



# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**TYPE OF CASE:** Special Exception

**CASE NUMBER:** SEZ2015-0005

**LPA HEARING DATE:** February 9, 2016

**LPA HEARING TIME:** 9:00 AM

#### I. APPLICATION SUMMARY

Applicant: Stingrays Raw Bar, Inc  
Joe McHarris, authorized agent

Requests: A special exception to expand the outdoor consumption on premises (4COP) approval to include an additional 1,500 square feet of outdoor seating area

Change to condition 1 of Resolution 13-22, previous consumption on premises approval for the subject property, to allow music or similar entertainment, consisting of 1 to 2 person bands, limited to the hours of 11AM to 11PM.

Subject property: See *Exhibit A*

Physical Address: 250 Old San Carlos Boulevard Fort Myers Beach, Florida 33919

STRAP #: 24-46-23W3-00204.0010

FLU: Pedestrian Commercial

Zoning: DOWNTOWN

Current use(s): Bar & Restaurant

Adjacent zoning and land uses:

North: Mixed Use (Hotel/Motel & Retail/Commercial)  
DOWNTOWN  
Pedestrian Commercial

South: Hotel/Motel & Retail/Commercial

DOWNTOWN & CPD  
Pedestrian Commercial

East: Retail/Commercial/Parking lot  
DOWNTOWN  
Pedestrian Commercial

West: Parking lot  
DOWNTOWN  
Pedestrian Commercial

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

The applicant requests a special exception in the DOWNTOWN zoning district in order to expand the area where outdoor consumption on premises is permitted to include 1,500 square feet of a proposed outdoor seating area expansion to the side of the existing deck of the building on the subject property. See *Exhibit B*.

Additionally, the applicant requests a change to Condition 1 of Resolution 13-22, the previous special exception approval for outdoor consumption on premises. The applicant requests permission for live music or similar entertainment, consisting of 1-2 person bands, on the subject property during the following hours: 11:00 AM to 11:00 PM.

Land Development Code (LDC) Section 34-1264(a)(2)(a)(2) requires a special exception for any establishment that wants to provide outdoor seating where patrons can consume alcoholic beverages.

The Yucatan Beach Stand, located at 250 Old San Carlos Boulevard in the Times Square/Downtown Core Area of Fort Myers Beach, is a bar and restaurant that was originally granted a special exception by Resolution 07-29 (see *Exhibit C*) approving outdoor consumption on premises in conjunction with a 4COP liquor license. In 2013 a deck addition was made to the building on the subject property and consumption on premises approval was extended to include this area via special exception (Resolution 13-22, see *Exhibit D*).

In February 2015, the owner of the subject property applied for a limited development order, LDO2015-0002, with a scope of work listed as follows: 'Minor kitchen expansion including cooler, seating area expansion over existing paving, readjustment of entry/exit, and covered entry reconfiguration.' The LDO was approved on 10/12/2015 and the applicant has a building permit (COM14-0326) pending approval for the same scope of work. In order to permit consumption of alcoholic beverages in the expanded outdoor seating area a new special exception is necessary.

### **Analysis:**

The subject property, which includes The Yucatan Beach Stand and its required parking, is located in the DOWNTOWN zoning district and is within walking distance to Times Square, Lynn Hall Memorial Park and Crescent Beach Family Park as well as numerous hotels, motels and rental properties. This district is known for a variety of establishments offering a range of food

and beverage options, so a request for outdoor consumption on premises in this area is not a unique or unusual request, and Town Council approved the initial special exception in 2007, see *Exhibit C* for Resolution 07-29 and granted another special exception expanding consumption on premises approval to a new deck area in 2013, see *Exhibit D* for Resolution 13-22.

The regulations for the DOWNTOWN zoning district are found in LDC Section 34-678, and encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street. The area of request for the additional outdoor consumption area on the subject property can be seen on *Exhibit B* as the area highlighted in green.

While not located between the building and the street, the expanded outdoor seating area is located between the building and the parking lot, which Staff believes is an appropriate location and consistent with the regulations found in LDC Section 34-678.

The request for an additional 1,500 square feet requires 12 additional parking spaces for a grand total of 50 required spaces pursuant to LDC Section 34-2020(d)(2)h. LDC Section 34-676(1), however, allows for a 50% reduction in parking spaces for all properties located on Old San Carlos Boulevard, so only 25 spaces are required. The reconfigured site plan for subject property (*Exhibit B*) shows 23 parking spaces and three, four-space bicycle racks, on site. LDC Section 34-2020(c), allows every four-space bicycle rack to replace one required parking space, thus the required parking spaces are provided by the reconfigured site plan.

Resolution 13-22 included 9 conditions of approval, most of which were carried over from Resolution 07-29 with necessary modifications. Staff recommends carrying over the conditions included in Resolution 13-22 with modifications, as noted below.

Condition 1 has been modified to allow music and/or similar entertainment, limited to 1-2 person bands, restricted to the following hours 11:00 AM to 11:00 PM.

Condition 2 has been modified to reflect the requested change in square feet allowed for consumption on premises from 4,500 to 4,690.

Findings and Conclusions:

1. *Whether there exist changed or changing conditions [that] make approval of the request appropriate.*

The request for expansion of consumption on premises to an additional outdoor area reflects an after-the-fact amendment to an existing special exception approval for outdoor consumptions on premises. Therefore changed conditions, i.e. the new outdoor seating area, make approval of the request appropriate.

The recent adoption of a new noise ordinance (Ordinance 15-01) including specific decibel limits for noise, is a change in the Town's approach to regulating noise levels. Because noise levels are now regulated by decibel levels, the prohibition on outdoor entertainment is no longer necessary making approval of the request appropriate.

*2. Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

As contemplated in the Comprehensive Plan, the Times Square/Downtown area is as a vibrant urban core for the Town, and as such, that area can support a more intensive variety of uses that are appealing and attractive to residents and visitors alike.

The subject property is located in the Pedestrian Future Land Use category in what the Comprehensive Plan terms the Downtown Core. The Comprehensive Plan describes a vision for this area that “boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an ‘Old Estero Island’ character to the buildings.”

Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Downtown Core/Times Square area as a “nucleus of commercial and tourist activities” with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. The applicant’s requests are consistent with this vision.

*3. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is, however, a use permitted by special exception. (See Section 34-1264(a)(2)). Outdoor dining, both on private and on public property is encouraged by the Comprehensive Plan and the Land Development Code.

The applicant’s request for extension of outdoor consumption on premises is appropriate at this site because it is a request to amend a prior Council-approved special exception. The request to remove the previous prohibition on outdoor entertainment is appropriate due to the adoption of Ordinance 15-1 that changed the Town’s approach to regulating outdoor noise levels. Approval of the applicant’s request, along with conditions recommended by Staff, will ensure that all performance standards are met.

*4. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The applicant’s request will have no negative effects on the environmentally critical areas and natural resources of Fort Myers Beach because the subject property is located in an established commercial district, landward of the coastal construction line(s) and far from environmentally critical areas and sensitive natural resources. Staff has recommended a condition of approval to require that any outdoor lights meet with the Sea Turtle lighting requirements.

*5. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan's vision for this area does not require that it be transformed from an intensively commercial area into a primarily residential district or any other use. It possesses a vibrant mix of uses, and as such, Staff feels the applicant's request is compatible and appropriate within its neighborhood.

*6. Whether the requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.*

The consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including, but not limited to §34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

### **III. RECOMMENDATION**

Staff recommends **APPROVAL WITH CONDITIONS** of the requested special exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 1,500 square feet of additional outdoor seating area at the side of the existing building, and of the request for removal of the previous prohibition of outdoor entertainment on the subject property. Recommended conditions for approval are as follows:

1. Music and/or similar entertainment is limited to 1-2 person bands, and is restricted to the following hours: 11:00 AM to 11:00 PM.
2. The special exception is limited to on-premises consumption of alcoholic beverages in a 6,190 square-foot area encompassing the indoor areas, both roofed patio/deck areas, walk-in coolers, and outdoor seating as shown on the site plan, which is attached as *Exhibit B* and hereby incorporated by reference.
3. The special exception is limited to a 4COP license for on-premise consumption of alcoholic beverages. The sale of alcoholic beverages on the subject property must comply with the provisions of LDC Section 34-1264(k) concerning sale of alcoholic beverages in restaurants. The terms and conditions of this approval as set forth in this resolution shall be deemed to equally apply should the applicant cease operation of a 4COP and operate under the terms of an SRX series license as defined by Florida law.
4. The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 11:00 AM and 12:00 midnight; between 11:00 AM and 1:00 AM on Friday and Saturday; and between 11:00 AM and 10:00 PM on Sunday.

5. A full menu of food, encompassing full-course meals, must be available and offered to indoor and outdoor seating during hours of operation for consumption on premises. The sale of alcoholic beverages must be incidental to the sale of food.
6. Gross revenues from sale of food and non-alcoholic beverages must not fall below 51% of total sales over any 12-month period, or over the period during which the business has been in operation if the business has not been in operation for 12 months or more. If sale of alcoholic beverages exceeds 49% of total sales, this approval will become null and void. The Town Manager may require an audit of the records of the business to verify compliance at applicant's sole cost and to be conducted by an independent auditor of the Town's selection in the Town's sole judgment.
7. The business must be in full compliance at all times with applicable provisions of state beverage law for the series of beverage license it holds.
8. The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles found in LDC Chapter 14, Article II.
9. This resolution does not grant consent for an awning or overhang proposed in the site plan to be constructed over the public right-of-way. The Town Council must address this matter separately.
10. Condition #9 above does not grant the owner or successor in interest undeniable right to development order approval.

#### **IV. CONCLUSION**

If the Local Planning Agency (LPA) finds that the applicant's requests are contrary to the public interest or the health, safety, comfort, convenience, and/or welfare of the citizens of the Town, or that the requests conflict with the criteria of LDC Section 34-88, the LPA should recommend denial of the requests. If the LPA chooses to approve the requests, special conditions necessary to protect the health, safety, comfort, convenience, or welfare of the public may be attached if such conditions are reasonably related to the requested special exception. Staff has recommended conditions for the LPA's convenience.

Staff recommends **APPROVAL WITH CONDITIONS** of the requested special exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 1,500 square feet of expanded outdoor seating area at the side of the existing building and to change to Condition #1 of Resolution 13-22 to allow music or similar entertainment, consisting of 1 to 2 person bands, limited to the hours of 11AM to 11PM.

#### **Exhibits:**

Exhibit A – Legal Description

Exhibit B – Remodeled Site Plan / Survey and Detail of new outdoor seating area with area and seating capacity calculations

Exhibit C – Resolution 07-29

Exhibit D – Resolution 13-22

Exhibit E – SEZ Application

Town of Fort Myers Beach  
NOV 13 2015  
Received Community Devel

5-1

EXHIBIT "A"

Town of Fort Myers Beach

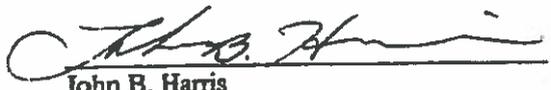
F M B SEZ 2007 0 0 0 0 1

DESCRIPTION: (Per Harris - Jorgensen, Inc.)

A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, and a portion of the South Half of vacated Fourth Street, all as shown on the Plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at Page 9 of the Public Records of Lee County, Florida which tract or parcel is described as follows:

Beginning at the intersection of the centerline of the aforesaid Fourth Street and the Southeasterly right-of-way line of San Carlos Boulevard (66 feet wide); thence run S.64°00'09"E. along the centerline of said Fourth Street for 155.10 feet to a point of the Northwesterly line of SR 865 (85 feet wide); thence run S.25°59'51"W. along said Northwesterly line for 235.66 feet to a point on the centerline of a vacated alley 20 feet wide; thence run N.22°23'59"W. along said centerline for 87.06 feet; thence run N.25°59'51"E. along said centerline for 72.86 feet; thence run N.64°00'09"W. along a Southeasterly prolongation of the Southwesterly line of Lot 2 of said Block 4 and the Southwesterly line of said Lot 2 for 90 feet to the Southeasterly right-of-way line of said San Carlos Boulevard; thence run N.25°59'51"E. along said Southeasterly right-of-way line for 105 feet to the point of beginning. Containing 22,910 square feet, more or less.

