



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Special Exception (SEZ) for the Fish House Restaurant to permit consumption on premise (COP) and outdoor seating

CASE NUMBER: SEZ16-0001

STAFF REPORT DATE: February 3, 2016

LPA HEARING DATE: February 9, 2016

LPA HEARING TIME: 9:00 AM

STAFF RECOMMENDATION: **APPROVE**

I. APPLICATION SUMMARY

Applicant/Agent: Barry Greenfield/Greg Stuart

Request: A special exception in the DOWNTOWN zoning district to grant a consumption on premises (4 COP – SRX) and to approve 836 square feet of outdoor seating for the new Fish House Restaurant located at 320 Old San Carlos Boulevard.

Subject property: See Exhibit A

Physical Address: 320 Old San Carlos Boulevard

STRAP #: 24-46-23-W3-00203.0020

FLU: Pedestrian Commercial

Zoning: Downtown

Current use(s): Restaurant

Adjacent zoning and land uses (see Exhibit G):

North: Downtown (Smokin Oyster Brewery) Pedestrian Commercial FLUM.

South: Downtown (Yucatan Beach Stand), Pedestrian Commercial FLUM.

East: San Carlos Blvd. then CPD (Lighthouse Inn Tiki Bar & Grill), Pedestrian Commercial FLUM.

West: Downtown (Shipwreck Motel), Pedestrian Commercial.

II. BACKGROUND AND ANALYSIS

Background:

The Fish House Restaurant, 320 Old San Carlos Boulevard, is a restaurant that has requested a 4 COP SRX liquor license and outdoor seating. It is located in the Downtown District Area as contained on Figure 34-7 of the Land Development Code (LDC).

The Applicant requests a Special Exception in the Downtown zoning district to permit Consumption On Premise (4COP SRX) with Outdoor Seating (836 sf +/-) for the relocated Fish House Restaurant. The restaurant will seat up to 150 persons, with a total gross floor area of 3,980sf +/- . The 836sf +/- outdoor seating will be facing Old San Carlos Blvd. The site area is 26,285 square feet. See Site Plan Exhibit B.

The Land Development Code Section 34-1264 requires a Special Exception for the on-site consumption of alcoholic beverage. Land Development Code 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. There are residences within 500 feet of the subject property so the request cannot be approved administratively.

The Special Exception request is to support the soon to be relocated Fish House Restaurant. A Certificate of Occupancy has been issued for the new restaurant building. The site is located at 320 Old San Carlos Boulevard within the Times Square/Downtown Core Area of Fort Myers Beach and along the Old San Carlos Boulevard commercial/entertainment corridor. The subject property adjoins the Yucatan Beach Stand and the Smokin Oyster Brewery restaurant and bar facilities. The nearest residential property (934 Third Street) is found approximately 240-ft. from the subject property. There is a parking lot and part of the Shipwreck Motel building and Old San Carlos Boulevard between this residence and the subject site.

History

Prior to the current request, the restaurant was operated on a site behind Santini Plaza. According to State records the business has had an active liquor license (4COP) at that site since December 12, 2005. The restaurant is being relocated to the subject site.

The subject site has been used as a parking lot since at least 1993. Exhibit H contains documentation of approvals in the past concerning the parking lot use of the subject site.

A Development Order (DOS2014-0001) to construct the restaurant on this site was applied for on May 5, 2014 and approved on May 23, 2014. The subject 0.60-acre property includes a 59-space Permanent Shared Parking lot, approved through Resolution Number 14-07 (see Exhibit D). The site was part of the Rusty's CPD prior to the Town developing specific zoning districts such as the DOWNTOWN zoning district. The site was rezoned to the Downtown zoning district on March 3, 2014 by Resolution Number 14-6 (see Exhibit E). Variances for the parking lot on the subject site were sought and approved on March 3, 2014 (see Exhibit F).

Special Exception Use

The LDC Chapter 34 defines the term special exception use as follows:

Use, special exception means a use or certain specified departures from the regulations of this chapter that may not be appropriate generally or without restriction throughout a zoning district, but which, when controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity, and may be permitted, in accordance with all applicable regulations.

As noted above, the restaurant use and proposed expansion of outdoor COP is located in close proximity to similar uses. The special exception process provides the opportunity to condition the requested use if the conditions are reasonably related to the impacts of the use that is the subject of the request.

Analysis:

The subject property 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 a full service marina and numerous hotels, motels, and rental properties. This area of the Town is known for a variety of establishments offering a range of food and beverage options such as Zushi Zushi, The Yucatan Beach Stand, Smokin Oyster Brewery, and Nervous Nellie's. This instant request for outdoor consumption on premises in this area is not a unique or unusual request. COP and Outdoor Seating Special Exceptions have been granted for the adjacent Yucatan Beach Stand and Smokin Oyster Brewery.

The Town's Land Development Code (LDC) contains Subdivision II that provides regulations specific to the DOWNTOWN zoning district. LDC section 34-678 allows restaurants to provide outdoor seating areas in a manner that enhances the public realm and improves the town's sense of place and property values. The property is located in one of the most intensive commercial areas of the Town, the Old San Carlos commercial boulevard. This section also encourages restaurants to provide outdoor seating on porches, patios or generally between the enclosed building and the street.

In the following section of this report, the request consistency with the Town's Comprehensive Plan is discussed.

Request Comprehensive Plan Consistency:

The subject site is classified by the Town's comprehensive plan as "Pedestrian Commercial." The category descriptor policy is reproduced below:

Policy 4-B-6 "PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Non-residential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The subject site is thus located in a primarily commercial district namely the Old San Carlos activity center. The site is located along a Primary Street as identified on Figure 34-7 of the LDC. The requested outdoor seating will contribute to the pedestrian-oriented public realm of Old San Carlos Boulevard.

The plan contains Policy 4-A-3, which seeks to protect residential neighborhoods from the impacts of "intrusive" commercial activities. This policy is reproduced below:

POLICY 4-A-3 The town shall protect residential neighborhoods from intrusive commercial activities (see Policies 4-C-2 and 4-C-3).

The subject site is located relatively distant to a residential neighborhood. Policy 4-A-3 also refers to two additional Policies, Policies 4-C-2 and 4-C-3 which are discussed below. Policy 4-C-2 addresses "Commercial Intensity". This policy states that "the maximum intensity of allowable commercial development in any category may be controlled by height restrictions or by other provisions of this plan and the Land Development Code". The policy also provides that standards in the LDC will encourage more intense commercial uses only in the "Pedestrian Commercial" category. As stated previously, the subject site is located in the Pedestrian Commercial category. The subject site is thus located in an area that accommodates more intense commercial uses.

Policy 4-C-3 provides direction concerning commercial locations for new or expanded commercial uses. This policy notes that where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. The policy also specifies that the Planned Development process can also be utilized. This policy also provides that the neighborhood context of proposed commercial uses is of paramount importance. The policy further states that "the sensitivity of a proposed commercial

activity to nearby residential areas can be affected by” the type of commercial activities (such as traffic to be generated, hours of operation, and noise); physical scale (such as the height, and bulk of proposed buildings); and, the orientation of buildings and parking. The policy provides that “commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved”. The building has been approved, constructed, and a certificate of occupancy issued.

Town Council is the final arbitrator of what constitutes commercial intrusion into a residential neighborhood. In staff’s opinion the requested activity does not have the potential to disturb the “comfort” of residents as the nearest residences are located a substantial distance away.

The comprehensive plan recognizes in Objective 10-C that downtown is a recreational hub for island residents and visitors. Policy 10-C-2 delineates 3 public pedestrian plazas for the town, “Times Square”, “Marina Plaza”, and “Central Green”. The subject site is, of course, located in the Times Square activity center along Old San Carlos Boulevard. Staff finds that the request is consistent with the Town’s Comprehensive Plan.

Special Exception Considerations:

The Land Development Code includes a list of items that the Town Council must consider, if applicable, when reviewing approval of a requested special exception. These “Considerations” are contained in LDC Section 34-88 and are reproduced and discussed below.

- a. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The subject site has been approved and developed with a commercial building that will accommodate the proposed restaurant. The applicant has provided the following concerning this consideration:

The request for a Consumption On Premise Permit with Outdoor Seating reflects the revitalization of the subject property through the reconstruction of a highly suitable building for a restaurant and bar with outdoor seating that is within the town Pedestrian Commercial and Downtown zoning district. The evolving, entertainment-oriented character of the Old San Carlos commercial boulevard, as demonstrated by SEZ2015-0005 and Ord. 15-1, further reflects changing conditions that make approval of the request appropriate.

The subject site is an example of continued development along Old San Carlos Boulevard. There are other examples such as the proposed expansions at the Yucatan Beach Stand and the Ship Wreck Motel. The Town Council has recently adopted a Noise Control Ordinance that regulates noise that is generated from properties, including commercial properties. All of these factors constitute changed conditions that make approval of the request appropriate.

b. *The testimony of any applicant.*

The Council will be able to hear from the applicant at the public hearing.

c. *The recommendation of staff and of the local planning agency.*

The staff recommendation is contained in this staff report. The LPA recommendation will be obtained at the LPA public hearing.

d. *The testimony of the public.*

The public will have the opportunity to testify at the LPA public hearing as well as at the Town Council public hearing.

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

Concerning this consideration the applicant provides the following:

As contemplated in the Comprehensive Plan, the Times Square/Downtown area is a vibrant urban town core. This area is envisioned to support more intensive uses and variety of uses for residents and tourists alike. The property is located in the Pedestrian Commercial land use category, within the Downtown Core area. The Town Plan calls for this area to be a revitalized entertainment area, with outdoor cafes and pedestrian streets. The Applicant's request is consistent with the vision, goals and objective of the Towns Comprehensive Plan (Objective 3-D, and Policies 3-A-5, 3-A-6, 4-A-2, 4-C-4 and 4-C-3.ii.).

The request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan. The request does not raise any compatibility concerns with residential uses.

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

Concerning this consideration the applicant provides the following:

The Applicant's request for COP is appropriate at this site because it complies with 34-1264(B)(2) Restaurant Exceptions To Location Standards and 34-2020(d)(2) Parking standards. The Applicant's request for COP Outdoor Seating at this site is appropriate in that the new architectural floor plan and site plan complies with 34-678(e)(4).

The proposed use is located in a fairly intense land use category, "Pedestrian Commercial", and is located in an activity center. The requested use is compatible with adjacent uses. The proposed outdoor seating and COP meets all performance and locational standards.

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

Concerning this consideration the applicant provides the following:

The Applicant's request will have no negative effects on the environmentally critical areas and natural resources of Fort Myers Beach. This is so because the subject property is located in an established commercial district that is landward of the coastal construction line. It is far from any environmental critical areas. Outdoor lighting will be consistent with the Town's Sea Turtle Ordinance.

The subject site is fully developed, contains no environmentally critical areas or natural resources to protect, conserve, or preserve.

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

Concerning this consideration the applicant provides the following:

The subject property and the immediately surrounding area are within the Pedestrian Commercial Future Land Use category. The Comprehensive Plan's vision and goal for this area does not require that it be transformed from an intensive commercial use to a less-intensive non-commercial use. In fact the opposite is true. The Town's Comprehensive Plan calls for this area to contain a vibrant mixture of uses and activities, including bars, restaurants and other entertainment uses for residents and visitors. The Applicant's request is compatible and appropriate within its neighborhood and with adjacent and adjoining properties.

The request is compatible with existing and planned surrounding uses.

- i. Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

Concerning this consideration the applicant provides the following:

The Consumption On Premise and Outdoor Seating approvals will be required to comply with the applicable standards in the Fort Myers Beach Land Development Code, including but not limited to 34-1264 and 34-678.

The requested COP and outdoor seating will be in compliance with applicable general zoning provisions.

Special Exception Findings and Conclusions:

The Land Development Code, in Section 34-88, provides a series of *Findings* that Town Council has to make before granting any special exception. The Town Council must find that the applicant has demonstrated that the requested special exception:

- a. Complies with the Fort Myers Beach Comprehensive Plan.
- b. Complies with the Land Development Code.
- c. Complies with other applicable town ordinances or codes.

