverse impacts on nearby properties or surrounding land uses beyond those typically associated with a restaurant operating within a commercial zoning district.

4. *The proposed establishment will otherwise be compatible with existing and potential uses of the surrounding area.*

The subject property is located within an established commercial corridor and is surrounded primarily by commercial, downtown, and public uses. Staff finds the proposed restaurant and associated sale of alcoholic beverages are compatible with the character of the surrounding area.

5. *The proposed establishment is not located in what has been determined to be a high-crime area, or where a disproportionate number of law enforcement calls occur.*

Staff has no evidence indicating that the subject property is located within an area determined to be a high-crime area or an area with a disproportionate number of law enforcement calls. Therefore, Staff finds this criterion has been satisfied.

CONCLUSION

Based on the application materials submitted and Staff's review of the Special Exception criteria contained in Appendix B, Section 4-41(b)(5), as well as the additional findings required by Section 3-4 of the City of LaBelle Land Development Code, Staff finds the proposed full-service restaurant with the sale of alcoholic beverages for on-premises consumption is compatible with the surrounding commercial area and consistent with the intent of the B-2 (Business General) zoning district. The proposed establishment will occupy an existing tenant space within a developed commercial shopping plaza and is not expected to adversely impact surrounding properties or the public health, safety, or welfare.

STAFF RECOMMENDATION

Staff recommends APPROVAL subject to the following conditions:

1. The Special Exception approval shall apply only to the restaurant located at 139 E. Hickpochee Avenue, as generally described in the approved application.
2. The Special Exception authorizes the sale of alcoholic beverages for on-premises consumption only in conjunction with the approved restaurant use. Any change in use or expansion of the approved use shall require further review and approval by the City.
3. The applicant shall obtain all required building permits, a Certificate of Occupancy, Business Tax Receipt, and all applicable state and local alcoholic beverage licenses prior to commencing the sale of alcoholic beverages.
4. Any exterior signage shall comply with the City of LaBelle Land Development Code and shall obtain all required permits prior to installation.
5. Trash receptacles shall be provided in convenient locations within and outside the establishment and shall be serviced on a regular basis to maintain the property in a clean and orderly condition.
6. Approval of this Special Exception does not waive compliance with any other applicable provisions of the City of LaBelle Code of Ordinances, Land Development Code, Building Code, Fire Code, or any applicable local, state, or federal permitting requirements.

SUGGESTED MOTION(S):

APPROVAL:

I make a motion to approve the 139 E. Hickpochee Avenue Alcoholic Beverage Establishment Special Exception.

APPROVAL WITH CONDITIONS:

I make a motion to approve the 139 E. Hickpochee Avenue Alcoholic Beverage Establishment Special Exception, with the following condition(s):

1) as outlined in the staff report;

OR

2) as outlined in the staff report and amended as follows;

OR

3) with the following conditions:

DENIAL:

I make a motion to deny the 139 E. Hickpochee Avenue Alcoholic Beverage Establishment Special Exception. The request does not meet the Special Exception criteria:

LOCATION MAP