Bearings hereinabove mentioned are derived from the Florida Department of Transportation right-of-way maps for SR 865.

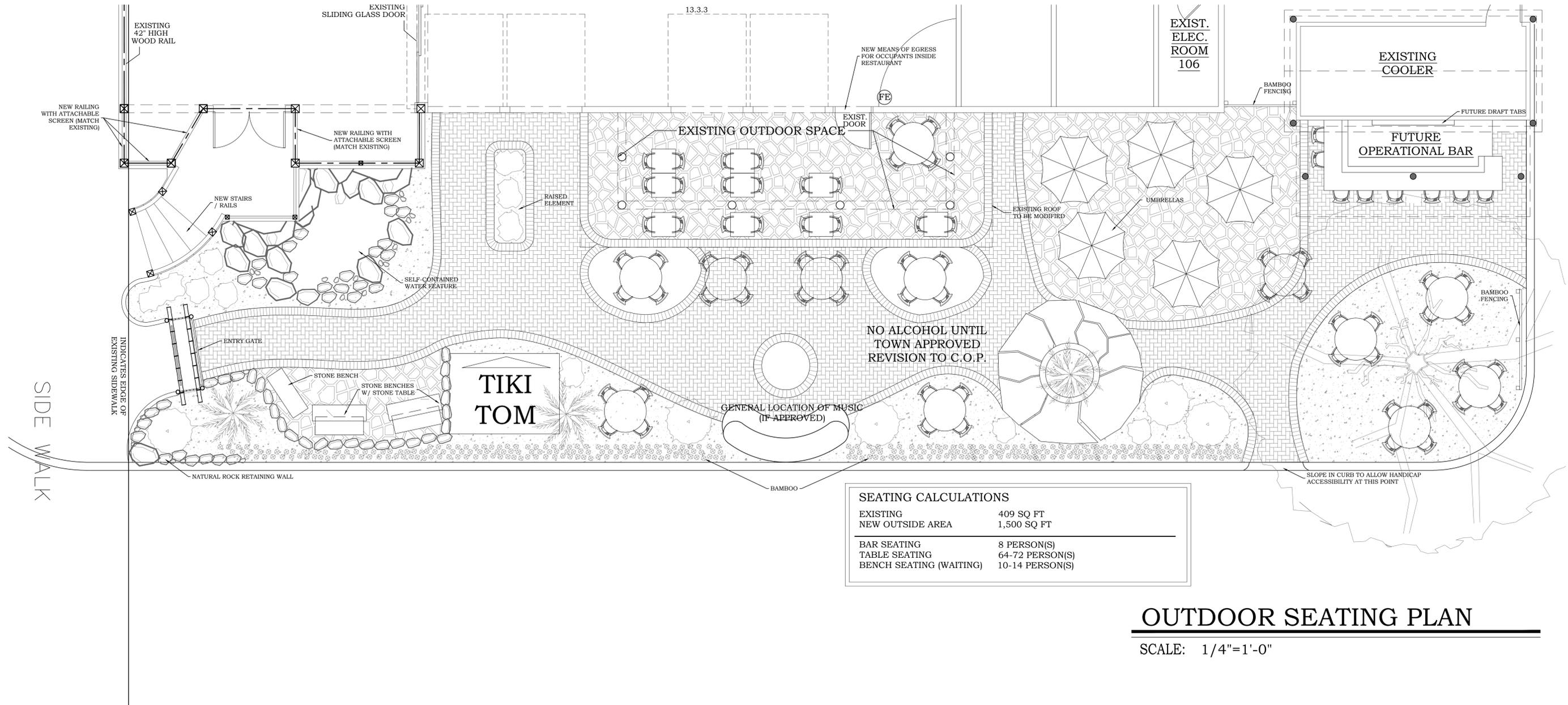


John B. Harris  
P.S.M. #4631  
January 5, 2007

EXHIBIT  
7-2  
Leg. Rec.



# Exhibit B



SEATING CALCULATIONS	
EXISTING	409 SQ FT
NEW OUTSIDE AREA	1,500 SQ FT
<hr/>	
BAR SEATING	8 PERSON(S)
TABLE SEATING	64-72 PERSON(S)
BENCH SEATING (WAITING)	10-14 PERSON(S)

## OUTDOOR SEATING PLAN

SCALE: 1/4"=1'-0"

**MCHARRIS**  
PLANNING & DESIGN  
11335 BONITA BEACH ROAD  
BONITA SPRINGS, FL 34135  
TEL: (239) 648-6689  
FAX: (239) 648-6689  
MOBILE: (239) 821-9999

Project Name and Address:  
**YUCATAN GRILLE  
BEACH STAND**  
250 OLD SAN XARLOS BLVD.  
FORT MYERS BEACH, FL 33931

Check by: **JOE MCHARRIS**  
Drawn by: **JL**  
Scale: **AS NOTED**  
Project No.: **C15-0004**

Sheet Name:  
**OUTDOOR SEATING  
PLAN**

Sheet No.: **COP2**

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RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 07-29

WHEREAS, Applicant Thomas F. Kolar ("Applicant") has requested a Special Exception for the Yucatan Beach Stand to be located at 250 Old San Carlos Boulevard, Fort Myers Beach, Florida ("subject property") to permit a 4-COP liquor license in conjunction with a restaurant use that is located within 500 feet of a park, dwelling units under separate ownership, and other establishments primarily engaged in the sale of alcoholic beverages for consumption on premises, and that does not meet the requirements to qualify for the restaurant exception to the location standards of Land Development Code (LDC) section 34-1264(b); and

WHEREAS, Applicant has indicated the subject property's current STRAP number is 24-46-23-W3-00204.0010. The legal description of the subject property is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on June 19, 2007, at which time the LPA recommended that the Town Council **approve** the Applicant's request, subject to various conditions as set forth more fully in the LPA Resolution 2007-12; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council of the Town of Fort Myers Beach on August 13, 2007 and at the hearing, the Town Council gave full and complete consideration to the recommendations of the LPA, the record adduced before the LPA, the recommendations of staff, related documents, the request of Applicant and the testimony of Applicant, staff, and other interested persons as required by the Town of Fort Myers Beach Land Development Code Section 34-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

Based upon presentations by Applicant, staff, and other interested persons at hearing, review of the application, and the standards for granting special exceptions, the Town Council hereby **APPROVES** Applicant's request for a special exception to permit a 4-COP liquor license in conjunction with the subject property located within 500 feet of a park, dwelling units, and other establishments primarily engaged in the sale of alcoholic beverages for consumption on premises, with such approval subject to the following conditions:

CONDITIONS OF APPROVAL:

1. Outdoor music or similar entertainment is prohibited. Indoor music and/or similar entertainment is restricted to occur only within the enclosed walls and further restricted to the following hours: 11:00 AM to 11:00 PM from Monday through Thursday; 11:00 AM through 10 PM on Sunday; and 11 AM through Midnight on Friday and Saturday. Live music must be limited to non-amplified music. A copy of the seating plan is attached hereto as Exhibit "B" and hereby incorporated by reference.

2. The Special Exception is limited to on-premises consumption of alcoholic beverages in a 4500 square-foot area encompassing the indoor areas, roofed patio/deck area, and walk-in coolers as shown on the site plan, which is attached to this Resolution as Exhibit "C" and hereby incorporated by reference.

3. The Special Exception is limited to a 4COP license for on-premises consumption of alcoholic beverages. The sale of alcoholic beverages on the subject property must comply with the provisions of LDC Section 34-1264(k) concerning sale of alcoholic beverages in restaurants. The terms and conditions of this approval as set forth in this Resolution shall be deemed to equally apply should the applicant cease operation of a 4COP and operate under the terms of an SRX series license as defined by Florida law.

4. The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 11:00 AM and 12:00 midnight; between 11:00 AM and 1 AM on Friday and Saturday; and between 11:00 AM and 10 PM on Sunday.

5. A full menu of food, encompassing full-course meals, must be available and offered to indoor and outdoor seating during hours of operation for consumption on premises. The sale of alcoholic beverages must be incidental to the sale of food.

6. Gross revenues from sale of food and non-alcoholic beverages must not fall below 51% of total sales over any 12-month period, or over the period during which the business has been in operation if the business has not been in operation for 12 months or more. If sale of alcoholic beverages exceeds 49% of total sales, this approval will become null and void. The Town Manager may require an audit of the records of the business to verify compliance, with the audit at applicant's sole cost and to be conducted by an independent auditor of the Town's selection in the Town's sole judgment.

7. The business must be in full compliance at all times with applicable provisions of state beverage law for the series of beverage license it holds.

8. The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles found in LDC Chapter 14, Article II.

9. This resolution does not grant consent for an awning or overhang proposed in the site plan to be constructed over the public right-of-way. The Town Council must address this matter separately.

10. Condition #9 above does not grant the owner or successor in interest undeniable right to development order approval.

#### **FINDINGS AND CONCLUSIONS**

In accordance with the requirements of Sections 34-84 and 34-88 of the LDC regarding consideration of eligibility for a Special Exception, the Town Council makes the following findings and reach the following conclusions:

1. Changed or changing conditions exist that make the requested approval, as conditioned, appropriate.

Comprehensive Plan (Comp Plan) policy 3-D-1 envisions “revitalizing downtown as a lively, inviting, comfortable, and safe public environment.” In keeping with this policy, improvements including spacious sidewalks and a pedestrian plaza at the north end of Old San Carlos Boulevard, have contributed to the pedestrian-friendliness of this area. The Town Council **does** find that these changes make approval of the requested Special Exception appropriate, as conditioned.

2. The requested special exception, as conditioned:

a) **Is** consistent with the goals, objectives, policies and intent of The Town of Fort Myers Beach Comprehensive Plan; and

The subject property is in the Pedestrian Commercial FLUM category, on Old San Carlos Boulevard. Comp Plan Policy 4-B-6, regarding the Pedestrian Commercial district, states that commercial activities must contribute to the pedestrian-oriented public realm. The proposed restaurant/bar use with its partially enclosed, roofed dining area fronting on the sidewalk, **will** invite pedestrian patrons and contribute to the pedestrian-oriented character of Old San Carlos Boulevard. The Town Council finds that the request **is** consistent with the goals, objectives, policies, and intent of the Comp Plan.

b) **Will** protect, conserve, or preserve environmentally critical areas and natural resources; and

The immediate vicinity of the subject property is developed and is not designated by the Comp Plan as environmentally critical. No net change in impervious area is requested, and no environmental concerns appear to be directly implicated in this request for special exception. Through the development order and building permit process, the Applicant will be required to address the turtle protection lighting standards in condition #9 above.

c) **Does** meet or exceed all performance and locational standards set forth for the proposed use in Chapter 34 of the LDC; and

A restaurant is a use permitted by right in the Downtown zoning district. The applicant's site plan proposes 30 parking spaces. For 4500 square feet of total area of restaurant use, LDC Section 34-2020 requires 36 parking spaces. For 700 square feet of area within a restaurant used for a bar or cocktail lounge, LDC Section 34-2020 requires an additional 4 spaces, for a total of 40 required spaces for the requested use. In the Downtown zoning district, for properties fronting on Old San Carlos Boulevard, LDC Section 34-676(a)(1) reduces the required parking by 50%, thus requiring only 20 parking spaces for the requested restaurant/bar with COP. The parking proposed on the site plan meets this requirement.

The requested use requires a special exception because the outdoor seating area is within 500 feet of a park, dwelling units under separate ownership, and other establishments primarily engaged in the sale of alcoholic beverages for consumption on premises, but otherwise the Town Council

finds that all locational standards for alcoholic beverage service **will** be met according to the applicant's site plan.

- d) **Will** be compatible with existing or planned uses and **will not** cause damage, hazard, nuisance or other detriment to persons or property and

The existing surrounding uses include parking lots, retail stores, lodging establishments, and restaurants, many of which hold 2COP or 4COP beverage licenses. Residential uses are separated from the subject property by hotels, retail stores, parking lots, and other restaurants. The Town Council finds that the requested use, as conditioned, **will** be compatible with existing or planned uses, and **will not** cause damage, hazard, nuisance, or other detriment to persons or property.