Staff recommends that the Town Council find that the applicant has demonstrated that the requested special exception complies with the Town's Comprehensive Plan and the Land Development Code.

III. RECOMMENDATION

Staff recommends **APPROVAL** of the requested special exception to permit consumption on premises (4COP - SRX) approval for the Fish House Restaurant including 836 square feet of outdoor seating.

Staff recommends that approval of the special exception be subject to the following conditions:

CONDITIONS OF APPROVAL:

1. *Approval of this special exception does not exempt the subject property from any provisions of the LDC. The Special Exception is limited to on-premise consumption of alcoholic beverages in the 3,980 square foot +/- Fish House Restaurant with additional 836 square feet +/- for Outdoor Seating as shown and attached on the Site Plan Exhibit B and Floor Plan Exhibit C, and which are hereby incorporated by reference.*
2. *No outdoor entertainment is approved.*
3. *Hours of operation is from 11:00 AM to Midnight.*
4. *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 the Town's Land Development Code.*
5. *Eighteen parking spaces must be delineated in the Shared Parking Lot.*

IV. CONCLUSION

Approval of the requested rezoning is consistent with the Comprehensive Plan and the LDC provisions that regulate alcoholic beverages. Staff recommends **APPROVAL** of the requested special exception. Staff has recommended conditions that are reasonably related to the requested Special Exception.

Attachments:

- A – Legal Description
- B – Site Plan
- C – Floor Plan
- D – Resolution 14-07
- E – Resolution 14-06
- F – Resolution 14-08
- G – Fish House Restaurant Site Location
- H – Historic Parking Approvals
- I – Application Materials

EXHIBIT "A"
LEGAL DESCRIPTION
Page 1 of 2

DESCRIPTION:

A TRACT OR PARCEL OF LAND BEING LOTS 2, 3, 4, 5, 6, 22 AND 23, BLOCK 3, BUSINESS CENTER, AS RECORDED IN PLAT BOOK 9, PAGE 10, AND THE NORTHERLY HALF OF VACATED FOURTH STREET, AS RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 79, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

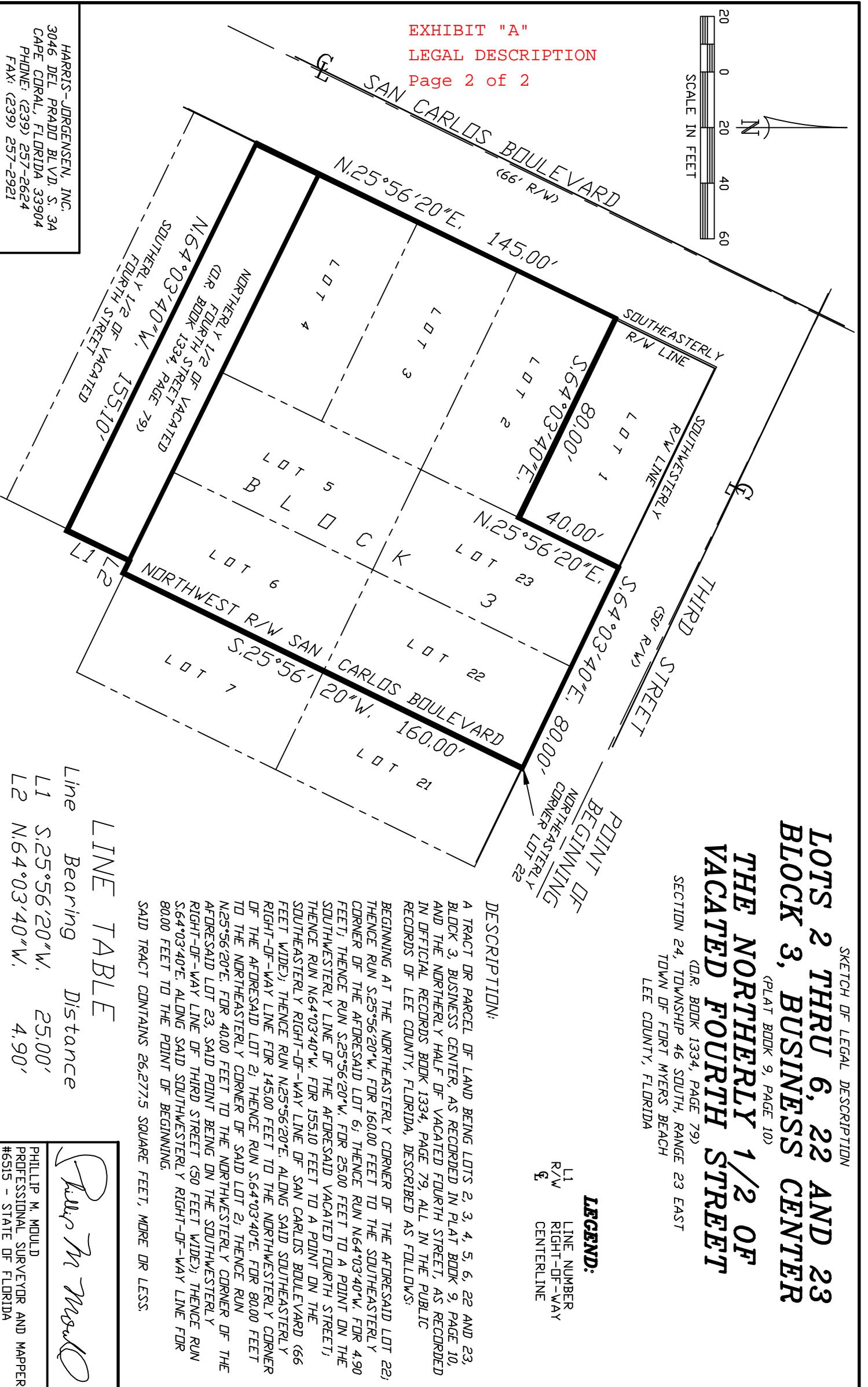
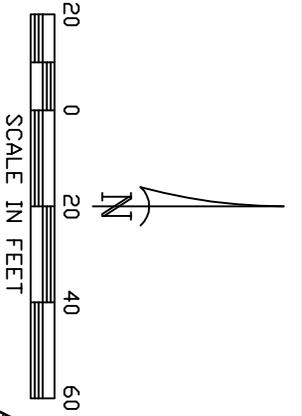
BEGINNING AT THE NORTHEASTERLY CORNER OF THE AFORESAID LOT 22; THENCE RUN S.25°56'20"W. FOR 160.00 FEET TO THE SOUTHEASTERLY CORNER OF THE AFORESAID LOT 6; THENCE RUN N.64°03'40"W. FOR 4.90 FEET; THENCE RUN S.25°56'20"W. FOR 25.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE AFORESAID VACATED FOURTH STREET; THENCE RUN N.64°03'40"W. FOR 155.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD (66 FEET WIDE); THENCE RUN N.25°56'20"E. ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE FOR 145.00 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 2; THENCE RUN S.64°03'40"E. FOR 80.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE RUN N.25°56'20"E. FOR 40.00 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 23, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THIRD STREET (50 FEET WIDE); THENCE RUN S.64°03'40"E. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 80.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 26,277.5 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
LS #6515
JANUARY 26, 2015

EXHIBIT "A"
 LEGAL DESCRIPTION
 Page 2 of 2



SKETCH OF LEGAL DESCRIPTION
**LOTS 2 THRU 6, 22 AND 23
 BLOCK 3, BUSINESS CENTER
 THE NORTHERLY 1/2 OF
 VACATED FOURTH STREET**
 (PLAT BOOK 9, PAGE 10)
 (OR BOOK 1334, PAGE 79)
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 TOWN OF FORT MYERS BEACH
 LEE COUNTY, FLORIDA

DESCRIPTION:

A TRACT OR PARCEL OF LAND BEING LOTS 2, 3, 4, 5, 6, 22 AND 23, BLOCK 3, BUSINESS CENTER AS RECORDED IN PLAT BOOK 9, PAGE 10, AND THE NORTHERLY HALF OF VACATED FOURTH STREET, AS RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 79, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEASTERLY CORNER OF THE AFORESAID LOT 22, THENCE RUN S.25°56'20"W. FOR 160.00 FEET TO THE SOUTHEASTERLY CORNER OF THE AFORESAID LOT 6; THENCE RUN N.64°03'40"W. FOR 4.90 FEET; THENCE RUN S.25°56'20"W. FOR 25.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE AFORESAID VACATED FOURTH STREET; THENCE RUN N.64°03'40"W. FOR 155.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD (66 FEET WIDE); THENCE RUN N.25°56'20"E. ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE FOR 145.00 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 2; THENCE RUN S.64°03'40"E. FOR 80.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE RUN N.25°56'20"E. FOR 40.00 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 23, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THIRD STREET (50 FEET WIDE); THENCE RUN S.64°03'40"E. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 80.00 FEET TO THE POINT OF BEGINNING.
 SAID TRACT CONTAINS 26,277.5 SQUARE FEET, MORE OR LESS.

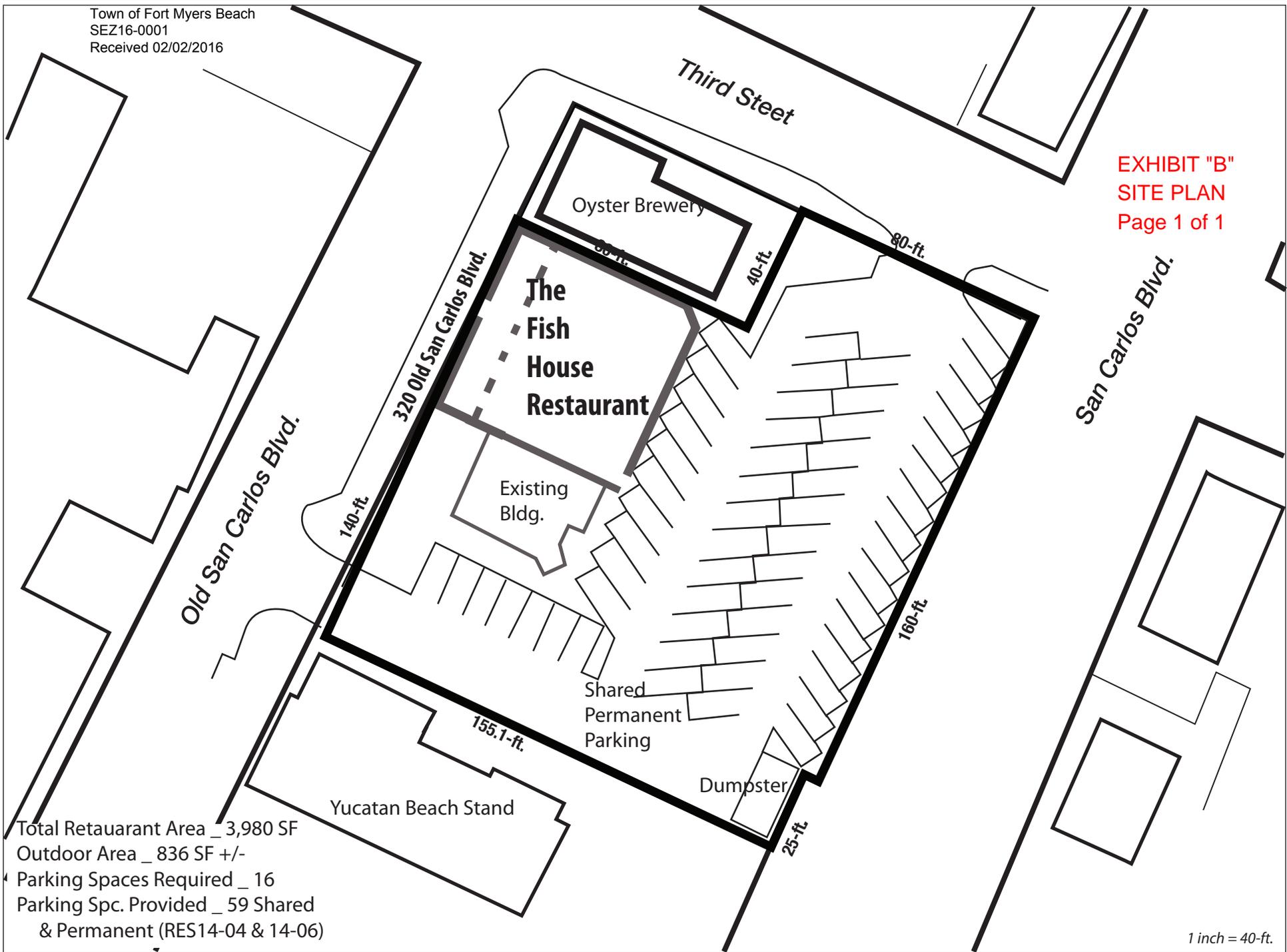
LEGEND:
 L1 LINE NUMBER
 R/W RIGHT-OF-WAY
 C CENTERLINE

