

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 96- 27

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING / DENYING THE REQUEST FOR CONSUMPTION OF PREMISES.

WHEREAS, ANGELO PETER LETSOS filed an application for SPECIAL PERMIT IN THE COMMERCIAL DISTRICT FOR OUTDOOR SEATING FOR CONSUMPTION ON PREMISES; and,

WHEREAS, the subject property is located at 1821 ESTERO BLVD., Ft. Myers Beach, and is described more particularly as in Section 19, Township 46 South, Range 24 East, Lee County, Florida; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-00405.0000; and

WHEREAS, a public hearing was advertised and held on October 21, 1996, before the Fort Myers Beach Town Council who gave full and complete consideration to the recommendations of the staff and the Local Planning Agency, the documents on file with Lee County, and the testimony of all interested persons; and,

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES / DENIES the request.

FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval / denial of the requested modification:

1. The applicant did / ~~did not~~ comply with Section 34-1264 (2) b. which places the burden of proof upon the applicant to demonstrate that approval will not have any adverse affect on surrounding properties.
2. That there is / no error or ambiguity in the Land Development Code of Lee Plan which must be corrected by the Special Permit.
3. That the character and nature of the surrounding area make approval of the Special Permit, as conditioned, appropriate/ inappropriate.
4. That the Special Permit, as conditioned, is consistent/ inconsistent with the goals, objectives, policies and intent of the Lee Plan, and the densities, intensities and general uses set forth in the Lee Plan and Land Development Code.

5. That the Special Permit, as conditioned, meets / ~~does not~~ meet all performance and locational standards set forth for the proposed use.

6. That there are no environmentally critical areas or natural resources to be adversely affected by the Special Permit, as conditioned.

7. That the Special Permit, as conditioned, will / ~~will not~~ be compatible with existing or planned uses and will / ~~will not~~ cause damage, hazard, nuisance or other detriment to persons or property.

8. That the location of the request ~~places~~ / does not place an undue burden upon existing transportation or other services and facilities and will / ~~will not~~ be served by streets with the capacity to carry traffic generated by the development.

9. That the Special Permit, as conditioned, will / ~~will not~~ be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth in the Land Use Regulations

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>yes</u>
Ted FitzSimons	<u>absent</u>
William (Rusty) Isler	<u>yes</u>
Garr Reynolds	<u>no</u>
Ray Murphy	<u>yes</u>

APPLICATION DULY APPROVED / DENIED this 21st day of October, 1996.

ATTEST:

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: Anita T. Cereceda  
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney

Exhibit A (96-07-178.04S Angelo Peter Letsos-Fisherman's Wharf-dba Faces Sports Bar)

Conditions

1. The location of the outdoor seating area is limited to the area as designated on the applicant's site plan attached as B, not to exceed 60 seats in outdoor seating for a total of 159 seats.
2. The use of the outdoor seating area may only be in conjunction with the restaurant use and limited to a 4-COP-SRX beverage license.
3. Live outdoor entertainment, music and/or any type of outdoor speakers are prohibited.
4. The hours of operation for the outdoor seating will be restricted to the hours of 11:00 a.m. to 10:00 p.m..
5. Lighting on the deck will be shuttered and shielded from the surrounding properties.
6. There will be no outside advertisement visible from Estero Boulevard or Ohio Avenue indicating the service of alcoholic beverages.
7. Prior to receiving County approval for the alcoholic beverage license for the State of Florida Department of Business and Professional Regulation, the subject property must be reviewed pursuant to Chapter 10 of the Land Development Code for a limited review.