- e) **Will** be in compliance with all general zoning provisions and supplemental regulations pertaining to the use as set forth in the LDC:

With the recommended conditions, the Town Council finds that the requested use **will** meet the regulations of LDC chapter 34, Article IV, Division 5 regarding on-premises consumption of alcoholic beverages, **will** comply with the general zoning provisions applicable to the Downtown zoning district, and **will** comply with the other applicable general zoning provisions and supplemental regulations set forth in LDC Chapter 34.

The Town Council finds that Applicant **has** demonstrated that the requested Special Exception, as conditioned, complies with the standards of the LDC Section 34-88 and with:

- a) The Town of Fort Myers Beach Comprehensive Plan; and
- b) The requirements of the LDC, including but not limited to LDC Section 34-88; and
- c) Any other applicable town ordinances or codes.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Meador and seconded by Councilmember Shenko, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	<u>aye</u>	Charles Meador, Jr.	<u>aye</u>
Larry Kiker, Vice Mayor	<u>nay</u>	William Shenko, Jr.	<u>aye</u>
Herb Acken	<u>aye</u>		

DULY PASSED AND ADOPTED THIS 13<sup>TH</sup> DAY OF AUGUST, 2007, BY THE

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By: *Dennis C. Boback*  
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

By: *Anne Dalton*  
Anne Dalton, Esquire

ATTEST:

By: *Michelle D. Mayher*  
Michelle D. Mayher, Town Clerk

Town Attorney

# EXHIBIT "A"

Town of Fort Myers Beach

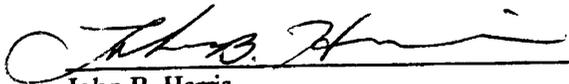
F M B SEZ 2007 0 0 0 0 1

DESCRIPTION: (Per Harris - Jorgensen, Inc.)

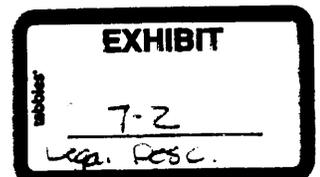
A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, and a portion of the South Half of vacated Fourth Street, all as shown on the Plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at Page 9 of the Public Records of Lee County, Florida which tract or parcel is described as follows:

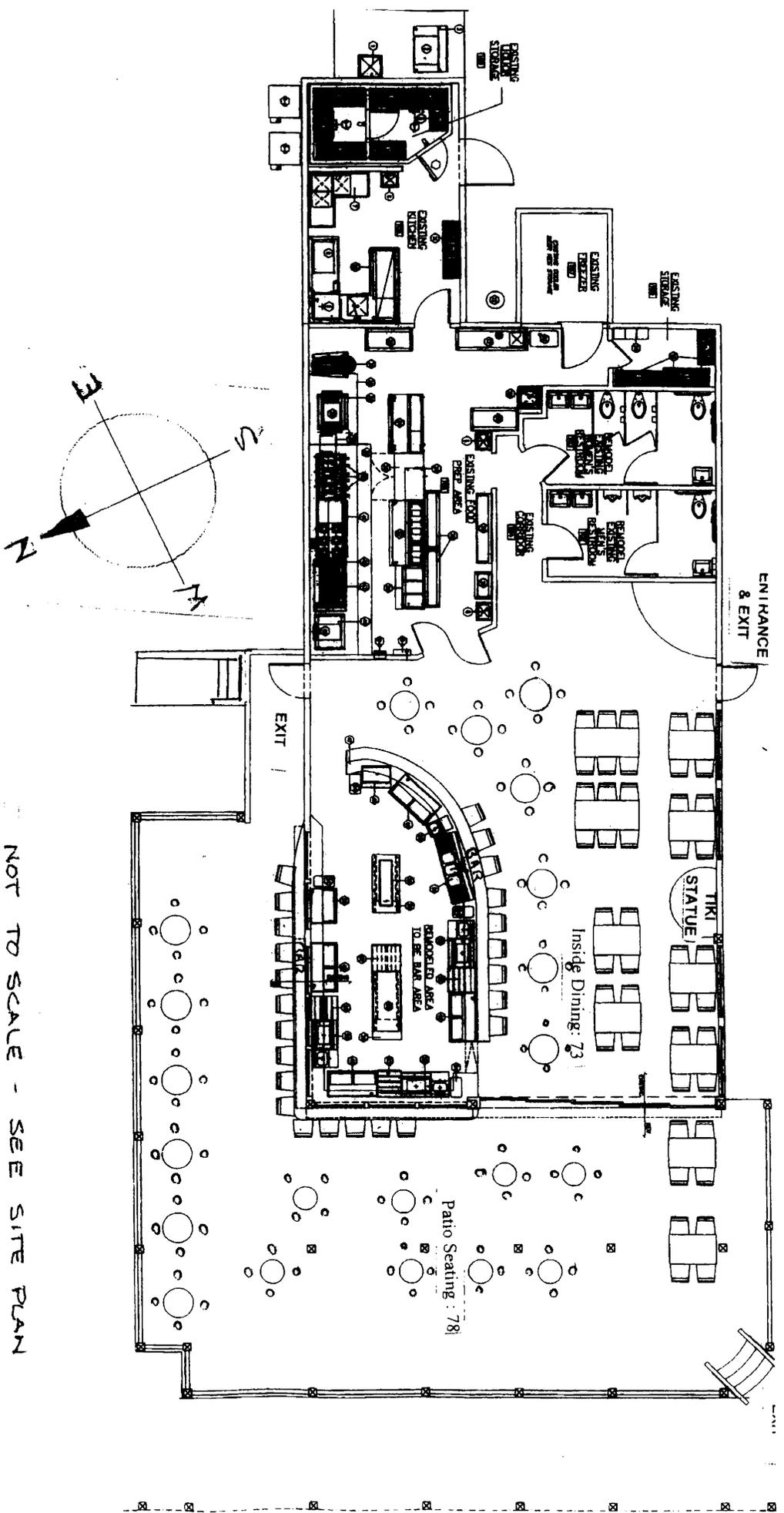
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Bearings hereinabove mentioned are derived from the Florida Department of Transportation right-of-way maps for SR 865.



John B. Harris  
P.S.M. #4631  
January 5, 2007





NOT TO SCALE - SEE SITE PLAN

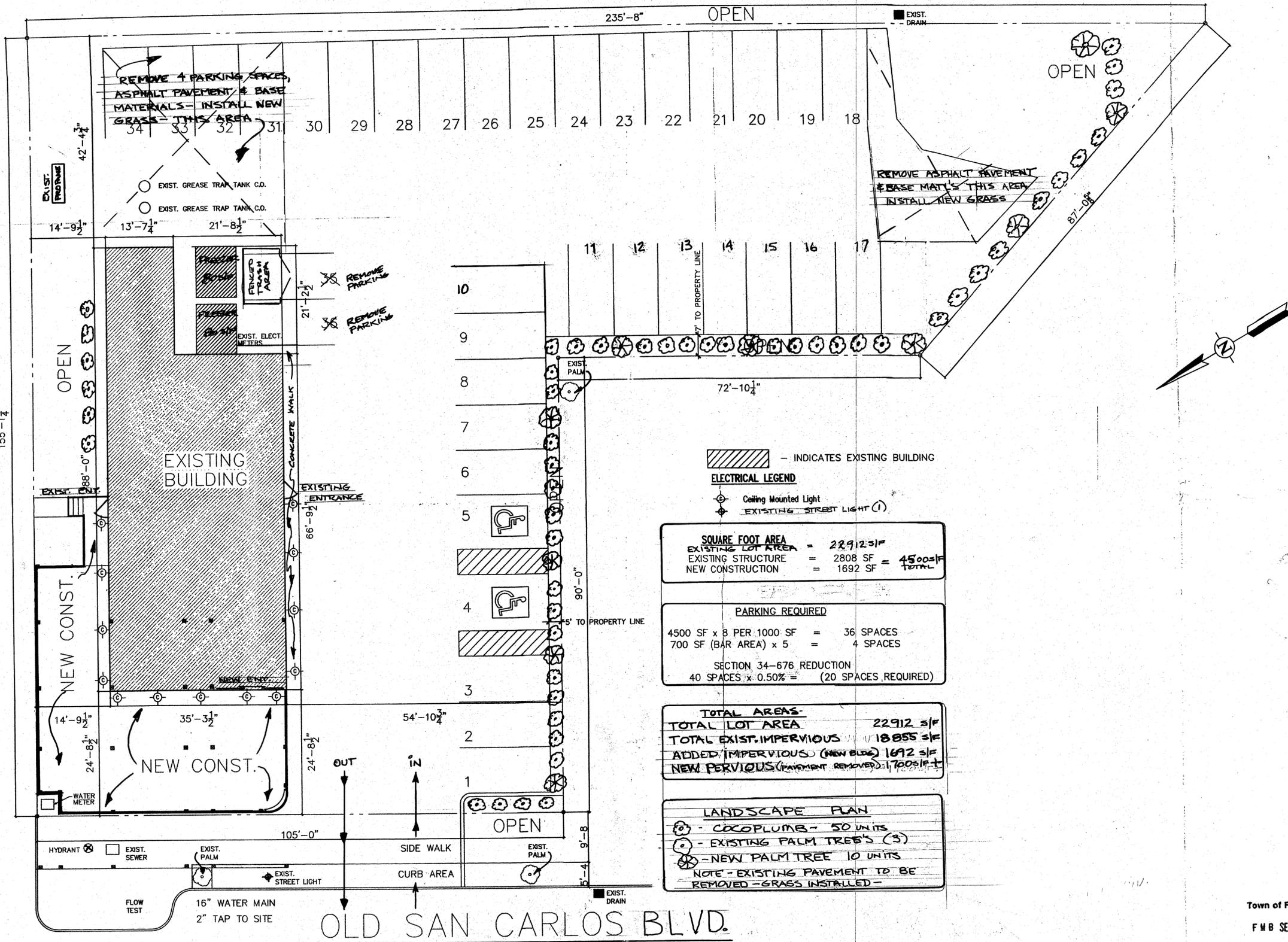
**EXHIBIT ( B )**

Town of Fort Myers Beach

F M B SEZ 2007 0 0 0 0 1

STATE # 865 - SAN CARLOS BLVD. & BRIDGE

ALL PAVED



**ELECTRICAL LEGEND**

- ⊙ Ceiling Mounted Light
- ⊙ EXISTING STREET LIGHT (1)

**SQUARE FOOT AREA**

EXISTING LOT AREA	= 22912 SF
EXISTING STRUCTURE	= 2808 SF
NEW CONSTRUCTION	= 1692 SF
<b>TOTAL</b>	<b>4500 SF</b>

**PARKING REQUIRED**

4500 SF x 8 PER 1000 SF	= 36 SPACES
700 SF (BAR AREA) x 5	= 4 SPACES
SECTION 34-676 REDUCTION	40 SPACES x 0.50% = (20 SPACES REQUIRED)

**TOTAL AREAS**

TOTAL LOT AREA	22912 SF
TOTAL EXIST. IMPERVIOUS	18055 SF
ADDED IMPERVIOUS (NEW BLDG)	1692 SF
NEW PERVIOUS (PAVEMENT REMOVED)	1700 SF

**LANDSCAPE PLAN**

- COCOPLUMS - 50 UNITS
- EXISTING PALM TREES (3)
- NEW PALM TREE 10 UNITS

NOTE - EXISTING PAVEMENT TO BE REMOVED - GRASS INSTALLED -

REVISIONS


THIS PLAN HAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:

**J.C. KOSINSKI ENGINEERING, INC.**  
**JOSEPH C. KOSINSKI, P.E.**  
 135 GULFVIEW AVENUE  
 F.M. BEACH, FLORIDA 33931  
 (239) 872-2179

**YUCATAN GRILL**  
 250 OLD SAN CARLOS BLVD., F.M.B., FL

checked by JCK date 11-16-06

drawn by AS NOTED scale AS NOTED job no.