LINE TABLE

Line	Bearing	Distance
L1	S.25°56'20"W.	25.00'
L2	N.64°03'40"W.	4.90'

HARRIS-JORGENSEN, INC.
 3046 DEL PRADO BLVD, S. 3A
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 257-2624
 FAX: (239) 257-2921

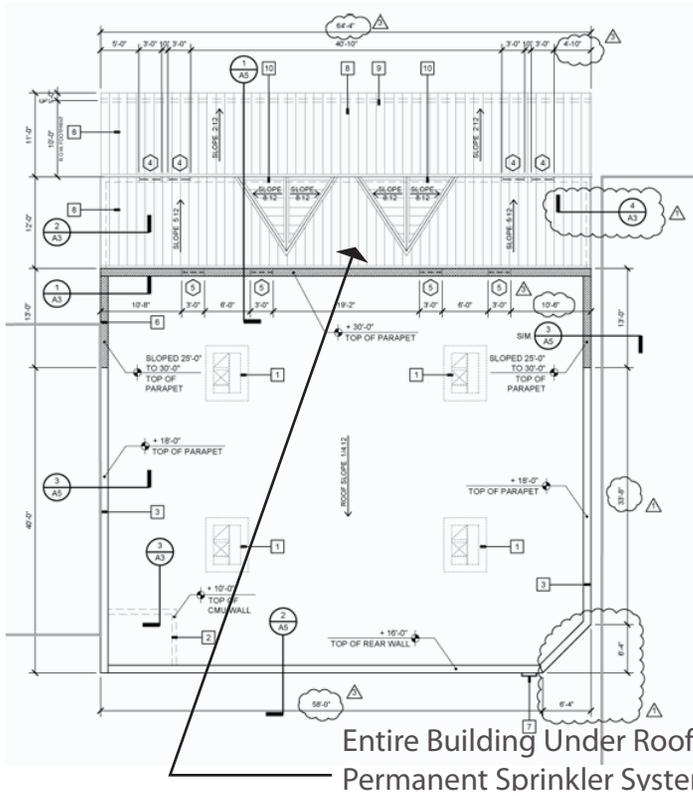
Phillip M. Mould
 PHILLIP M. MOULD
 PROFESSIONAL SURVEYOR AND MAPPER
 #6515 - STATE OF FLORIDA



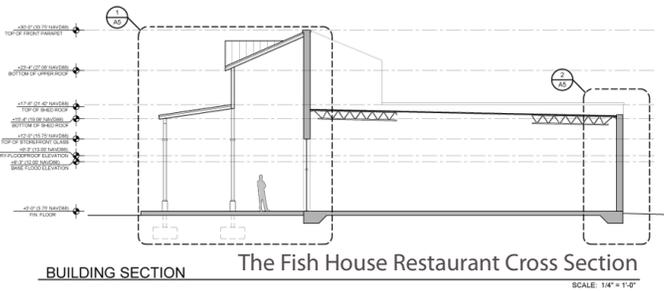
Total Restaurant Area _ 3,980 SF
Outdoor Area _ 836 SF +/-
Parking Spaces Required _ 16
Parking Spc. Provided _ 59 Shared
& Permanent (RES14-04 & 14-06)

1 inch = 40-ft.

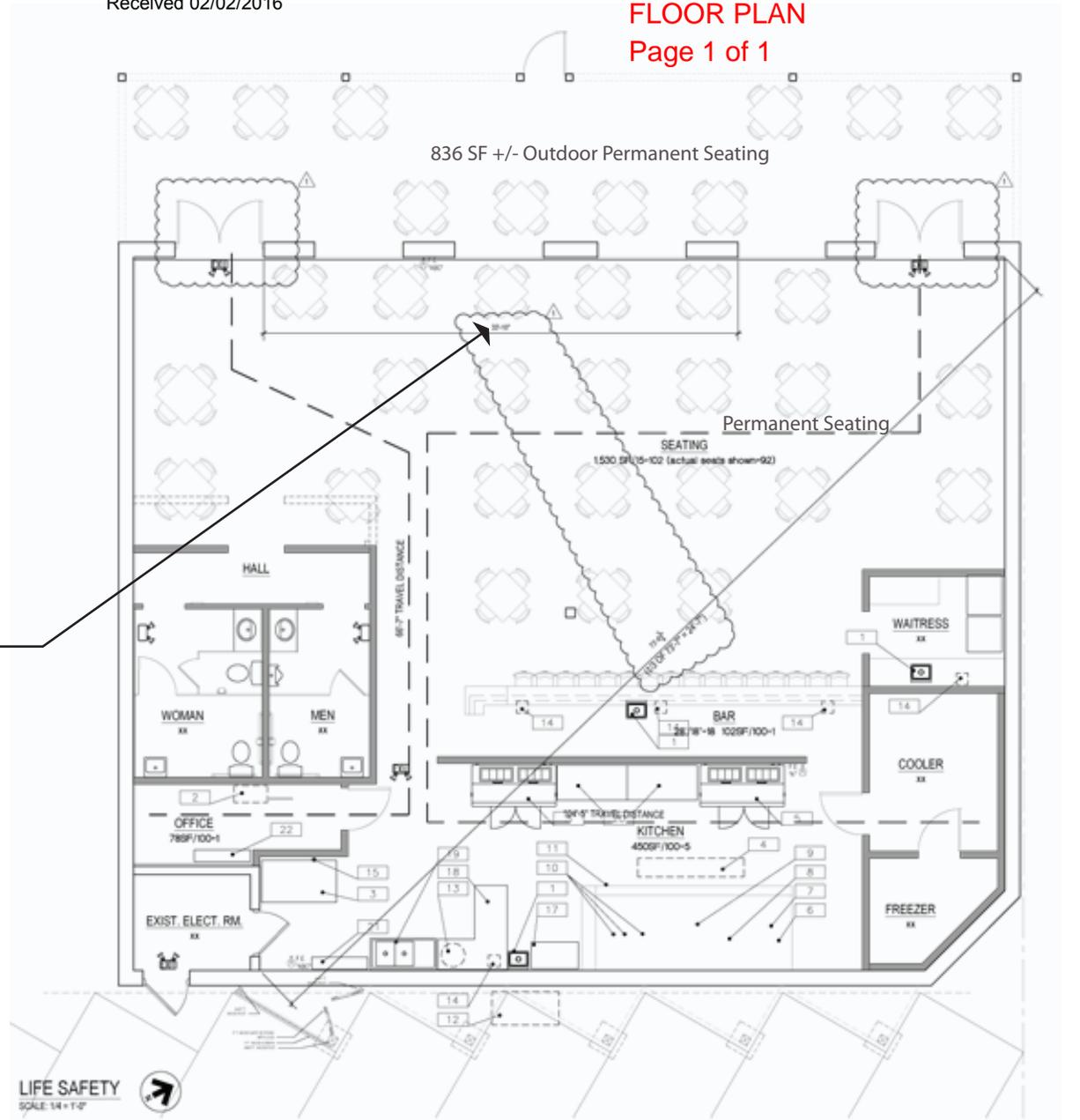
The Fish House Restaurant COP & Outdoor Seating Special Exception Site Plan Exhibit B



Entire Building Under Roof w./
Permanent Sprinkler System



Old San
Carlos Blvd. The Fish House Restaurant Side Elevation
ROW



The New Fish House Restaurant Floor Plan _ 3,980 SF/150 Person Capacity (Life Safety detail)

The Fish House Restaurant COP & Outdoor Seating Special Exception Floor Plan Exhibit C

Exhibit D

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-07
SEZ2013-0006 – Shipwreck Special Exception

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 237, 245, 309, 320, and 330 Old San Carlos Boulevard Fort Myers Beach, Florida has requested a special exception to add 'Retail Store, large,' 'Wholesale,' and 'Parking lot, shared permanent' to the North parcel of the subject property and 'Parking lot, shared permanent' and 'Retail Store, large' to the South parcel of the subject property as permitted uses on the subject property; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00203.0020 and 24-46-23-W3-0050A.0080 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case SEZ2013-0006 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the LPA on January 14, 2014; and

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

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-019, 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 2013-019 and the standards for granting special exceptions, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the request for a Special Exception to allow 'Retail Store, large,' 'Wholesale,' and 'Parking lot, shared permanent' for the North parcel of the subject property and 'Parking lot, shared permanent' and 'Retail Store, large' for the South parcel of the subject property as permitted uses.

FINDINGS AND CONCLUSIONS:

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

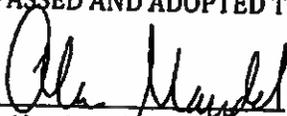
1. Changed or changing conditions **do** exist that make the requested approval, as conditioned, appropriate;
2. The requested special exception, as conditioned, is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan;
3. The requested special exception, 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 Vice Mayor Kosinski and seconded by Council Member Andre, and upon being put to a vote, the result was as follows:

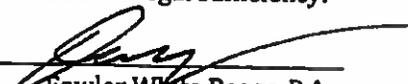
Alan Mandel, Mayor AYE
Jo List AYE
Dan Andre AYE

Joe Kosinski, Vice Mayor AYE
Bob Raymond AYE

DULY PASSED AND ADOPTED THIS 3rd day of MARCH, 2014.

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:

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

ATTEST:

By: 
Michelle Mayher
Town Clerk



Exhibit A

Legal Description

Lots 2 through 6, 22 & 23, Block 3, Business Center Subdivision, and the Northerly $\frac{1}{2}$ of Vacated Fourth Street, according to the Map or Plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

AND

Lots 3 through 12, Block A, Island Shores Unit 2, according to the Map or Plat thereof as recorded in Plat Book 9, Page 25, Public Records of Lee County, Florida,

AND

Beginning at the Southwest Corner of Lot 9, Block A, Island Shores Subdivision, Unit No. 2, as recorded in Plat Book 9 at Page 25 of the Public Records of Lee County, Florida; thence run N $63^{\circ}58'21''$ W, 11.82 feet to the outer face of a seawall; thence run N $29^{\circ}45'28''$ E, 50.11 feet to the outer face of a second seawall; thence run N $26^{\circ}01'39''$ E, 58.50 feet along said second seawall to a point of curve to the left in said second seawall; said curve having a radius of 10 feet; thence run along said seawall and curve an arc distance of 6.39 feet thru a delta angle of $36^{\circ}37'27''$ to a point which bears S $71^{\circ}01'39''$ W, 14.90 feet from the Northwest corner of Lot 5, Block A, of said subdivision; thence run S $26^{\circ}01'39''$ W, 125.00 feet to the Point of Beginning. Said parcel contains 1120.6 square feet more or less.

STRAP NUMBERS
 14-44-21-43-00000010
 14-44-21-43-00000010
 1087 BAYVIEW BLVD., N. 328.11

STREET ADDRESS
 144 EAST SAN CARLOS BLVD. A
 144 EAST SAN CARLOS BLVD. B
 1087 BAYVIEW BLVD., N. 328.11

PROJECT INFORMATION
 TOTAL ACRES: 11.2500 (0.18 AC)
 TOTAL LOT AREA: 11.2500 (0.18 AC)
 PLANNED LAND USE: RESIDENTIAL CHARMER
 PROPOSED LAND USE: RESIDENTIAL CHARMER
 PROJECT NAME: SHIPWRECK - PARKING LOT
 PREPARED BY: TDM CONSULTING, INC.
 PREPARED FOR: TDM CONSULTING, INC.
 PREPARED DATE: 08/20/2024

ZONING / ACTUAL USE
 ZONING: RESIDENTIAL CHARMER
 ACTUAL USE: RESIDENTIAL CHARMER

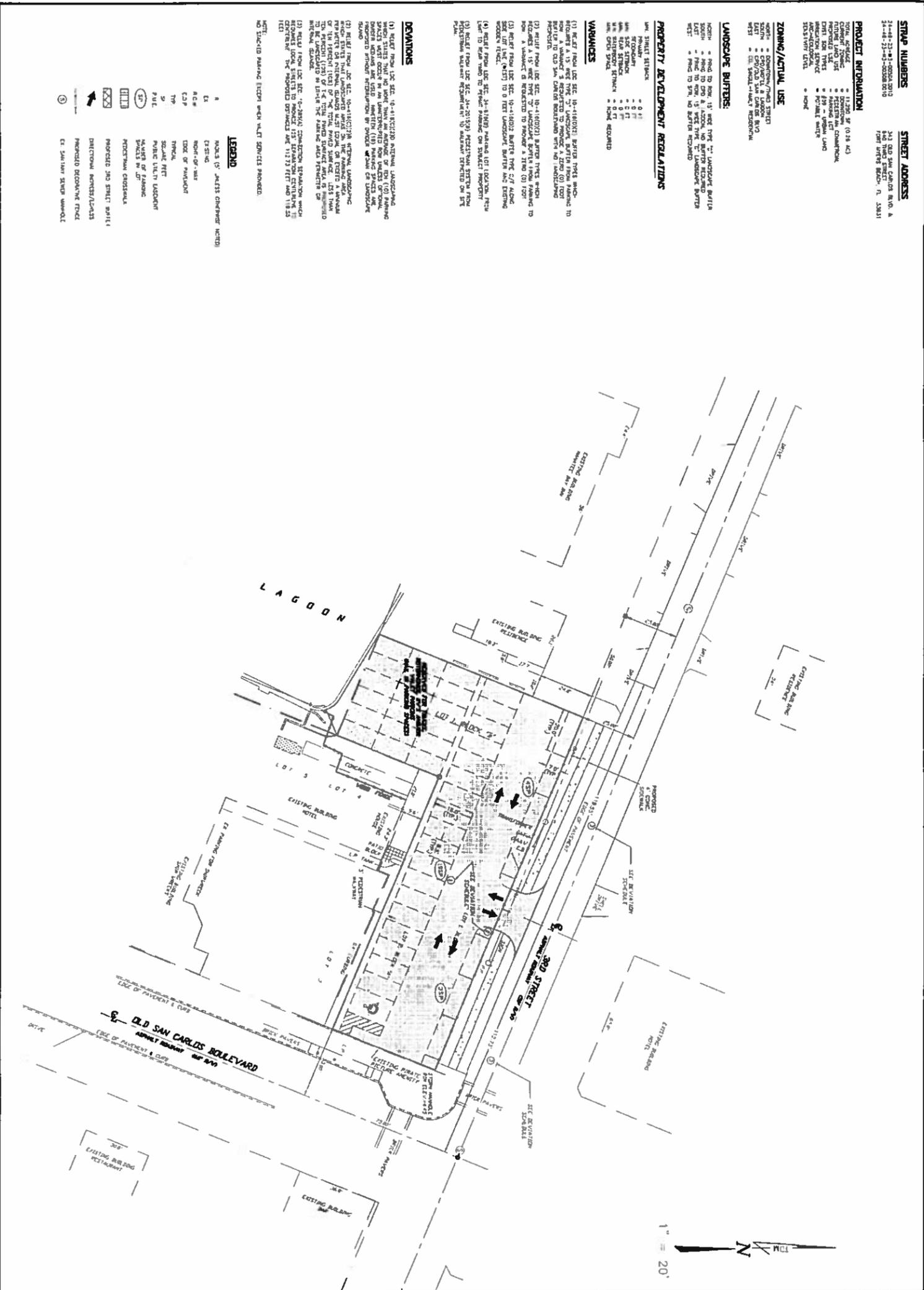
LANDSCAPE BUFFERS:
 NORTH: 15' BUFFER FROM LOT BOUNDARY
 SOUTH: 15' BUFFER FROM LOT BOUNDARY
 EAST: 15' BUFFER FROM LOT BOUNDARY
 WEST: 15' BUFFER FROM LOT BOUNDARY

PROPERTY DEVELOPMENT REGULATIONS
 MIN. STREET SETBACK: 0 FT
 MIN. FRONT SETBACK: 0 FT
 MIN. SIDE SETBACK: 0 FT
 MIN. REAR SETBACK: 0 FT
 MIN. CORNER SETBACK: 0 FT
 MIN. SIGN SETBACK: 0 FT
 MIN. SIGN AREA: 0 SQ. FT.

VARIANCES
 (1) VARIANCE FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (2) VARIANCE FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (3) VARIANCE FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (4) VARIANCE FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (5) VARIANCE FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.

DEVIATIONS
 (1) RELAY FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (2) RELAY FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (3) RELAY FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (4) RELAY FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.
 (5) RELAY FROM LDC SEC. 16-11(01)(1) PARKING SPACE REQUIREMENT TO PROVIDE 1.5 SPACES PER UNIT FOR THE PROPOSED DEVELOPMENT.

LEGEND
 A: NOTES (V) JACOBS OVERSEER ACTION
 B: EXISTING
 C: PROPOSED
 D: 15' BUFFER FROM LOT BOUNDARY
 E: 15' BUFFER FROM LOT BOUNDARY
 F: 15' BUFFER FROM LOT BOUNDARY
 G: 15' BUFFER FROM LOT BOUNDARY
 H: 15' BUFFER FROM LOT BOUNDARY
 I: 15' BUFFER FROM LOT BOUNDARY
 J: 15' BUFFER FROM LOT BOUNDARY
 K: 15' BUFFER FROM LOT BOUNDARY
 L: 15' BUFFER FROM LOT BOUNDARY
 M: 15' BUFFER FROM LOT BOUNDARY
 N: 15' BUFFER FROM LOT BOUNDARY
 O: 15' BUFFER FROM LOT BOUNDARY
 P: 15' BUFFER FROM LOT BOUNDARY
 Q: 15' BUFFER FROM LOT BOUNDARY
 R: 15' BUFFER FROM LOT BOUNDARY
 S: 15' BUFFER FROM LOT BOUNDARY
 T: 15' BUFFER FROM LOT BOUNDARY
 U: 15' BUFFER FROM LOT BOUNDARY
 V: 15' BUFFER FROM LOT BOUNDARY
 W: 15' BUFFER FROM LOT BOUNDARY
 X: 15' BUFFER FROM LOT BOUNDARY
 Y: 15' BUFFER FROM LOT BOUNDARY
 Z: 15' BUFFER FROM LOT BOUNDARY



DATE	REVISION	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
08/20/24	REVISIONS PER CLIENT'S REQUEST	JDM	JDM	JDM	JDM
08/20/24	REVISIONS PER CLIENT'S REQUEST				

**SHIPWRECK - PARKING LOT
 SHARED PERMANENT
 SITE PLAN - VARIANCES
 SPECIAL EXCEPTION
 DEVIATIONS**

TDM CONSULTING, INC.
 CIVIL ENGINEERING
 8695 College Parkway, Suite #106
 Fort Myers, FL 33919
 Phone: (239) 433-4231
 Fax: (239) 433-9632
 Email: dean@tdmconsulting.com

1 of 1
 Dean Mann, P.E.
 DATE: 08/20/24
 SCALE: 1" = 20'

Exhibit E

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-06
REZ2013-0002 – Shipwreck Rezoning

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 237, 245, 309, 320, and 330 Old San Carlos Boulevard Fort Myers Beach, Florida has requested to rezone two parcels from Commercial Planned Development zoning to the DOWNTOWN zoning district; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00203.0020 and 24-46-23-W3-0050A.0080 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case REZ2013-0001 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the LPA on January 14, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by Staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-85.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-018, 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 34-85.

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 2013-018 and the standards for granting rezonings, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the request to rezone the subject property from CPD to the DOWNTOWN zoning district.

FINDINGS AND CONCLUSIONS

Based upon the presentations by the Applicant, Staff, and other interested parties at the hearing, and a review of the application and standards for conventional rezoning approval, the Town Council reaches the following findings and conclusions:

- a. *Whether there exists an error or ambiguity which must be corrected.*
There are no errors or ambiguity surrounding the subject property and its zoning category that require correction. **APPROVE**
- b. *Whether there exist changed or changing conditions which make approval of the request appropriate.*
The only changed condition that exists which supports the applicant's request for rezoning is the existence of the DOWNTOWN zoning district. At the time of the Rusty's CPD approval, the Town had not yet developed Town-specific zoning districts. Now that the DOWNTOWN district exists the applicant is requesting this rezoning. **APPROVE**
- c. *The impact of a proposed change on the intent of Chapter 34 of the Fort Myers Beach Land Development Code.*
It is not anticipated that the proposed rezoning from CPD to DOWNTOWN will have any negative impact on the intent of Chapter 34. **APPROVE**
- g. *Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*
As discussed in the analysis section of the staff report, the request is generally consistent with the goals, objectives, policies, and intent as well the densities, intensities and general uses of Comprehensive Plan. **APPROVE**
- h. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*
The applicant has not submitted a plan for redevelopment with the request for rezoning. They have indicated to Staff there is no immediate intention to redevelop any portion of the subject property, merely a desire to obtain DOWNTOWN zoning. The applicant is aware that by requesting this action they are losing all approvals to deviate from code requirements and any approval for density above and beyond code requirements. The Town retains land and property development controls, including but not limited to Section 34-671: DOWNTOWN zoning district regulations, Section 34-677: Commercial Design Standards; FEMA flood elevation and substantial improvement compliance, and other sections of the Land Development Code. Any redevelopment will be subject to reviews utilizing the applicable specific land use regulations. **APPROVE**
- i. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*
Urban services including water, sewer, and electric are available at the subject property. Any redevelopment or increase in density or intensity at the subject property will necessitate a thorough stormwater management plan and review prior to any permit or use approvals. **APPROVE**
- j. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*
As existing commercially zoned and developed lots located in the Downtown Core Area along Old San Carlos Boulevard, the subject property does not include any sensitive and/or environmentally critical lands. However, should these parcels be redeveloped with uses as permitted within the DOWNTOWN zoning district, all applicable

environmental codes including but not limited to Sea Turtle lighting requirement as found in LDC Section 14-79 must be met. **APPROVE**

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

With its central location within the Downtown Core Area, the subject property's proposed change from CPD to DOWNTOWN zoning is clearly compatible with existing and planned uses. The Town does, however, retain land and property development controls, including but not limited to Section 34-671: DOWNTOWN zoning district regulations, Section 34-677: Commercial Design Standards; FEMA flood elevation and substantial improvement compliance, and other sections of the Land Development Code. Any redevelopment will be subject to reviews utilizing the applicable specific land use regulations. **APPROVE**

- l. *Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*

As evidenced by recent requests for zoning changes, Town Council has determined that the appropriate time to study traffic impacts is at the time of redevelopment or development order. The applicant has indicated there are no current plans for redevelopment. The continuation of existing uses, therefore, will not increase any traffic burden on local streets or other local services or facilities.

It is not anticipate that the requested rezoning from CPD to DOWNTOWN will generate any additional capacity or need for the Lee County School District or the Town's Parks and Recreation Department. **APPROVE**

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

Alan Mandel, Mayor AYE
Jo List AYE
Dan Andre AYE

Joe Kosinski, Vice Mayor AYE
Bob Raymond AYE

DULY PASSED AND ADOPTED THIS 3rd day of MARCH, 2014.