SHEET NO. P

Town of Fort Myers Beach  
 FMB SEZ 200700001

**SITE PLAN**  
 1" = 10'-0"

EXHIBIT 4  
 Lot 2 - Site Plan



WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS OF THE JOB. "JCK ENGINEERING, INC." MUST BE NOTIFIED IN WRITING OF ANY VARIATION IN THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS. "JCK ENGINEERING, INC." SHALL BE RESPONSIBLE FOR THE COMMON LAW COPYRIGHT AND OTHER COPYRIGHTS IN THE PLANS, IDEAS AND DESIGNS. THESE PLANS, IDEAS AND DESIGNS ARE NOT TO BE COPIED OR REPRODUCED IN ANY MANNER OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION FROM "JCK ENGINEERING, INC." WHILE EVERY ATTEMPT HAS BEEN MADE TO INSURE THE INFORMATION IN THESE DRAWINGS TO BE CORRECT AND FREE OF DEFECTS, ANY ERRORS MUST IMMEDIATELY BE REPORTED TO JCK ENGINEERING, INC. PRIOR TO THE COMMENCEMENT OF ANY WORK.

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 13-22  
SEZ2013-0002 - Yucatan Beach Stand COP Amendment

WHEREAS, Beverly Grady, Esq, authorized agent for Stingrays Raw Bar, Inc. has requested approval of a Special Exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 190± square feet of new deck at the side of the existing building; and

WHEREAS, the subject property is located at 250 Old San Carlos Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 24-46-23W3-00204.0010 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 17, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 21, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-012, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2013-011 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a Special Exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 190± square feet of new deck at the side of the existing building subject to the following conditions:

**CONDITIONS OF APPROVAL:**

1. *Outdoor music or similar entertainment is prohibited. Indoor music and/or similar entertainment is restricted to occur only within the enclosed walls and further restricted to the following hours: 11:00 AM to 11:00 PM from Monday through Thursday; 11 AM through 12:00 midnight on Friday and Saturday; and 11:00 AM through 10:00 PM on Sunday. Live music must be limited to non-amplified music.*
2. *The special exception is limited to on-premises consumption of alcoholic beverages in a 4690 square-foot area encompassing the indoor areas, both roofed patio/deck areas, and walk-in*

coolers as shown on the site plan, which is attached to this resolution as Exhibit B and hereby incorporated by reference.

3. *The special exception is limited to a 4COP license for on-premise consumption of alcoholic beverages. The sale of alcoholic beverages on the subject property must comply with the provisions of LDC Section 34-1264(k) concerning sale of alcoholic beverages in restaurants. The terms and conditions of this approval as set forth in this resolution shall be deemed to equally apply should the applicant cease operation of a 4COP and operate under the terms of an SRX series license as defined by Florida law.*
4. *The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 7:00 AM and 12:00 midnight; between 7:00 AM and 1:00 AM on Friday and Saturday; and between 7:00 AM and 10:00 PM on Sunday.*
5. *A full menu of food, encompassing full-course meals, must be available and offered to indoor and outdoor seating during hours of operation for consumption on premises. The sale of alcoholic beverages must be incidental to the sale of food.*
6. *The business must be in full compliance at all times with applicable provisions of state beverage law for the series of beverage license it holds.*
7. *The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles found in LDC Chapter 14, Article II.*
8. *This resolution does not grant consent for an awning or overhang proposed in the site plan to be constructed over the public right-of-way. The Town Council must address this matter separately.*
9. *Condition #9 above does not grant the owner or successor in interest undeniable right to development order approval.*

**FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding approval of special exceptions, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. Changed or changing conditions **do** exist that make the requested approval, as conditioned, appropriate;
2. The requested special exception, as conditioned, **is** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan;
3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use;
4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources;

5. The requested special exception, as conditioned, **will** be compatible with existing or planned uses and **will not** cause damage, hazard, nuisance or other detriment to persons or property;
6. The requested special exception, as conditioned, **will** be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

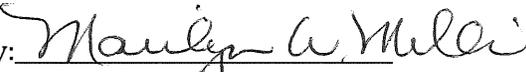
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Andre and seconded by Council Member List, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	ABSTAIN
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS **21st** day of **OCTOBER, 2013**.

By:   
Alan Mandel, Mayor

Approved as to legal sufficiency:

By:   
Fowler White Boggs, P.A.  
Town Attorney

ATTEST:

By:   
Michelle Mayher  
Town Clerk

Parcel lying westerly of SR 865  
Blocks 4 & 5, Business Center  
Section 24, T. 46 S., R. 23E  
Estero Island, Lee County, Florida

EXHIBIT A

A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, as shown on the plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at page 9 of the public records of Lee County, Florida which tract or parcel is described as follows:

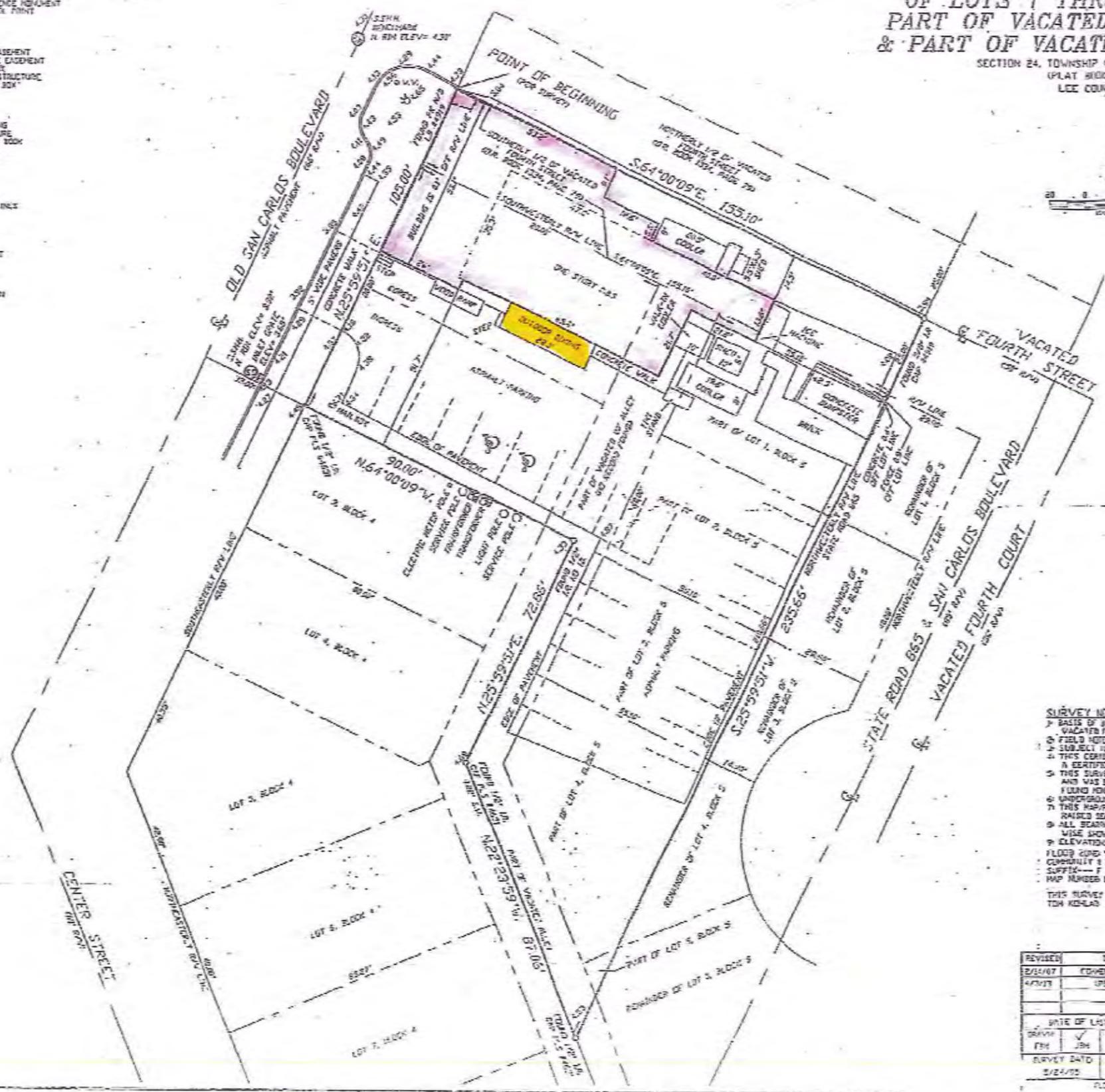
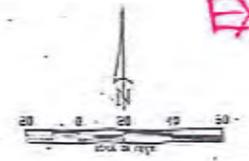
Beginning at the northerlymost corner of Lot 1, Block 4 run S 64 degrees 00'09" E along the southwesterly line of Fourth Street for 155.10 feet to a concrete monument on the northwesterly line of SR 865 (85 feet wide); thence run S 25 degrees 59'51" W along said northwesterly line for 210.66 feet to a concrete monument on the centerline of a vacated alley 20 feet wide; thence run N 22 degrees 23'59" W along said centerline for 87.06 feet to a concrete monument; thence run N 25 degrees 59'51" E along said centerline for 72.86 feet to a concrete monument; thence run N 64 degrees 00'09" W along a southeasterly prolongation of the southwesterly line of Lot 2 of said Block 4 and the southwesterly line of said lot for 90 feet to a concrete monument on the southeasterly line of San Carlos Boulevard (66 feet wide); thence run N 25 degrees 59'51" E along said southeasterly line for 80 feet to the Point of Beginning.

Containing 19,033 square feet more or less.

- LEGEND:**
- 1/4" DIA. PIN (CAP 4451)
  - 1/4" DIA. PIN (CAP 4451)
  - CONCRETE MONUMENT (C&D)
  - CONCRETE (C&D)
  - PERMANENT REFERENCE MONUMENT
  - PERMANENT CONCRETE POINT
  - AS PER PLAN
  - AS PER FIELD
  - AS PER SURVEY
  - AS PER RECORDS
  - PUBLIC UTILITY EASEMENT
  - LAKE MAINTENANCE EASEMENT
  - DRAINAGE PARAPET
  - CONCRETE BLOCK STRUCTURE
  - REINFORCED WATER BOX
  - ELEVATION
  - H&T BISK
  - H&T BISK
  - H&T BISK
  - H&T BISK
  - POINT OF BEGINNING
  - POINT OF CURVATURE
  - OFFICIAL RECORDS BOOK
  - DELTA OF CURVE
  - RADIUS OF CURVE
  - ARC OF CURVE
  - CHORD LENGTH
  - CHORD BEARING
  - CURVE NUMBER
  - AIR CONDITIONER
  - OVERHEAD POWERLINE
  - POWER POLE
  - VALVE BOX
  - TELEPHONE BOX
  - ELECTRIC BOX
  - TV-CABLE BOX
  - CITY
  - EDGE OF PAVEMENT
  - CURB/GUTTER
  - CENTERLINE
  - QUANT-OF-DAY
  - BENCHMARK
  - TYPICAL ELEVATION

AS-BUILT SURVEY OF  
**LOTS 1 & 2, BLOCK 4 & PART  
 OF LOTS 1 THRU 5, BLOCK 5 &  
 PART OF VACATED FOURTH STREET  
 & PART OF VACATED 20 FOOT ALLEY**  
 SECTION 24, TOWNSHIP 16 SOUTH, RANGE 23 EAST  
 (PLAT BOOK 9, PAGE 10)  
 LEE COUNTY, FLORIDA

**EXHIBIT B**



- SURVEY NOTES:**
1. BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE CENTERLINE OF VACATED FOURTH STREET, AS BEING S64°00'09"E.
  2. FIELD NOTES BY BUSINESS CENTER.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS CERTIFICATION IS ONLY FOR LANDS RETURNED TO SURVEY. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
  5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS MADE IN DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND INFORMATION IN THE FIELD.
  6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
  7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND RAYTOR.
  8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
  9. ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1989 DATUM.
  10. FLOOD ZONE: 100' ELEVATION 1200' & 1300' RAVIN.
  11. COMMUNITY: 120572, PHASE 1, 2004.
  12. SUFFIX: F, REVISION DATE: 8/22/15.
  13. MAP NUMBER: 120100554F.
- THIS SURVEY IS CERTIFIED TO:  
 TOM KESLER

REVISED	DESCRIPTION	BY
8/24/17	REVISED FOR COUNTY	FM
8/24/17	UPDATE SURVEY	FM

DATE OF LAST FIELD WORK	SCALE	PROJ.	DATE OF SURVEY	FILE NO.	SHT. NO.	DATE OF SURVEY	DATE OF SURVEY
4/2/15	1"=40'	PROJ. 4	8/24/15	44-25-24	1	8/24/15	8/24/15

FLORIDA CERTIFICATE OF ACCREDITATION: 0-22-8901

Town of Fort Myers Beach  
NOV 13 2015  
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# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies* and *one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: SEZ2015-0005 DATE: 11/13/15

Type 4COP extension

Site Address: 250 Old San Carlos Blvd

STRAP Number: 24-46-23-W3-00204.0010

Applicant: Stringray's Rawbar, Inc., c/o McHarris Planning & Design Phone: 239 948 6688

Contact Name: JOE McHarris Phone: 239 821-4999

Email: JOE@MCHARRIS.COM Fax: 239 948-6689

Current Zoning District: Down town

Future Land Use Map (FLUM) Category: Pedestrian Commercial

FLUM Density Range: N/A Platted Overlay:  YES  NO

#### ACTION REQUESTED

#### SUPPLEMENTAL FORM REQUIRED

- Special Exception
- Variance
- Conventional Rezoning
- Planned Development  Commercial  Residential
- Master Concept Plan Extension
- Appeal of Administrative Action
- Vacation of Platted Right-of-way and Easement
- Other – cite LDC Section: \_\_\_\_\_

- PH-A
- PH-B
- PH-C
- PH-D
- PH-E
- PH-F
- PH-G
- attach on separate sheet

**PART I - General Information**

A. Applicant\*: STINGRAY'S RAW BAR, INC <sup>cb McHarris Planning & Design</sup> Phone: 239 821-4999

*\*Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 11338 BOWTIE BEACH RD SUITE 103

Email: JOE@MCHARRIS.COM Fax: 239 821 6689

Contact Name: JOE MCHARRIS Phone: 239 821-4999

B. Relationship of Applicant to subject property:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Owner*                     | <input type="checkbox"/> Land Trust*                    | <input type="checkbox"/> Partnership*        |
| <input checked="" type="checkbox"/> Corporation*               | <input type="checkbox"/> Association*                   | <input type="checkbox"/> Condominium*        |
| <input type="checkbox"/> Subdivision*                          | <input type="checkbox"/> Timeshare Condo*               | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ |  |

*\*Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

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### PART II - Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
- Variance from LDC Section \_\_\_\_\_ - \_\_\_\_\_
- Conventional Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Planned Development
  - Rezoning from \_\_\_\_\_ to  Commercial PD  Residential PD
  - Amendment. List the project number: \_\_\_\_\_
  - Extension/reinstatement of Master Concept Plan. List project number: \_\_\_\_\_
- Appeal of Administrative Action
- Vacation  Right-of-Way  Easement
- Other. Please Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

- Code Section: \_\_\_\_\_ Description: \_\_\_\_\_
- Code Section: \_\_\_\_\_ Description: \_\_\_\_\_
- Code Section: \_\_\_\_\_ Description: \_\_\_\_\_

### PART IV - Property Ownership

- Single Owner (individual or husband and wife)
  - Name: \_\_\_\_\_ Phone: \_\_\_\_\_
  - Mailing Address: \_\_\_\_\_
  - Email: \_\_\_\_\_ Fax: \_\_\_\_\_

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- Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)
  - Complete Disclosure of Interest Form (see below)
  - Attach list of property owners as Exhibit 4-1
  - Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
  - For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

**DISCLOSURE OF OWNERSHIP INTEREST**

STRAP: 24-46-23-W3-00204.0010

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock
THOMAS F KOZAL - PRES 277 Pismo Dr, Ft Myers Beach, FL 33931	100%

10/12/2012

Town of Fort Myers Beach  
 2523 Estero Blvd Fort Myers Beach, Florida 33931  
 Phone: 239-765-0202 Fax: 239-765-0591

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If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

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If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

*TK*  
Signature

Thomas F Kolar  
Printed Name

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10th of Nov, 2015 (date) by Thomas F Kolar (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



*Colleen Jane Hissim*  
Signature

Colleen Jane Hissim  
Printed Name

10/12/2012

Town of Fort Myers Beach  
2523 Risteru Blvd Fort Myers Beach, Florida 33931  
Phone: 239-765-0202 Fax 239-765-0591

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**PART V - Property Information**

**A. Legal Description:**

STRAP: 24-46-23-W3-00204.0000

Property Address: 250 SAN CARLOS BLVD.

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?  No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: \_\_\_\_\_

Book: \_\_\_\_\_ Page: \_\_\_\_\_ Unit: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

**B. Boundary Survey:**

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

**C. Property Dimensions:**

Width (please provide an average width if irregular in shape) 105 feet

Depth (please provide an average width if irregular in shape) 155 feet

Frontage on street: 105 feet. Frontage on waterbody: 0 feet

Total land area: 22910  acres  square feet

**D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):**

TURN Right onto 5th STREET, then turn onto  
OLD SAN CARLOS BLVD. MIDDLE of  
STREET South Side/EAST SIDE -

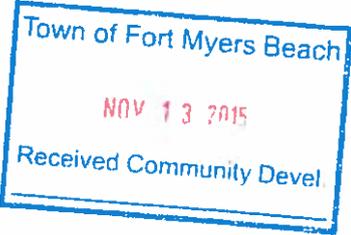
Attach Area Location Map as Exhibit 5-3

**E. Property Restrictions (check applicable):**

There are no deed restrictions and/or covenants on the subject property.

A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.



F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- Attach a map showing the surrounding property owners as Exhibit 5-7.
- Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- |   |  |
|---|--|
| <input type="checkbox"/> Low Density                      | <input type="checkbox"/> Marina          |
| <input type="checkbox"/> Mixed Residential                | <input type="checkbox"/> Recreation      |
| <input type="checkbox"/> Boulevard                        | <input type="checkbox"/> Wetlands        |
| <input checked="" type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Platted Overlay |

H. Zoning (see official Zoning Map):

- |  |  |
|--|--|
| <input type="checkbox"/> RS (Residential Single-family)        | <input type="checkbox"/> CF (Community Facilities)     |
| <input type="checkbox"/> RC (Residential Conservation)         | <input type="checkbox"/> IN (Institutional)            |
| <input type="checkbox"/> RM (Residential Multifamily)          | <input type="checkbox"/> BB (Bay Beach)                |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marine)                | <input checked="" type="checkbox"/> DOWNTOWN           |
| <input type="checkbox"/> CO (Commercial Office)                | <input type="checkbox"/> SANTOS                        |
| <input type="checkbox"/> CB (Commercial Boulevard)             | <input type="checkbox"/> VILLAGE                       |
| <input type="checkbox"/> CR (Commercial Resort)                | <input type="checkbox"/> SANTINI                       |
| <input type="checkbox"/> CPD (Commercial Planned Development)  |  |

Town of Fort Myers Beach  
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# Letter of Authorization

To Fort Myers Beach community development

The undersigned does hereby swear or affirm that it is the owner of the property know as  
Strap No. 24-46-23-W3-00204.0010, 250 Old San Carlos Boulevard, Fort Myers Beach, Florida.

The undersigned hereby designates Joseph M. McHarris, to be the agent to file an application for the  
Public Hearing regarding the above-referenced property.

STINGRAYS RAW BAR, INC.

By: *Thomas F. Kolar*

Thomas F. Kolar, President

STATE OF FLORIDA

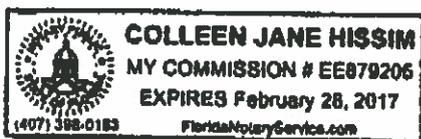
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 13<sup>th</sup> day of Nov, 2015, by Thomas

F. Kolar, the President of STINGRAYS RAW BAR, INC., on behalf of the corporation, who  is personally  
known to me OR has produced a Florida driver's license as identification and who did (did not) take an  
oath.

[NOTARY STAMP/SEAL]

Notary Republic: *Colleen Jane Hissim*  
My commission expires: 2/28/2017



Town of Fort Myers Beach  
NOV 13 2015  
Received Community Devel.

**PART VI**  
**AFFIDAVIT**  
**APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, Joseph M. McHarris swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

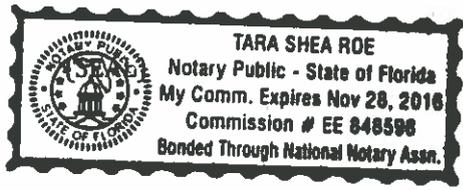
I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Handwritten Signature] \_\_\_\_\_  
Signature of owner or authorized agent Date

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Nov 10, 2015 (date) by JOSEPH McHARRIS (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



[Handwritten Signature] \_\_\_\_\_  
Signature  
TARA ROE \_\_\_\_\_  
Printed Name

Town of Fort Myers Beach  
NOV 13 2015  
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PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Joseph M. McHarris (name), as owner (title) of McHARRIS PLANNING & DESIGN (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

STINGRAY'S RAW BAR, INC.

Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature]  
Signature

owner (MPO)  
Title

Joseph M. McHarris  
Typed or Printed Name

\_\_\_\_\_  
Date

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Nov 10, 2015 (date) by Joseph McHarris (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



[Signature]  
Signature

TARA ROE  
Printed Name

Town of Fort Myers Beach  
NOV 13 2015  
Received Community Devel

5-1

EXHIBIT "A"

Town of Fort Myers Beach

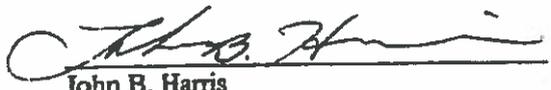
F M B SEZ 2007 0 0 0 0 1

DESCRIPTION: (Per Harris - Jorgensen, Inc.)

A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, and a portion of the South Half of vacated Fourth Street, all as shown on the Plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at Page 9 of the Public Records of Lee County, Florida which tract or parcel is described as follows:

Beginning at the intersection of the centerline of the aforesaid Fourth Street and the Southeasterly right-of-way line of San Carlos Boulevard (66 feet wide); thence run S.64°00'09"E. along the centerline of said Fourth Street for 155.10 feet to a point of the Northwesterly line of SR 865 (85 feet wide); thence run S.25°59'51"W. along said Northwesterly line for 235.66 feet to a point on the centerline of a vacated alley 20 feet wide; thence run N.22°23'59"W. along said centerline for 87.06 feet; thence run N.25°59'51"E. along said centerline for 72.86 feet; thence run N.64°00'09"W. along a Southeasterly prolongation of the Southwesterly line of Lot 2 of said Block 4 and the Southwesterly line of said Lot 2 for 90 feet to the Southeasterly right-of-way line of said San Carlos Boulevard; thence run N.25°59'51"E. along said Southeasterly right-of-way line for 105 feet to the point of beginning. Containing 22,910 square feet, more or less.

Bearings hereinabove mentioned are derived from the Florida Department of Transportation right-of-way maps for SR 865.