By: Alan Mandel
Alan Mandel, Mayor

Approved as to legal sufficiency: _____

By: [Signature]
Fowler White Boggs, P.A.
Town Attorney

ATTEST:

By: [Signature]
Michelle Mayher
Town Clerk

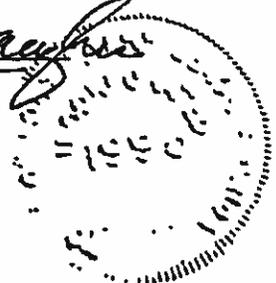


Exhibit A

Legal Description

Lots 2 through 6, 22 & 23, Block 3, Business Center Subdivision, and the Northerly ½ of Vacated Fourth Street, according to the Map or Plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

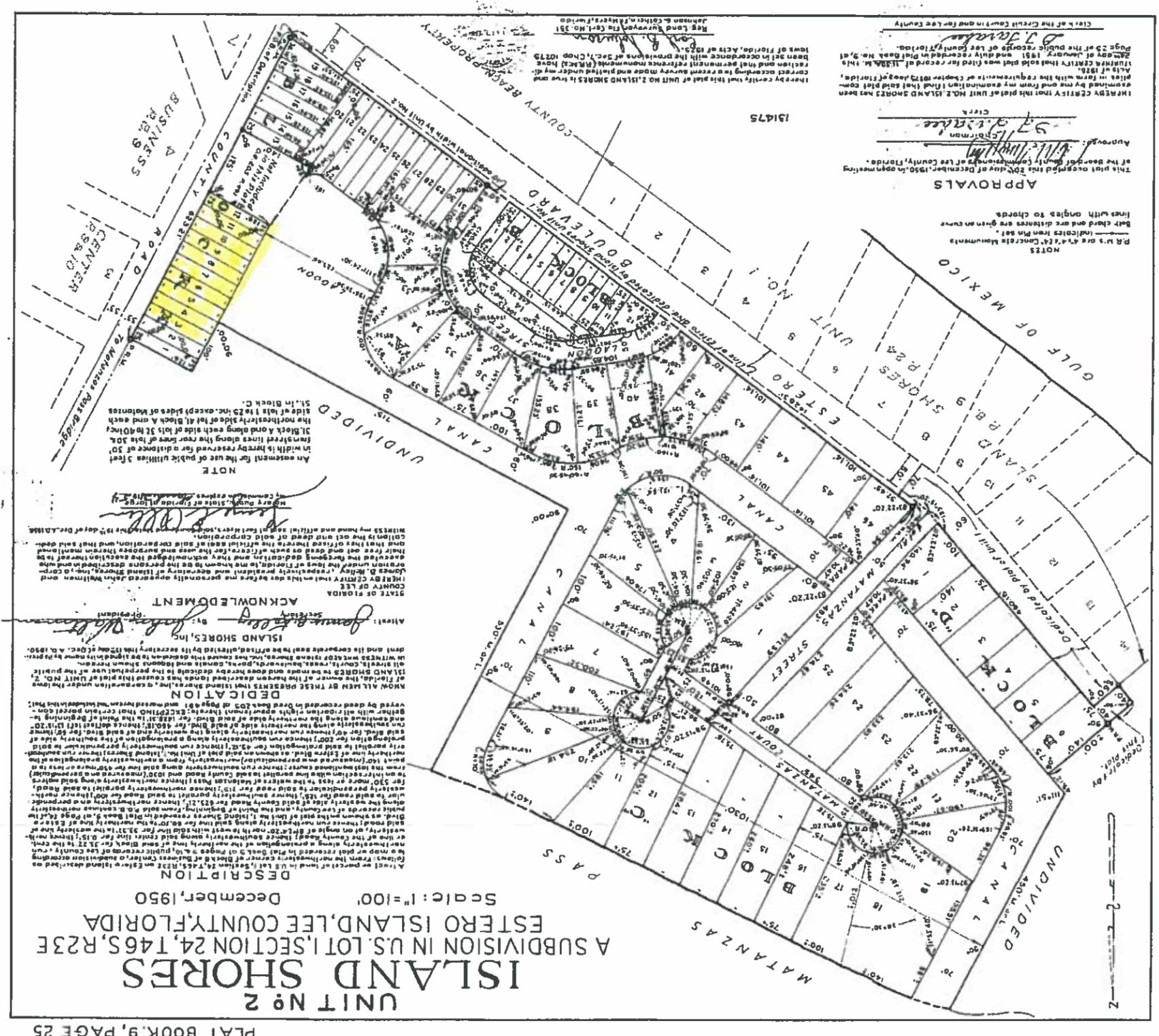
AND

Lots 3 through 12, Block A, Island Shores Unit 2, according to the Map or Plat thereof as recorded in Plat Book 9, Page 25, Public Records of Lee County, Florida,

AND

Beginning at the Southwest Corner of Lot 9, Block A, Island Shores Subdivision, Unit No. 2, as recorded in Plat Book 9 at Page 25 of the Public Records of Lee County, Florida; thence run N 63°58'21" W, 11.82 feet to the outer face of a seawall; thence run N 29°45'28" E, 50.11 feet to the outer face of a second seawall; thence run N 26°01'39" E, 58.50 feet along said second seawall to a point of curve to the left in said second seawall; said curve having a radius of 10 feet; thence run along said seawall and curve an arc distance of 6.39 feet thru a delta angle of 36°37'27" to a point which bears S 71°01'39" W, 14.90 feet from the Northwest corner of Lot 5, Block A, of said subdivision; thence run S 26°01'39" W, 125.00 feet to the Point of Beginning. Said parcel contains 1120.6 square feet more or less.

ALL-STATE LEGAL
 EXHIBIT
 NORTH PARCEL
 5-2



PLAT BOOK 9, PAGE 25

APPROVALS

This plat occupied the 20th day of December, 1950, in compliance of the Board of County Commissioners of Lee County, Florida.

Approved: *[Signature]*
 Clerk

Thereby certify that this plat of UNIT NO. 2, ISLAND SHORES is true and correct according to a recent survey made and plotted under my direct supervision in accordance with the provisions of Sec. 1, Chap. 1077, Laws of Florida, Acts of 1925.

Reg. Land Surveyor, Cert. No. 351
[Signature]
 Johnson & Collier, Inc., Tallahassee, Florida

City of the Circuit Court in and for Lee County

NOTE

An easement for the use of public utilities 5 feet in width is hereby reserved for a distance of 50 feet along the line along the rear line of the 30.2 Block A and along the rear line of lots 31 to 40, Block B, and along the rear line of lots 41 to 50, Block C, in Block C. except the side of the 50.1 lot in Block C.

ACKNOWLEDGMENT

I, *[Signature]*, Secretary of Island Shores, Inc., do hereby certify that the foregoing description of the land is true and correct and that the same is the property of Island Shores, Inc., a corporation organized under the laws of the State of Florida, and that the same is being offered for sale by the undersigned as agent for the said corporation, and that the said sale is being made in accordance with the provisions of the laws of the State of Florida, and that the said sale is being made in accordance with the provisions of the laws of the State of Florida, and that the said sale is being made in accordance with the provisions of the laws of the State of Florida.

DESCRIPTION

December, 1950

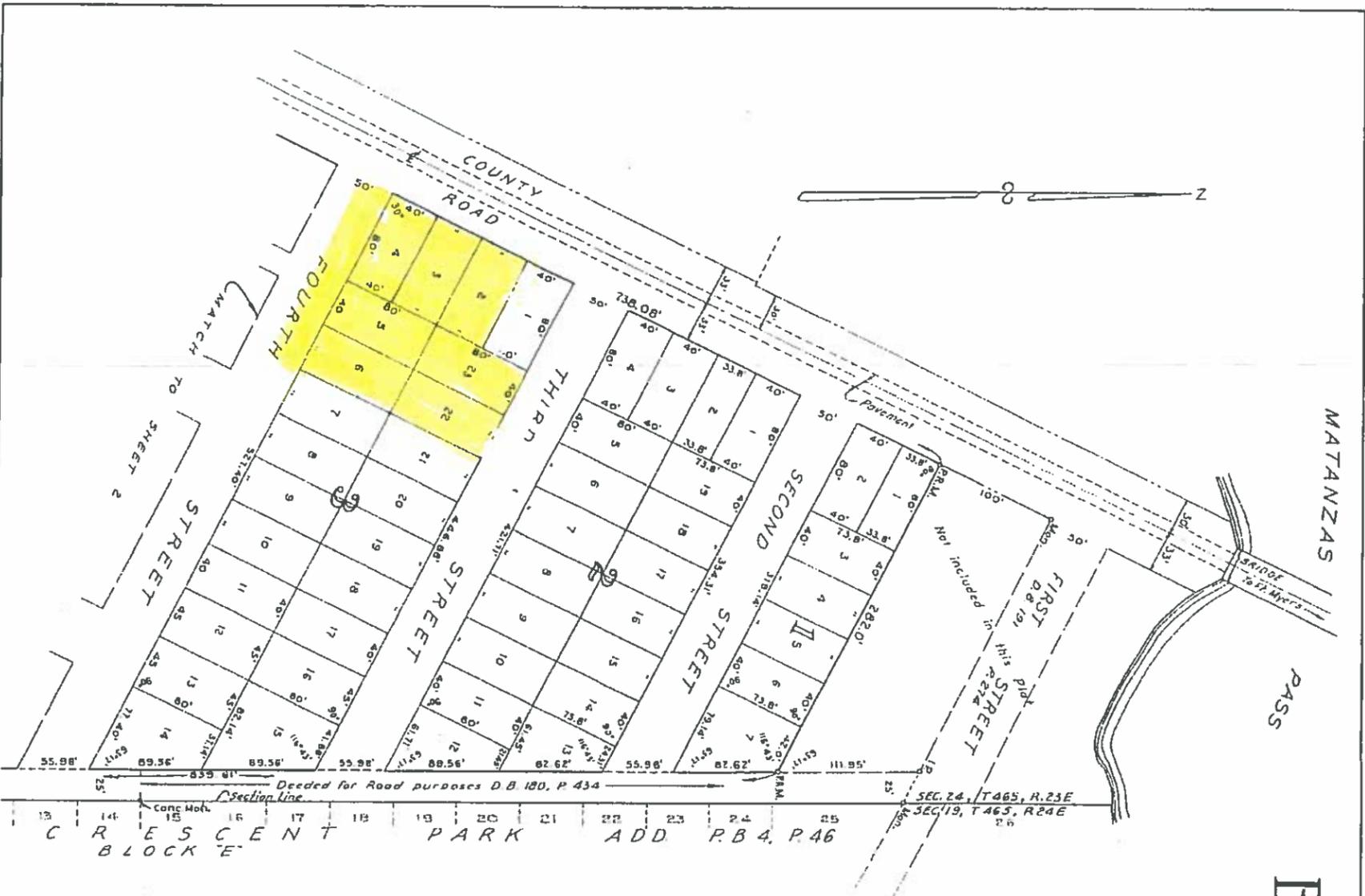
Scale: 1"=100'

A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46S, R23E ESTERO ISLAND, LEE COUNTY, FLORIDA

BUSINESS CENTER

A SUBDIVISION IN
 U.S. LOT 1 ON ESTERO ISLAND
 SECTION 24, T46S, R23E
 LEE COUNTY, FLORIDA

Scale: 1" = 60'
 Sheet 1 of 2
 February, 1949



DESCRIPTION

A tract or parcel of land lying in US Lot 1, on Estero Island, Section 24, Township 46 South, Range 23 East, Lee County, Florida, which from the southeast corner of Block E, Crescent Park, Addition according to a plat thereof recorded in Plat Book 407, Page 46, northward along the east line of said Section 24, northwesterly along the north side of County Road right-of-way 50' wide, at an included angle of 69°54', with said Section line for 26.52', to the point of beginning. From said point of beginning continue on the same course for 812.22', to the easterly right-of-way line of County Road running from the Matanzas Pass Bridge to the Gulf of Mexico; thence deflect right 96°31' and run north-easterly along said right-of-way line, 31' from and parallel to the center-line for 116.51', thence southeasterly on a perpendicular to said line for 282.0' to an intersection with a line 25' west of the east line of Section 24; thence south along said line parallel to and 25' measured and perpendicular from the east line of Section 24 for 1167.5' more or less to the point of beginning; excepting therefrom those parcels marked 'Not included in this plat'.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that TH. PHILLIPS, the owner of the herein described lands has caused this plat of "BUSINESS CENTER" to be made and does hereby dedicate to the perpetual use of the public all streets, alleys, avenues and/or roads shown hereon. IN WITNESS WHEREOF the owner has hereunto set his hand and seal this 14th day of February, A.D. 1949.