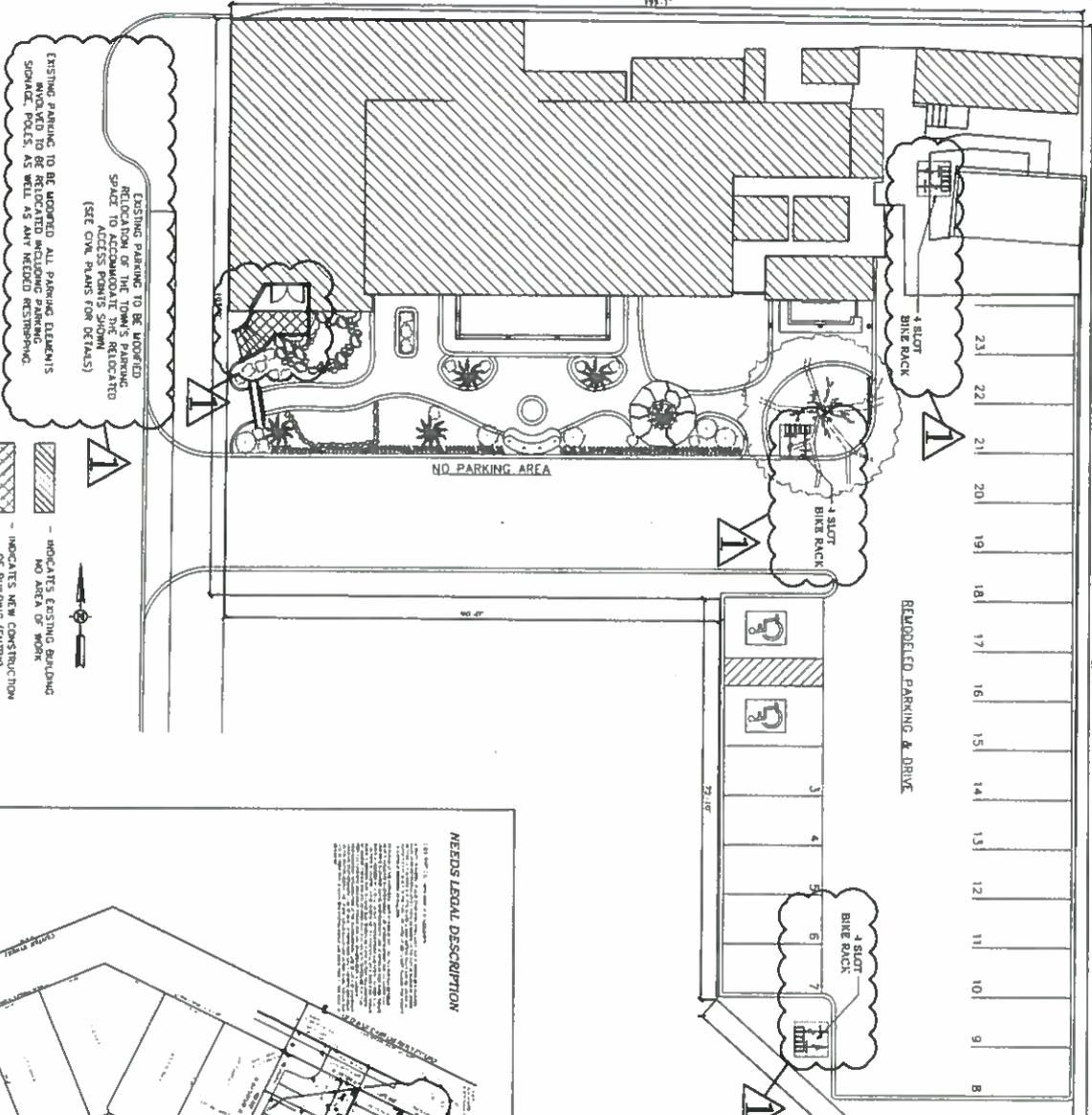


John B. Harris  
P.S.M. #4631  
January 5, 2007

EXHIBIT  
7-2  
Leg. Rec.

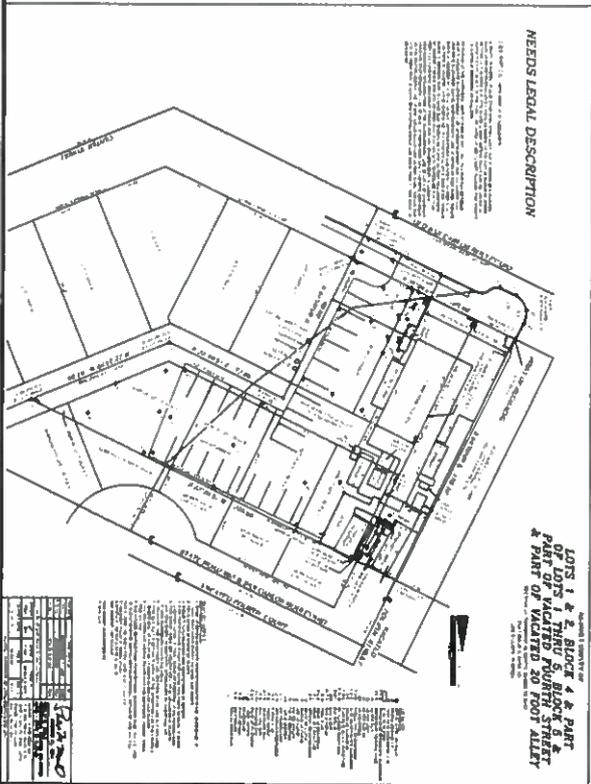
Town of Fort Myers Beach  
 NOV 13 2013  
 Received Community Devel.

5-2



EXISTING PARKING TO BE MOVED  
 RELOCATION OF THE TOWN'S PARKING  
 SPACE TO ACCOMMODATE THE RELOCATED  
 BUILDING  
 (SEE CIVIL PLANS FOR DETAILS)

- INDICATES EXISTING BUILDING
- NO AREA OF WORK
- INDICATES NEW CONSTRUCTION OF BUILDING (ENTRY)
- NOT A SUBSTANTIAL IMPROVEMENT TO THE BUILDING



**YUCATAN GRILL  
 BUILDING REMODEL  
 250 OLD SAN CARLOS BLVD, F. M. BEACH FLORIDA  
 STRAP # 24-46-23-W3-00204.0010**

DATE: 10/21/13  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]  
 SHEET NO: [Number]  
 SHEET NUMBER: **A-2.1**





**Lee County Property Appraiser**  
**Kenneth M. Wilkinson, C.F.A.**

Town of Fort Myers Beach  
 NOV 13 2015  
 Received Community Devel  
 5-6

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

**VARIANCE REPORT**

**Date of Report:** 11/9/2015 4:24:27 PM  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 129  
**Subject Parcels:** 24-46-23-W3-00204.0010

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>MAP INDEX</u>
GRAND RESORT FT MYERS BEACH LL 4805 TAMiami TRAIL N NAPLES, FL 34103	24-46-23-W3-00006.0000 1133 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	2
LALLO JOHN W + DEBORAH L 14577 EAGLE RIDGE DR FORT MYERS, FL 33912	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	3
NESKES NOMIKI J + 1001 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	4
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #S 201000023675 + 201000023676	5
PERSAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH, FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	6
PERSAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH, FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	7
BENCIN ENTERPRISES INC 927 PRESCOTT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00018.0000 1010 ESTERO BLVD FORT MYERS BEACH FL 33931	A PAR AS DESC IN OR 1234 PG 1371	8
WHITAKER WILLIAM D 15820 SAN ANTONIO CT FORT MYERS, FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 S OF ESTERO BLVD+E OFSAN CARLOS DR DESC OR 1547 PG 1077	9
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	10
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	11
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	12
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-00026.0000 645 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	PAR LYING E OF SAN CARLOS BLVD DESC OR 1534/1849 LESS CONDO/C/E PARCEL	13
FREELAND GEORGE T 4830 GRIFFIN BLVD FORT MYERS, FL 33908	24-46-23-W3-00026.0020 450 HARBOR CT FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWP 46 RGE 23 DESC OR 1447 PG 1434	14
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-00026.0030 44 1/445 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG AT A CONC MONUMENT 3 FT SE OF SELY COR MATANZAS VIEW RUN N 65 DEG	15
FIRST STREET RESTAURANTS INC 440 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00201.0030 1025 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 1 PB 9 PG 9 LOTS 3 + 4	16

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<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
ESTERO BAY HOTEL COMPANY 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00201.0070 1047/1049 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.1 PB9 PG 9 LOT 7 LESS R/W OR 2364/2893	17
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0010 440 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 1	18
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 2	19
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0030 420 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 3 4 5	20
NAPPO JOSEPH + CHRISTINE 45 SAGAMORE AV OCEANPORT, NJ 07757	24-46-23-W3-00202.0060 1011 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 6	21
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0090 1037/1039 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 9 + 10	22
3 SUNS MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0110 1041 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 11	23
3 SUN MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0120 1051 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 12 LESS OR2325/0292	24
ESTERO BAY HOTEL COMPANY 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0130 CORNER LOT FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 13 + 14 LESS R/W OR 2311/2803	25
PIERHOUSE-FT MYERS BEACH LTD 1000 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0180 1030 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 18	26
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0190 1010 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 19	27
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	28
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0020 320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	29
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0090 1041 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 9 LESS OR 3176 PG 330	30
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0100 1049 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 10-13 + 16-18	31
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.014A 1067 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB9/9 LT 14 LESS PAR 3.014B R/W (OR2297/0492)	32
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES R/W OR2353/3036	33
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0190 1030 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 LESS OR 3176 PG 330	34
HOLLAND DENNIS TR 3933 MAALAEA BAY PL WAILUKU, HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	35
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU 18 E 865R/W LESR/W OR2353/3036	36

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GRAND RESORT FT MYERS BEACH LL 4805 TAMiami TRAIL N NAPLES, FL 34103	24-46-23-W3-00205.0070 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9	37
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	38
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	39
GRAND RESORT FT MYERS BEACH LL 4805 TAMiami TRAIL N NAPLES, FL 34103	24-46-23-W3-00206.0060 1150-1180 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	40
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK, NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	41
CHAVEZ CARLOS L 3356 ANTICA ST FORT MYERS, FL 33905	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LOTS 1 + 2 LESS THE W 44	42
CHAVEZ CARLOS L 3356 ANTICA ST FORT MYERS, FL 33905	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	43
BENSON BRADFORD J 927 PRESCOTT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	44
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	45
PRIMEAU BEVERLY A TR EST 950 SAN CARLOS DR FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	46
KROHN INVESTMENTS LLC PO BOX 2518 FORT MYERS BEACH, FL 33932	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	47
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	48
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	49
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	50
INTERNATIONAL CAPITAL 1336 BASSWOOD RD SCHAUMBURG, IL 60173	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	51
TURTURRO RACHEL M L/E 929 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 4	52
HORN GWEN 923 THIRD ST APT A FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0050 923 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 5	53
HOULIHAN MAURICE J + MARY N TR 917 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0060 917 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 6	54
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0010 940 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 1	55
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 2	56

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SCHULZ AXEL + CORNELIA 926 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	57
CLAYTON ROBERT F TR 920 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 5	58
FOSTER STEPHEN ALLEN 914 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 6	59
TYRELL PETER 1/2 + LITTLE HEATH HOUSE SHEETHANGER LANE - FELDEN HEMEL HEMPSTEAD HP3 0BG, UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	60
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0010 343 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 1 + 2	61
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 3 THRU 12 + VAC LAGOON R/W OR2858/1391 + OR2660/2863 +2736/3702	62
GROSS WAYNE + 185 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0130 185 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 13 + PT LOT 14	63
MAY S E PO BOX 61176 FORT MYERS, FL 33906	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	64
JENKINS GEORGE D L PO BOX 280 TILLSONBURG, ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	65
151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	66
KEELER VIOLET RUTH TR 16243 CHARLESTON AVE FORT MYERS, FL 33908	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	67
LISAY STEVEN E + CATHERINE M 925 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	68
HOLBROOK LESLIE E + 5353 ST ROUTE 288 GALION, OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	69
PURTELL JAMES F TR 855 LAGOON ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 33	70
ARTRIP BARBARA TR 851 LAGOON ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	71
SAND CASTLE BEACH CLUB 905 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-02500.1010 905 ESTERO BLVD FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE OR1463-2328 UNITS 101-215 / 29 UNITS	72
MARINA VILLAGE AT SNUG HARBOR PO BOX 2430 FORT MYERS BEACH, FL 33932	24-46-23-W3-02800.00CE OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO COMMON ELEMENT PARCELS	73
RICHARD JOHN W L/E 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036	74
RUDISILL GLENN E + NANCY A 3290 E BERLIN RD YORK, PA 17408	19-46-24-W4-0150E 0110 250 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 11 + VAC R/W + LAND ADJ CANAL LESS R/W	75
RUDISILL GLENN E + NANCY A 3290 E BERLIN RD YORK, PA 17408	19-46-24-W4-0150E.0120 270 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 12 VAC R/W + LAND ADJ CANAL LESS R/W DESC IN OR 2319/4512	76

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GRANT JOSEPH H + DORIS M 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0130 300 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT13+E40 FT LT 14+VAC LES R/W OR2366/2077	77
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290	78
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W +LAND ADJ CANAL	79
REICH EUGENE E + DORIS F TR 340 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484	80
BARR STANTON TR 9851 CLYDE RD FENTON, MI 48430	19-46-24-W4-0150E.0190 402/406 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 30 FT LOTS 18 + 19 + S 30 FT LOT 20 LESS R/W 2353/3036 LESS R/W OR 2370/0201	81
ESTERO BAY HOTEL COMPANY 416 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0210 414/416 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADDN BLK E PB4/46 PT LTS 20THRU25LT 26 LES R/W OR 2353 PG 3036 + OR 3189 PG 3751	82
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00207.1000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	83
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-02500.00CE SAND CASTLE BEACH CONDO C/E FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMOM AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	84
ESTERO BAY HOTEL COMPANY 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0150 1042/1044 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 15 LESS R/W OR 2311/2803	85
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00203.019A THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 AS DESC IN OR 3176 PG 330 BLDG ASSESSED ON 24-46-23-W3- 00203.0190 AS INCOME PARCEL TILL 2008	86
HARBOUR HOUSE AT THE INN ,	24-46-23-W3-04200.00CE 450 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN DESC IN INST #2010000012068 COMMON ELEMENT	87
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0201 450 OLD SAN CARLOS BLVD #201 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 201	87
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0202 450 OLD SAN CARLOS BLVD #202 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 202	87
JENKINS FMB LLC 4407 SE 19TH PL CAPE CORAL, FL 33904	24-46-23-W3-04200.0203 450 OLD SAN CARLOS BLVD #203 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 203	87
JAGGR FLORIDA LP 235 EUGENIE ST W WINDSOR, ON N8X 2X7 CANADA	24-46-23-W3-04200.0204 450 OLD SAN CARLOS BLVD #204 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 204	87
GHANEM GEORGE + ROSE 12891 TERABELLA WAY FORT MYERS, FL 33912	24-46-23-W3-04200.0205 450 OLD SAN CARLOS BLVD #205 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 205	87
BEACH AT HARBOUR HOUSE LLC 1101 JACKSON HOLE DR BLACKLICK, OH 43004	24-46-23-W3-04200.0206 450 OLD SAN CARLOS BLVD #206 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 206	87

All data is current at time of printing and subject to change without notice.  
THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071  
(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS)

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
STUDE INVESTMENTS LLC 483 LUNA BELLA LANE NEW SMYRNA BEACH, FL 32168	24-46-23-W3-04200.0207 450 OLD SAN CARLOS BLVD #207 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 207	87
WILHELM THOMAS D + LYNNE E N 1303 PALISADES DR APPLETON, WI 54915	24-46-23-W3-04200.0208 450 OLD SAN CARLOS BLVD #208 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 208	87
ADVANTAIRA TRUST LLC 4753 ESTERO BLVD #1103 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0209 450 OLD SAN CARLOS BLVD #209 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 209	87
MOORE BOB D 128 FRONT ST RIPLEY, OH 45167	24-46-23-W3-04200.0210 450 OLD SAN CARLOS BLVD #210 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 210	87
SAWYER RICHARD R TR EST PHILIP J BOND 10104 SUGAR MAPLE LANE FORT MYERS, FL 33913	24-46-23-W3-04200.0211 450 OLD SAN CARLOS BLVD #211 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 211	87
E + L HOMES LLC 6485 HIGHLAND RIDGE DR EAST LANSING, MI 48823	24-46-23-W3-04200.0212 450 OLD SAN CARLOS BLVD #212 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 212	87
BOWLING LARRY L + 1691 BATTLESBURG ST SE EAST SPARTA, OH 44626	24-46-23-W3-04200.0213 450 OLD SAN CARLOS BLVD #213 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 213	87
RUDNER BONNIE J + BERNARD B TR 417 NW 14TH ST CAPE CORAL, FL 33993	24-46-23-W3-04200.0214 450 OLD SAN CARLOS BLVD #214 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 214	87
SERRA LUIGI 6204 SIENA CRT NIAGARA FALLS, ON L2H 2T8 CANADA	24-46-23-W3-04200.0215 450 OLD SAN CARLOS BLVD #215 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 215	87
BENNETT CHAD A + LINDY 3220 GRAND AVE LEAVENWORTH, KS 66048	24-46-23-W3-04200.0216 450 OLD SAN CARLOS BLVD #216 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 216	87
HARBOUR HOUSE AT THE INN 450 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0217 450 OLD SAN CARLOS BLVD #217 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 217	87
PROVENZANO FRANK R + KELLY L 2725 LOMBARDY CRES LASALLE, ON N9H 2L8 CANADA	24-46-23-W3-04200.0301 450 OLD SAN CARLOS BLVD #301 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 301	87
SOLANS ENRIC + ANTOINETTE 1821 BOULDER DR MOUNT PROSPECT, IL 60056	24-46-23-W3-04200.0302 450 OLD SAN CARLOS BLVD #302 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 302	87
SOLER JOHN H + SANDRA G 2363 WOODLAND DR ALLENTOWN, PA 18103	24-46-23-W3-04200.0303 450 OLD SAN CARLOS BLVD #303 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 303	87
WEBER ROBERT + LINDA 798 CYPRESS LAKE CIR FORT MYERS, FL 33919	24-46-23-W3-04200.0304 450 OLD SAN CARLOS BLVD #304 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 304	87
KNISELY JAMES E + DEBRA M 3501 UNIVERSITY DR NE NEW PHILADELPHIA, OH 44663	24-46-23-W3-04200.0305 450 OLD SAN CARLOS BLVD #305 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 305	87

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
ADVANTAIRA TRUST LLC 914 MONTICELLO DR NAPERVILLE, IL 60563	24-46-23-W3-04200.0306 450 OLD SAN CARLOS BLVD #306 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 306	87
WHALLEY CHERYL M 150 COUSLEY DR SE PORT CHARLOTTE, FL 33952	24-46-23-W3-04200.0307 450 OLD SAN CARLOS BLVD #307 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 307	87
MYLES FLORIDA LLC 2194 LOCKLIN LN WEST BLOOMFIELD, MI 48324	24-46-23-W3-04200.0308 450 OLD SAN CARLOS BLVD #308 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 308	87
RUFENACHT RICHARD F TR W6379 WALD RD MONROE, WI 53566	24-46-23-W3-04200.0309 450 OLD SAN CARLOS BLVD #309 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 309	87
JAMIESON JAMES J + SHARON R 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0310 450 OLD SAN CARLOS BLVD #310 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 310	87
CAMPBELL GORDON + PAULETTE 311 CAVENDISH DR ANCASTER, ON L9G 3Z1 CANADA	24-46-23-W3-04200.0311 450 OLD SAN CARLOS BLVD #311 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 311	87
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0312 450 OLD SAN CARLOS BLVD #312 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 312	87
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0313 450 OLD SAN CARLOS BLVD #313 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 313	87
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0314 450 OLD SAN CARLOS BLVD #314 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 314	87
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0315 450 OLD SAN CARLOS BLVD #315 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 315	87
BAHLKE WILLIAM P + ALMEDA A 804 SOUTH ST APT 4 KEY WEST, FL 33040	24-46-23-W3-04200.0316 450 OLD SAN CARLOS BLVD #316 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 316	87
CIARAMITA PETER J + LYNNE TR 6311 BALD EAGLE RD RACINE, WI 53406	24-46-23-W3-04200.0317 450 OLD SAN CARLOS BLVD #317 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 317	87
MILLER BRIAN 112 MILLER RD SPRING MILLS, PA 16875	24-46-23-W3-04200.0318 450 OLD SAN CARLOS BLVD #318 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 318	87
T + J HOMES SWFL LLC 450 OLD SAN CARLOS BLVD #G101 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G101 450 OLD SAN CARLOS BLVD #G101 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G101	87
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G102 450 OLD SAN CARLOS BLVD #G102 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G102	87
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G103 450 OLD SAN CARLOS BLVD #G103 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G103	87

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G104 450 OLD SAN CARLOS BLVD #G104 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G104	87
HARBOUR HOUSE AT THE INN 450 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G105 450 OLD SAN CARLOS BLVD #G105 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G105	87
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G106 450 OLD SAN CARLOS BLVD #G106 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G106	87
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G107 450 OLD SAN CARLOS BLVD #G107 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G107	87
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G108 450 OLD SAN CARLOS BLVD #G108 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G108	87

RICK SCOTT, GOVERNOR

DETACH HERE

KEN LAWSON, SECRETARY

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIV OF ALCOHOLIC BEVERAGES & TOBACCO

LICENSE NUMBER	SERIES
BEV4604517	4COP

The RETAILER OF ALCOHOLIC BEVERAGES  
Named below IS LICENSED  
Under the provisions of Chapter 565 FS.  
Expiration date: MAR 31, 2016

STINGRAY'S RAW BAR INC  
YUCATAN BEACH STAND  
250 OLD SAN CARLOS BLVD  
FORT MYERS BEACH FL 33931



ISSUED: 03/08/2015

DISPLAY AS REQUIRED BY LAW

SEQ # L1503080004501

# VARIANCE REPORT

11/9/2015

Subject Parcels: 1 Affected Parcels: 129 Buffer Distance: 500 ft



Town of Fort Myers Beach  
NOV 13 2015  
Received Community Devel

5-7



24-46-23-W3-00204.0010

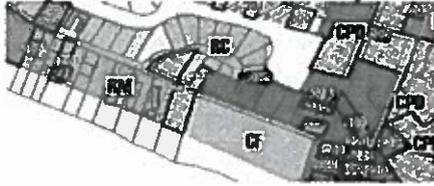
320 240 160 80 0 320 Feet

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

Case # \_\_\_\_\_  
Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
Date of Sufficiency/Completeness \_\_\_\_\_

**Town of Fort Myers Beach**  
Department of Community Development



Zoning Division

Town of Fort Myers Beach  
NOV 13 2015  
Received Community Devel.

**Supplement PH-A**

**Additional Required Information for a  
Special Exception Application**

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: <u>STINGRAY'S RAW BAR INC, EXPANSION OF COP</u>
Authorized Applicant: <u>STINGRAY'S RAW BAR C/O MCKENNA'S PLANNING &amp; DESIGN</u>
LeePA STRAP Number(s): <u>24-46-23-N3-00204.0010</u>

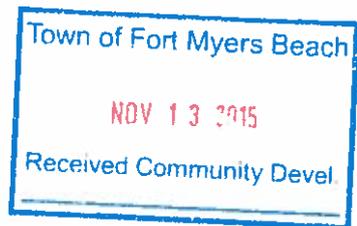
Current Property Status:
Current Zoning: <u>DOWNTOWN</u>
Future Land Use Map (FLUM) Category: <u>Pedestrian Commercial</u>
Platted Overlay? <u>yes</u> <input checked="" type="checkbox"/> no <input type="checkbox"/> FLUM Density Range: <u>N/A</u>

**Requested Action:**

<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:
<input checked="" type="checkbox"/> Use of premises in the <u>DOWNTOWN</u> zoning district for:







## **Narrative statement.**

### **The nature of the request.**

To expand our existing COP to include the newly approved outside garden area and front of building. Our hours of operation will remain the same, we will still maintain a full menu with 51 percent of sales not related to alcoholic beverages. One additional item that we would like to include is entertainment between 11 and 11. This request is in compliance with the LDC Section 34-1264- which requires a special exception for any establishment that wants to provide outdoor seating where patrons can consume alcoholic beverages. The property qualifies for the special excepting as it already has a COP for open air/covered portion of the building and the district is known for a variety of establishments offering a rage of food and beverage options.

The regulations for downtown zoning district (34-678) actually encourages restaurants to provide outdoor seating areas.

### **Whether there exist changed or changing conditions that make approval request appropriate**

The Comprehensive Plan contemplates the Downtown and Times Square as a vibrant core for the town and as such can supports our request and actually is consistent with the policy by continuing to energize this area and by being appealing and attractive to residents and visitors.