WITNESS:
 [Signature]
 [Signature]

ACKNOWLEDGMENT

STATE OF FLORIDA
 COUNTY OF LEE
 I, HENRY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared TH. PHILLIPS, to me known to be the person described in and who executed the foregoing dedication and he acknowledged before me that he executed the same for the uses and purposes therein mentioned. WITH MY HAND and official seal at Fort Myers, said County and State this 14th day of February, A.D. 1949.

Th. Phillips
 Notary Public, State of Florida of Large
 My Commission expires July 2, 1952

APPROVALS

This plat accepted this 23rd day of February, A.D. 1949, in open meeting of the Board of County Commissioners of Lee County, Florida.

APPROVED:
 Chairman
 Clerk

I HEREBY CERTIFY that this plat of "BUSINESS CENTER" has been examined by me and from my examination (that) said plat complies in form with the requirements of Chapter 10215, Laws of Florida, Acts of 1925.
 I FURTHER CERTIFY that said plat was filed for record at 4:30 P.M. this 23rd day of February, A.D. 1949, and duly recorded in Plat Book No. 5 of Pages 2 and 10 of the Public Records of Lee County, Florida.

Clerk of the Circuit Court in and for Lee County

I hereby certify that this plat of "BUSINESS CENTER" is true and correct and that I have duly read and placed under my official seal and signature the provisions of Sec. 10215, Laws of Florida, Acts of 1925.
 [Signature]
 Notary Public, State of Florida

122739



RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-08
VAR2013-0007 – Shipwreck Variance

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 237, 245, 309, 320, and 330 Old San Carlos Boulevard Fort Myers Beach, Florida has requested the following variances from the following LDC sections:

1. Section 34-676(b) parking lot location, to permit off-street parking in the front and side yards as depicted on the site plan in *Exhibit E*.
2. Table 10-8 Type D buffer, Section 34-677(b)(3) requiring a buffer between off street parking and a ROW, and Section 10-416(d) requiring buffer between parking and ROW to allow a 2.5' buffer with a 41" minimum height.
3. Section 34-676(c) parking lot location, to allow no rear yard connection between subject property and adjacent property.
4. A variance from Section 34-622 (b) and 34-3131, visibility triangle, to allow reduced visibility triangle for access to Third Street due to Town approval of SOB structure in right of way.
5. A variance from Section 34-2016 (1) and (2) parking dimensions to allow the following:

Angle	Parking Dim.	One-Way	Two-Way
45°	8' x 16'	10'	20'
60°	8' x 16'	12'	20'
75°	8' x 16'	15'	20'
90°	8' x 16'	18'	20'
6. A variance from LDC Section 10-416 (c) internal landscaping requirements for parking lots to allow no internal landscape parking lot improvements to include 2(a) no tree requirement; 2(b) no internal landscape islands; 2(c) no 10' landscape island width; 2(d) no landscape every 10 space requirement; 2(e) no median required; 2(f) no interior landscape of sod and grass and 2(g) no tree grates; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00203.0020 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case VAR2013-0007 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the LPA on January 14, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-87;

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-020, 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 34-87.

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

The Town Council hereby **APPROVES** the following variances:

1. A variance from Section 34-676(b) parking lot location, to permit off-street parking in the front and side yards as depicted on the site plan in *Exhibit E*.
2. A variance from Table 10-8 Type D buffer; a variance from Section 34-677(b)(3), requiring a buffer between off street parking and a ROW, and a variance from Section 10-416(d) requiring buffer between parking and ROW to allow a 2.5' buffer with a 41" minimum height, said buffer to be installed within two (2) years of the granting of this variance.
3. A variance from Section 34-676(c) parking lot location, to allow no rear yard connection between subject property and adjacent property.
4. A variance from Section 34-622 (b) and 34-3131, visibility triangle, to allow reduced visibility triangle for access to Third Street due to Town approval of SOB structure in right of way.
5. A variance from Section 34-2016 (1) and (2) parking dimensions to allow the following for not more than fifty percent (50%) of the parking spaces:

Angle	Parking Dim.	One-Way	Two-Way
45°	8' x 16'	10'	20'
60°	8' x 16'	12'	20'
75°	8' x 16'	15'	20'
90°	8' x 16'	18'	20'

The remaining fifty percent (50%) of the parking spaces must comply with current LDC requirements.

6. A variance from LDC Section 10-416 (c) internal landscaping requirements for parking lots to allow no internal landscape parking lot improvements to include 2(a) no tree requirement; 2(b) no internal landscape islands; 2(c) no 10' landscape island width; 2(d) no landscape every 10 space requirement; 2(e) no median required; 2(f) no interior landscape of sod and grass and 2(g) no tree grates.

CONDITIONS OF APPROVAL:

1. The applicant shall install a 2.5' wide buffer with a minimum height of 41 inches within two (2) years from the approval of the variance.
2. Applicant may utilize the parking dimensions described in variance #5 above, however, at the time of redevelopment or the application of a building permit for the subject property, the parking space dimensions must come into compliance with all provisions of Section 34-2016.
3. At the time of redevelopment, the parking lot variance allowing a front and side parking lot must come into compliance and be relocated to the rear of the subject property
4. A building overhang extending up to 12' into the right-of-way is hereby approved.

FINDINGS AND CONCLUSIONS:

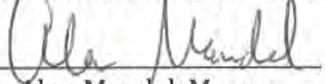
In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

- a. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- b. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- c. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- d. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

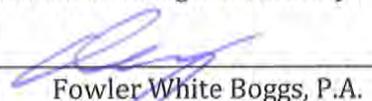
The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Kosinski and seconded by Council Member List, and upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED THIS 3rd day of **MARCH, 2014**.

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:

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

ATTEST:

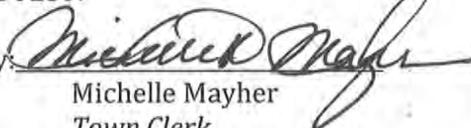
By: 
Michelle Mayher
Town Clerk

Exhibit A

Legal Description

Lots 2 through 6, 22 & 23, Block 3, Business Center Subdivision, and the Northerly $\frac{1}{2}$ of Vacated Fourth Street, according to the Map or Plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

AND

Lots 3 through 12, Block A, Island Shores Unit 2, according to the Map or Plat thereof as recorded in Plat Book 9, Page 25, Public Records of Lee County, Florida,

AND

Beginning at the Southwest Corner of Lot 9, Block A, Island Shores Subdivision, Unit No. 2, as recorded in Plat Book 9 at Page 25 of the Public Records of Lee County, Florida; thence run N $63^{\circ}58'21''$ W, 11.82 feet to the outer face of a seawall; thence run N $29^{\circ}45'28''$ E, 50.11 feet to the outer face of a second seawall; thence run N $26^{\circ}01'39''$ E, 58.50 feet along said second seawall to a point of curve to the left in said second seawall; said curve having a radius of 10 feet; thence run along said seawall and curve an arc distance of 6.39 feet thru a delta angle of $36^{\circ}37'27''$ to a point which bears S $71^{\circ}01'39''$ W, 14.90 feet from the Northwest corner of Lot 5, Block A, of said subdivision; thence run S $26^{\circ}01'39''$ W, 125.00 feet to the Point of Beginning. Said parcel contains 1120.6 square feet more or less.

Exhibit E

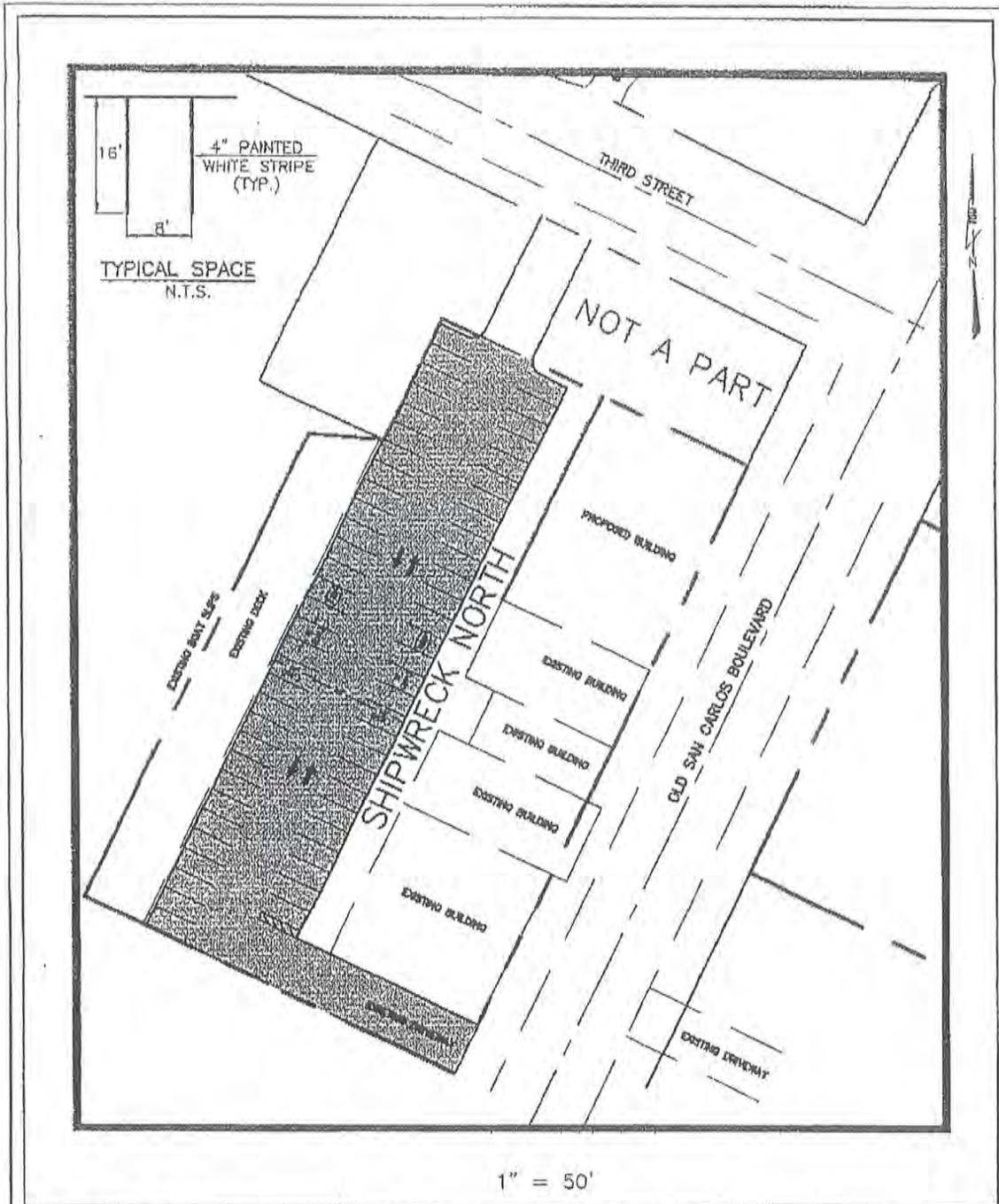


EXHIBIT A
SHIPWRECK NORTH
PARKING LAYOUT
 JOHN RICHARD
 FORT MYERS BEACH, FL
 SOURCE: TDM, 12/13

*parking dimension
variance*

J085\dambrosio\Ship\Drawings\Civil\Concept-R2



43 Barkley Circle, Suite 200
 Fort Myers, FL 33907
 Phone: (239) 433-4231
 Fax: (239) 433-9632
 Email: dean@tdmconsulting.com