### **Whether the request is consistent with the goals, objective, policies, and intent of the FMB Comprehensive Plan:**

We are not only located in the downtown area, but also pedestrian future Land Use / "Downtown Core" which as represented in the Comprehensive Plan describes a vision for this area that boasts a "revitalized entertainment area with tree shaded outdoor cafes".

### **Whether the request meets or exceeds all performance and locational standard set forth for the proposal.**

While not being an allowable right for the subject property, but being previously approved for COP on this site, shows that it meets these locational standards. Both the LDC and the Comprehensive plan also encourages entertainment and outdoor activities such as dinning for this district.

### **Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.**

The request will have no impact on any of the items above as it is currently in an established commercial district landward of the coastal construction line.

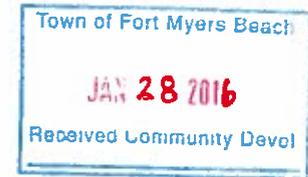
### **Whether the request will be compatible with existing or planned use and not cause damage, hazard, nuisance or other detriments to persons or property**

The property and the surrounding area is within the commercial core and the Comprehensive Plan for this area is a continuation of these types of uses. This type of use is exactly in keeping with the current and future vison of the area. It will only add and be complementary to the district as envisioned.

### **Whether the requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertain to the use set forth in the LDC chapter 34**

This use is in compliance with applicable general zoning provision and supplemental regulations pertaining to the use set forth in the LDC chapter 34. The consumption on premise of alcoholic beverages on this subject property will comply with the applicable standard in the Fort Myer LDC including but not limited to 34-1264.

# REVISION



## **Narrative statement.**

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Additionally, Our application requests approval of entertainment between 11 and 11. We understand tha the previous COP approvals related to the property, SEZ2013-0002 and FMB SEZ2007-00001 specifically prohibit outdoor entertainment and limit indoor entertainment to non-amplified music in specific enclose area.

Specific type of music: 1-2 person bands that meets the new sound ordinance 15-1

Location: middle part of the new area along the entry drive



**IDEA** OUTSIDE AREA OF COP

\* PUBLIC ENTRANCES @ BUILDING  
\* EXTENSION ENTRANCES @ PARKING.

FLOOR AREA

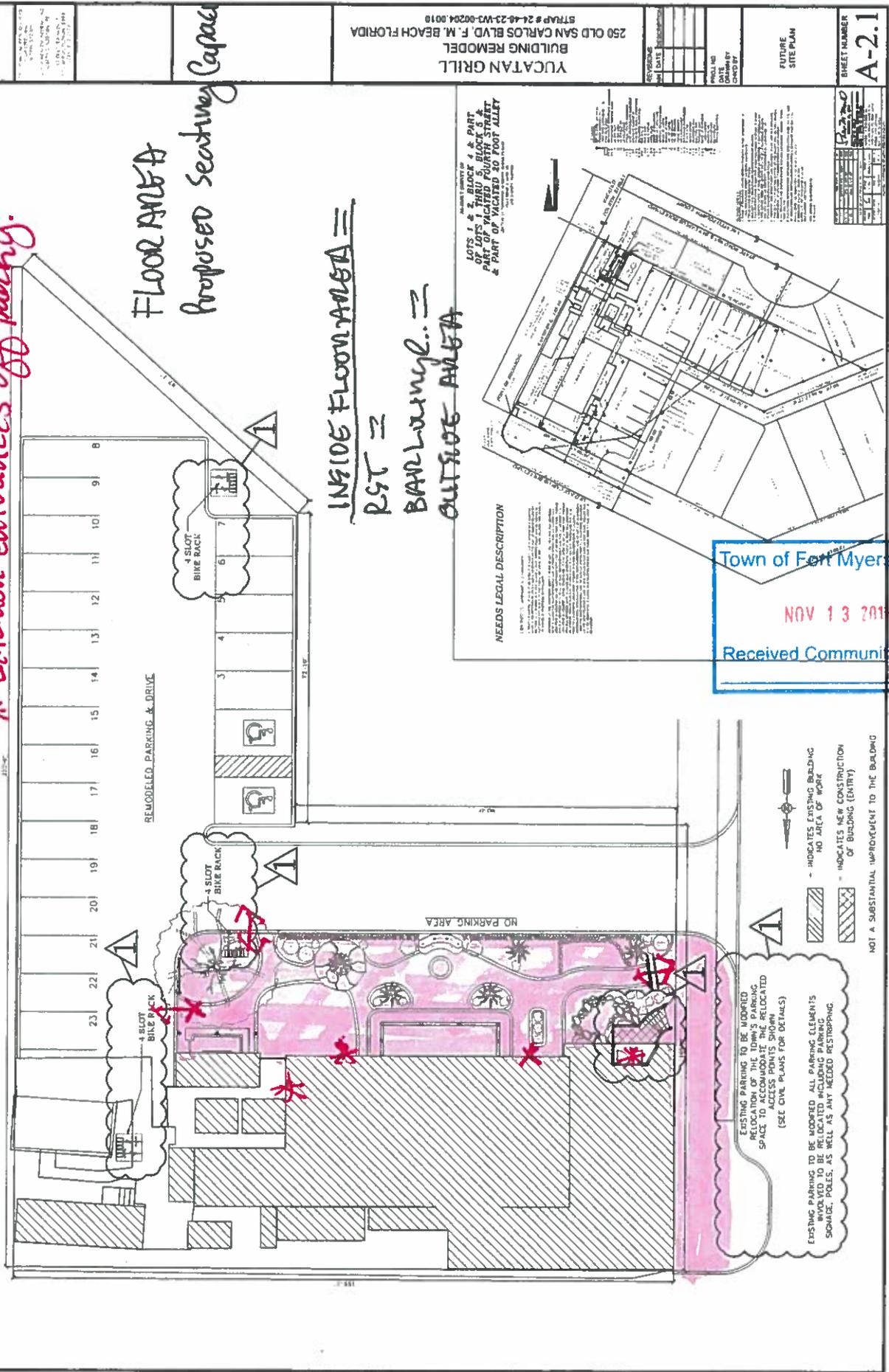
Proposed Seating Capacity

INSIDE FLOOR AREA

RST =

BAR LOUNGGE =

OUTSIDE AREA



YUCATAN GRILL  
BUILDING REMODEL  
250 OLD SAN CARLOS BLVD. F. M. BEACH FLORIDA  
STAMP # 24-48-23-W3-00204-0018

PROJ. NO. \_\_\_\_\_  
DATE \_\_\_\_\_  
DRAWN BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
FUTURE SITE PLAN  
SHEET NUMBER  
**A-2.1**

Town of Fort Myers Beach  
NOV 13 2011  
Received Community Devel.

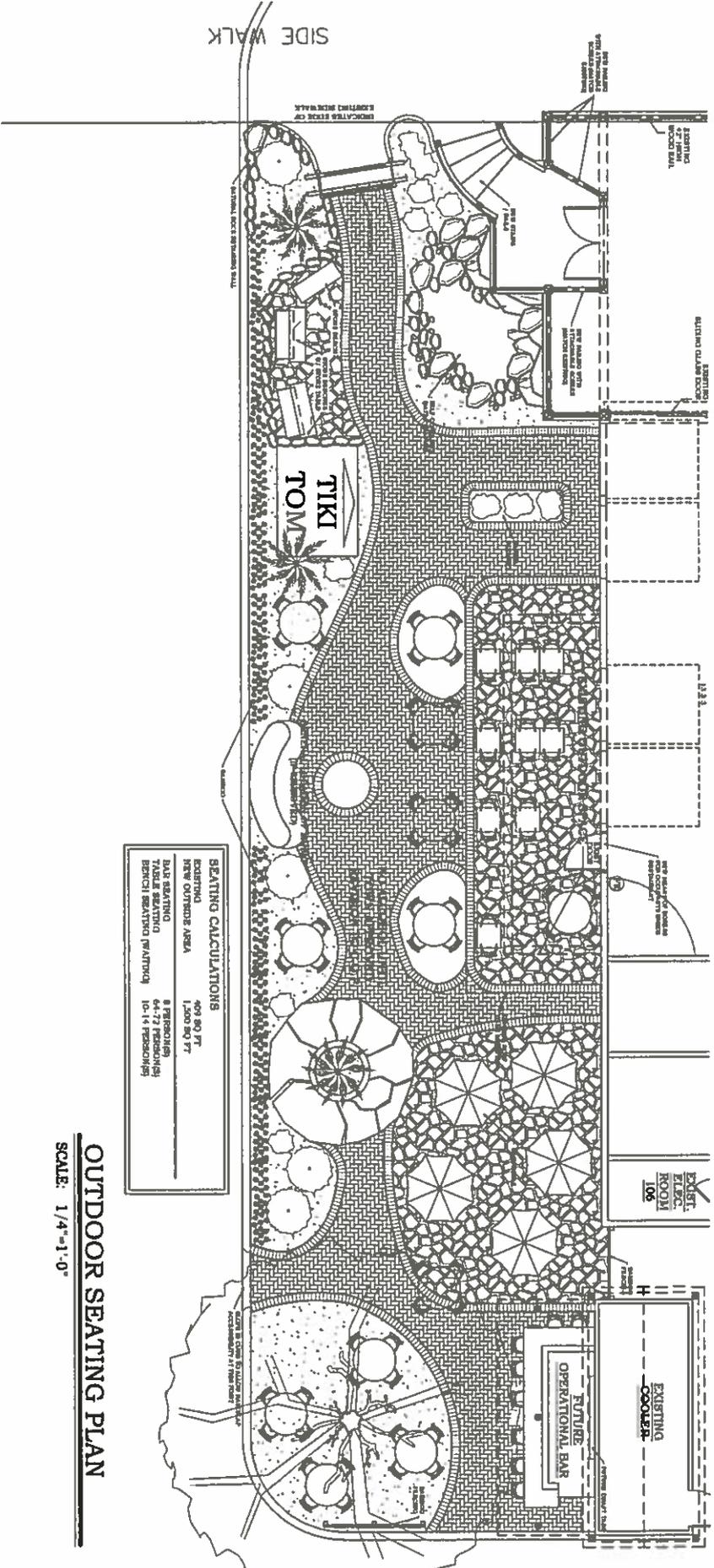
EXISTING PARKING TO BE MODIFIED OR RELOCATED TO ACCOMMODATE THE RELOCATED SPACE TO ACCOMMODATE THE RELOCATED ACCESS POINTS SHOWN (SEE CIVIL PLANS FOR DETAILS)

EXISTING PARKING TO BE MODIFIED INVOLVED TO BE RELOCATED INCLUDING PARKING SIGNAGE, POLES, AS WELL AS ANY NEEDED RESTROOMING

NOT A SUBSTANTIAL IMPROVEMENT TO THE BUILDING

- INDICATES EXISTING BUILDING NO AREA OF WORK
- INDICATES NEW CONSTRUCTION OF BUILDING (ENTRY)

Town of Fort Myers Beach  
 Received Community Devel  
 JAN 28 2016



**SEATING CALCULATIONS**

EXISTING	400 SQ FT	8 PERSONS
NEW OUTSIDE AREA	1,300 SQ FT	26 PERSONS
<b>TOTAL SEATING</b>		<b>34 PERSONS</b>
<b>BEACH SEATING (VAULTING)</b>		<b>10-14 PERSONS</b>

**OUTDOOR SEATING PLAN**  
 SCALE: 1/4"=1'-0"

		<p>YUCATAN GRILLE BEACH STAND</p> <p>250 OLD SAN CARLOS BLVD        FORT MYERS BEACH, FL 33901</p>
<p>COP2</p>	<p>DATE: 1/15/16</p> <p>SCALE: 1/4"=1'-0"</p>	<p>PROJECT NO: 16-001</p> <p>CLIENT: YUCATAN GRILLE</p> <p>DESIGNER: [Name]</p> <p>ARCHITECT: [Name]</p> <p>ENGINEER: [Name]</p> <p>PLUMBER: [Name]</p> <p>ELECTRICIAN: [Name]</p> <p>Mechanical: [Name]</p> <p>Structural: [Name]</p> <p>Site: [Name]</p> <p>Interior: [Name]</p> <p>Exterior: [Name]</p> <p>Landscaping: [Name]</p> <p>Signage: [Name]</p> <p>Other: [Name]</p>