varrance, 3+4

9

Exhibit E

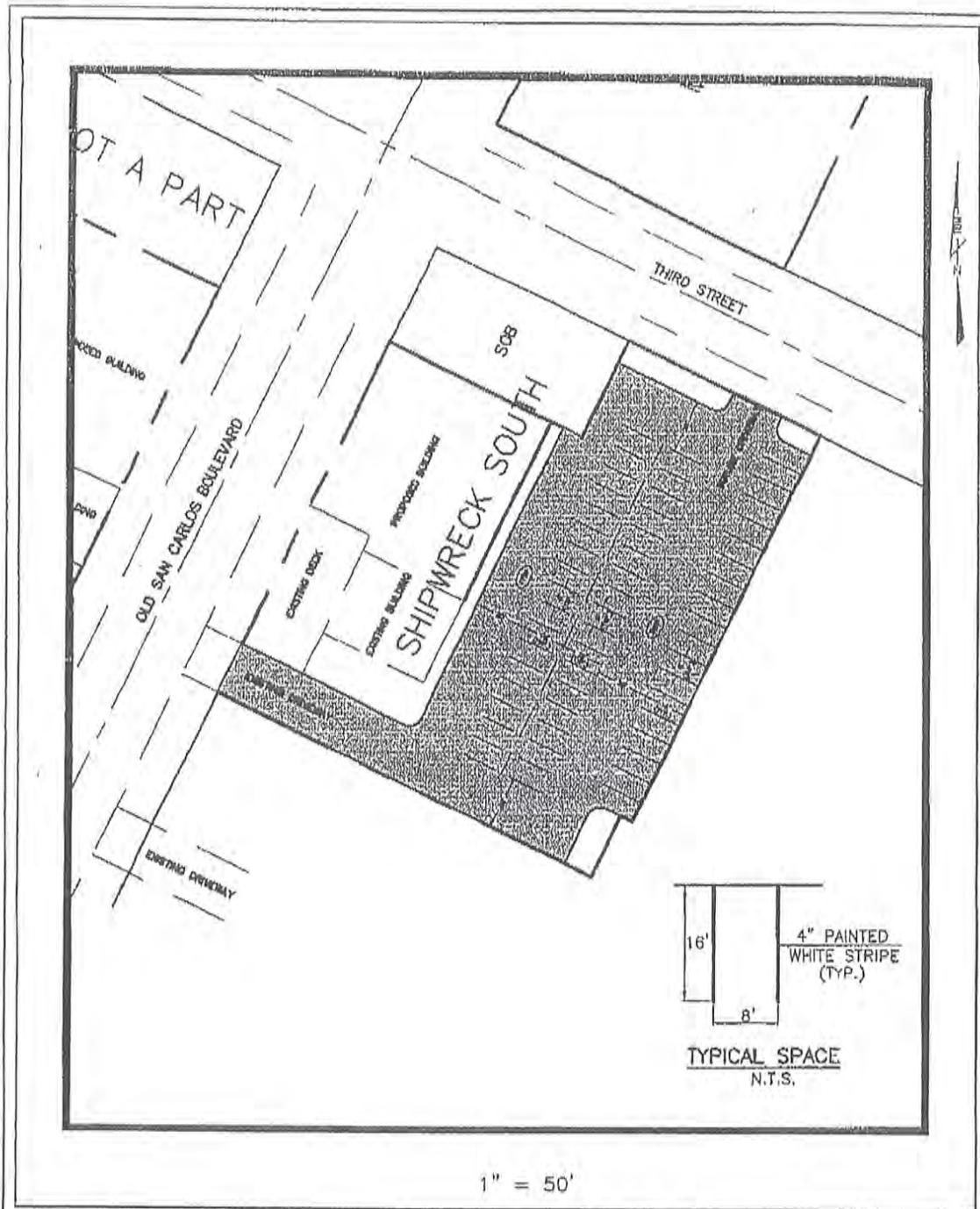


EXHIBIT A
SHIPWRECK SOUTH
PARKING LAYOUT
JOHN RICHARD
FORT MYERS BEACH, FL
SOURCE: TDM, 12/13

parking
dimension
variance

J:\085\dombrose\Ship\Drawings\Civil\Concept-R2



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9832
Email: dean@tdmconsulting.com

Variance 4

4

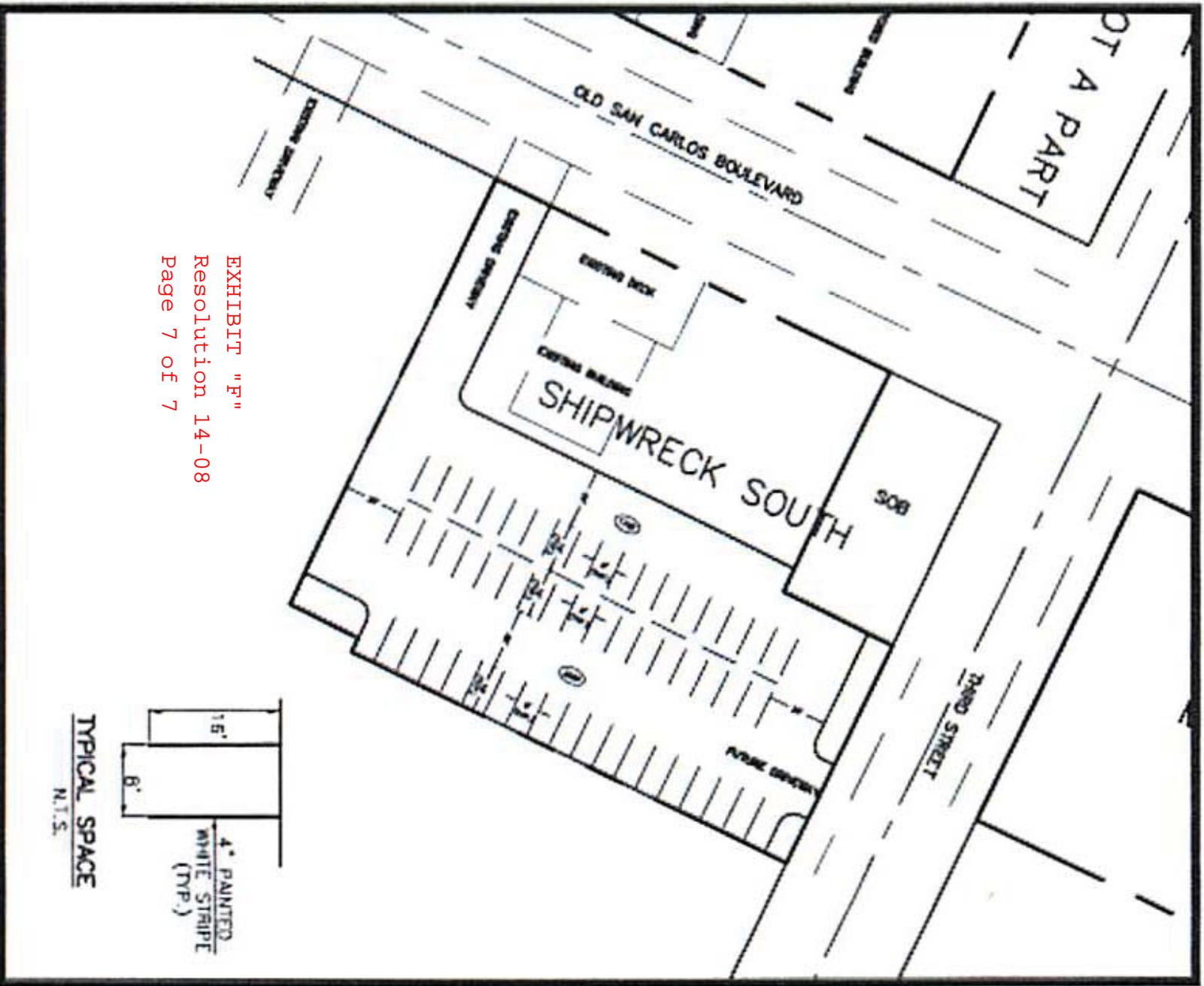
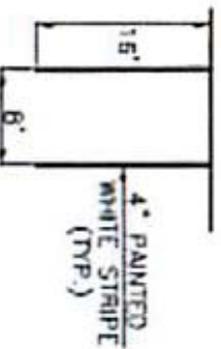


EXHIBIT "F"
 Resolution 14-08
 Page 7 of 7



1" = 50'

EXHIBIT A
 SHIPWRECK SOUTH
PARKING LAYOUT
 JOHN RICHARD
 FORT MYERS BEACH, FL
 SOURCE: PWA, 12/12

PREPARED BY
TRICASSY
DIFFERENTIAL
WARRANTY
 APPROVED BY: [Signature] [Title]

TDM CIVIL ENGINEERING
 CONSULTANTS, INC.
 43 Bunkley Circle, Suite 200
 Fort Myers, FL 33907
 Phone: (239) 433-4731
 Fax: (239) 433-8632
 Email: dean@trccadvertising.com



Town of Fort Myers Beach, Florida

DEPARTMENT OF PUBLIC WORKS
 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931
 (239) 765-0202

Exhibit G - Fish House Restaurant Special Exception Site Location

Case : SEZ16-0001

Date:	Drawn By:	Sheet:	Scale:
2/3/2016	PW GIS	1	1" = 175'

ZONING		
320 Old San Carlos Blvd	CF-Community Facilities	RC-Residential Conservation
Parcel Boundary	CM-Commercial Marina	RM-Residential Multifamily
	CPD-Commercial Planned Development	RPD-Residential Planned Development
	DOWNTOWN	RS-Residential Single Family



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199311879	Not Available		Expired

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #:	244623W3002030020
Directions:	SUMMERLIN RD TO SAN CARLOS BLVD TO FMB TURN R AFTER BRIDGET/R ON SAN CARLOS BLVD **463-2838 - ROBERT REICH**		
Description:	SEASONAL PKG LOT-12/15-5/15/94		
Important Dates:	Received: 12/13/1993	Issued: 12/17/1993	Expiration: 8/19/1994
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	6777 WINKLER RD N-176 FL 33919
Owner Builder	SELF BUILDER	123 ABC STREET LEE COUNTY FL 99999

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	12/13/1993	12/13/1993	12/13/1993	REC	
Call for Pickup	12/13/1993	12/13/1993	12/13/1993	REC	
Permit Issued	12/17/1993	12/17/1993	12/17/1993	ISS	

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00

NOW AVAILABLE! Pay Re-Inspection Fees Online

[Click here to schedule an Inspection Online](#)



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199300007	Not Available		Expired

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #: 244623W3002030020	
Directions:	FMB S ON SAN CARLOS OVER SKY BRIDGE TO R 1 BLOCK ON RAT END OF BLOCK		
Description:	TEMP PARK LOT/FMB/12-15-4-15		
Important Dates:	Received: 12/23/1992	Issued: 1/4/1993	Expiration: 9/20/1993
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	8777 WINKLER RD N-176 FL 33919
Owner Builder	SELF BUILDER	123 ABC STREET LEE COUNTY FL 99999

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	12/23/1992	12/23/1992	12/23/1992	REC	Barbara Cooke
Call for Pickup	12/23/1992	12/23/1992	12/23/1992	REC	Barbara Cooke
Permit Issued	1/4/1993	1/4/1993	1/4/1993	ISS	

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199412173	Not Available		Expired

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #:	244623W3002030020
Directions:	FMB/SUMMERLIN RD TO SAN CARLOS BLVD TO FMB OVER SKY BRIDGE+ RETURN TO SAN CARLOS BLVD #481-5276		
Description:	"REICH'S PRKG LOT" TEMP		
Important Dates:	Received: 12/19/1994	Issued: 12/23/1994	Expiration: 8/18/1995
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	8777 WINKLER RD N-178 FL 33919
Building Contractor	TEMPORARY PERMIT	123 ABC STREET FT MYERS FL 33901

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	12/19/1994	12/19/1994	12/19/1994	REC	Irene Salpietro
Call for Pickup	12/19/1994	12/19/1994	12/19/1994	REC	Irene Salpietro
Permit Issued	12/23/1994	12/23/1994	12/23/1994	ISS	

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199512301	Not Available		Expired

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #:	244623W3002030020
Directions:	FMB S ON SAN CARLOS OVER SKY BRIDGE TO R ON SAN CARLOS ENDOF 1ST BLK 463-0131		
Description:	TEMP PARKING/12-15TO5-15-96		
Important Dates:	Received: 12/19/1995	Issued: 12/22/1995	Finald: Expiration: 6/26/1996
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	P O BOX 145 FL 33931
Owner Builder	SELF BUILDER	123 ABC STREET LEE COUNTY FL 99999

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	12/19/1995	12/19/1995	12/19/1995	REC	Barbara Cooke
Call for Pickup	12/19/1995	12/19/1995	12/19/1995	REC	Barbara Cooke
Permit Issued	12/22/1995	12/22/1995	12/22/1995	ISS	Sharon Mihm

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199812893	Not Available		Archived

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #:	244623W3002030020
Directions:	FM BEACH, OVER BRIDGE GO R THEN 1ST R SAN CARLOS BLVD 463-3778 HOME BUSINESS 463-2838		
Description:	TEMP PARKING LOT(12/15-5/31/97		
Important Dates:	Received: 12/4/1996	Issued: 12/19/1996	Finalized: Expiration: 6/20/1997
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	P O BOX 145 FL 33931
Building Contractor	TEMPORARY PERMIT	123 ABC STREET FT MYERS FL 33901

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	12/4/1996	12/4/1996	12/4/1996	REC	
Call for Pickup	12/4/1996	12/4/1996	12/4/1996	REC	
Permit Issued	12/19/1996	12/19/1996	12/19/1996	ISS	
Filed in Box			7/14/2000	DONE	
<i>Comments: Expired Box 28727</i>					

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00

NOW AVAILABLE! Pay Re-Inspection Fees Online



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199712620	Not Available		Archived

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #:	244623W3002030020
Directions:	SUMMERLIN TO SAN CARLOS BLVD ACROSS SKY BRIDGE TURN R GO 1 BLOCK TURN R ON SAN CARLOS BLVD **463-3778 8AM TO 6:30PM		
Description:	TEMP PARKING 11-15-97/7-15-98		
Important Dates:	Received: 12/16/1997	Issued: 12/24/1997	Expiration: 6/28/1998
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	P O BOX 145 FL 33931
Building Contractor	TEMPORARY PERMIT	123 ABC STREET FT MYERS FL 33901

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	12/16/1997	12/16/1997	12/16/1997	REC.	
Call for Pickup	12/16/1997	12/16/1997	12/16/1997	REC.	
Permit Issued	12/24/1997	12/24/1997	12/24/1997	ISS.	
Filed in Box			5/30/2000	DONE.	
<i>Comments: Expired Box 28773</i>					

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Case Type	Value	Status
TMP199811018	Not Available		Expired

Project Name:			
Address:	320 SAN CARLOS BLVD	Strap #: 244623W3002030020	
Directions:	FMB/BUSINESS CTR/SAN CARLOS BLVD TO OLD SAN CARLOS BLVD AT THE OLD KFC BUILDING**7AM TO 10PM**785-5005		
Description:	TEMP PARKING LOT/NOV 15/JULY15		
Important Dates:	Received: 10/30/1998	Issued: 11/10/1998	Expiration: 5/11/1999
Date of Event:			

People

Role	Name	Address
Owner	REICH ROBERT L	P O BOX 145 FL 33931
Building Contractor	TEMPORARY PERMIT	123 ABC STREET FT MYERS FL 33901

Permitting/Plan Review Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
Application Received	10/30/1998	10/30/1998	10/30/1998	REC	Cathy Cropper
Call for Pickup	10/30/1998	10/30/1998	10/30/1998	REC	Cathy Cropper
Permit Issued	11/10/1998	11/10/1998	11/10/1998	ISS	

Permit/Subpermit Activity

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Inspections [Click here to schedule an Inspection Online](#)

Type	Requested	Scheduled	Completed	Disposition	County Staff
------	-----------	-----------	-----------	-------------	--------------

Fees

Item	Fee Amount	Fee Remaining
Permit Fee	100.00	0.00
Plan Review	50.00	0.00
Total	\$150.00	\$0.00

The total fee due on this permit/application is \$0.00

NOW AVAILABLE! Pay Re-Inspection Fees Online



View Case Status

The information below summarizes the permit/case you selected.

Case Number	Type of Request	Following your case on eConnect	Status
SEZ961804	Special Exception		Archived

Project Name:	RICHARD PARKING LOT	Received:	12/21/1998
Planning Community:		Jurisdiction:	
Address:	320-330 OLD SAN CARLOS BLVD FM	Strap #:	244623W3002030020
Location:			
Description:	981221201S 01.01 RICHARD PARKING LOT		
Planner:	Phone:		
Hearing Examiner Date:	9/29/1999		

People

Role	Name	Address
Owner	RICHARD JOHN W REVOKABLE TRUST	237 OLD SAN CARLOS BLVD FMB FL 33931
Planner	HRM/HOUCK	

Application Type (The target date for completion of this application is based on a complete and timely resubmittal by the applicant and may be adjusted as the project progresses throughout the process)

Type	Received	Target	Completed	Disposition
SEZ Application (Special Excep	12/21/1998		8/21/2001	Completed

Activities

Type	Received	Target	Completed	Disposition
HEX Date Established		9/29/1999		Completed
	<i>Comments: Town Council 10/11/99</i>			
Re-assign to Staff	12/21/1998	12/21/1998	8/21/2001	Completed

Fees

Item	Fee Amount	Fee Remaining
Conversion Fee Bucket	1,000.00	0.00
Total	\$1,000.00	\$0.00

The total fee due on this permit/application is \$0.00

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99- 40

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA
APPROVING / ~~DENYING~~ THE REQUEST FOR A SPECIAL EXCEPTION IN THE
COMMERCIAL DISTRICT FOR A COMMERCIAL PARKING LOT

WHEREAS, John W. Richard, Trustee, filed an application for a special exception in the Commercial district for a commercial parking lot; and,

WHEREAS, the subject property is located at 320-330 Old San Carlos Blvd., Fort Myers Beach, in S24-T46S-R23E, Lee County, FL.; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00203.0020; and,

WHEREAS, the LPA at a public hearing gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and made their recommendations to the Town Council; and,

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

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

FINDINGS AND CONCLUSIONS:

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

1. The applicant did ~~did not~~ comply with Section 34-1264 (2) b. which places the burden of proof upon the applicant to demonstrate that approval will not have any adverse affect on surrounding properties.
2. That there is no error or ambiguity in the Land Development Code of the Town which must be corrected by the Special Exception.
3. That the character and nature of the surrounding area make approval of the Special Exception, as conditioned, appropriate/ ~~inappropriate~~.

4. That the Special Exception, as conditioned, is consistent/ ~~inconsistent~~ with the goals, objectives, policies and intent of the Town Plan, and the densities, intensities and general uses set forth in the Town Plan and Land Development Code.
5. That the Special Exception, as conditioned, meets/ ~~does not meet~~ all performance and locational standards set forth for the proposed use.
6. That urban services will / ~~will not~~ be available and adequate to serve the proposed use when it is constructed.
7. That there are no environmentally critical areas or natural resources to be adversely affected by the Special Exception, as conditioned.

Conditions:

1. If the building receives an occupancy permit for any use other than dead storage, the required parking spaces for use by the building must be identified by signs that reflects that those parking spaces are reserved for customers and/or employees of the business. The signs must comply with the Town's new sign ordinance.
2. Development of the commercial parking lot must be approved through a Type 1, Limited review Development Order consistent with Town Development Code chapter 10.
3. The primary vehicular ingress/egress to the commercial parking lot must be provided from 3rd Street.
4. Secondary ingress and egress may be provided from the existing driveway on Old San Carlos Drive until such time as the Town begins implementation of the Old San Carlos Master Plan. Ingress/egress from Old San Carlos Drive may be relocated to the southern edge of the parcel when the Old San Carlos Master Plan streetscape is begun by the Town. (at the approximate location of the vacated 4th Street) if the owner's development plans so allow.
5. Handicapped parking spaces must be provided with a paved asphalt or concrete surface in accordance with the Americans with Disability Act.
6. The special exception on the westerly 60 feet of the property is limited to a 5 year time period.
7. Within 24 months of the Town's adoption of landscape requirements for a permanent commercial parking lot in the Times Square Overlay District, the applicant shall install a landscape buffer which complies with the Town requirements.

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

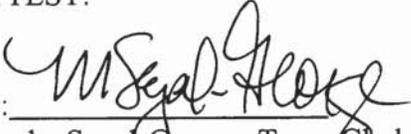
Anita T. Cereceda
Daniel Hughes
John Mulholland
Garr Reynolds
Ray Murphy

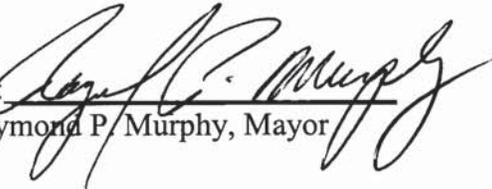
yes
yes
yes
yes
yes

APPLICATION DULY ~~DENIED~~/GRANTED this 11th day of October, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Raymond P. Murphy, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

Resolution Number 99-40 Errata

As reflected in the minutes of October 11, 1999, under VII PUBLIC HEARING: JOHN W. RICHARD, the resolution on the first page should read :

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES / ~~DENIES~~ the requested modification.
FINDINGS AND CONCLUSIONS:

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

And Condition # 7 should read:

7. Within 24 months of the date of this resolution and after Town's adoption of landscape requirements for a permanent commercial parking lot in the Times Square Overlay District, the applicant shall install a landscape buffer which complies with the Town requirements.

This correction was identified upon approval of the minutes on November 1, 1999.



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: SEZ16-0001 DATE: 02/02/2016

Site Address: 320 Old San Carlos Blvd. Fort Myers Beach, FL 33931

STRAP Number: 24-46-23-W3-00203.0020

Applicant: Barry Greenfield Phone: 2398725585

Contact Name: Barry Greenfield Fax: NA

Email: barryisland99@yahoo.com

Current Zoning District: Downtown

Future Land Use Map (FLUM) Category: Pedestrian Commercial

FLUM Density Range: 6 DUS/ac Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Special Exception | PH-A |
| <input type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other – cite LDC Section: _____ | attach on separate sheet |

PART I - General Information

A. Applicant*: **Barry Greenfield** Phone: **239 872 5585**

**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: **1523 Periwinkle Way Sanibel Island FL 33957**

Email: **barryisland99@yahoo.com** Fax: _____

Contact Name: **Barry Greenfield** Phone: **239 872 5585**

B. Relationship of Applicant to subject property:

- | | | |
|---|--|--|
| <input type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* Corporation* |
| <input type="checkbox"/> | <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"/> X 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: **Greg Stuart Stuart and Associates** Phone: **239 677 6126**

Address: **7910 Summerlin Lakes Dr. Fort Myers, FL 33907**

Email: **Greg@Stuarturbandesign.com** Fax: **NA**

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

Name: **Terry Lenick, Esq.** Phone: **239 321 1985**

Address: **5737 Summerlin Commons Blvd. Suite 202 Fort Myers, FL 33907**

Email: **terrylenick@yahoo.com** Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- X 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: None Description: _____
-
- Code Section: _____ Description: _____
-
- Code Section: _____ Description: _____
-

PART IV – Property Ownership

- X Single Owner (individual or husband and wife)
 - Name: John W Richard Phone: 239 565 9554
 - Mailing Address: 237 Old San Carlos Blvd Fort Myers Beach, FL 33931
 - Email: jwr237@gmail.com Fax: NA

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-W3-00203.0020

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
<u>John W Richard</u>	<u>100% Ownership</u>
<u>237 Old San Carlos Blvd Fort Myers Beach, FL 33931</u>	
_____	_____
_____	_____
_____	_____
_____	_____

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

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
_____	_____
_____	_____

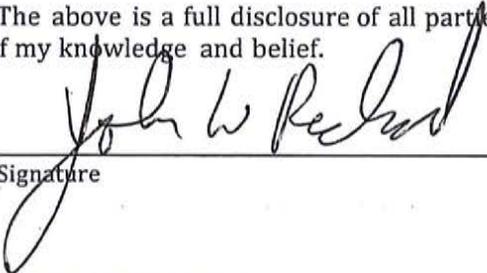
Date of Contract:

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.

 _____ Signature	_____ Printed Name
---	-----------------------

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on (date) by JOHN W RICHARD (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)



Deborah Drake
Signature

DEBORAH DRAKE
Printed Name

PART III

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

I, JOHN W. RICHARD 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.

John W Richard
Signature of owner or authorized agent

2-1-2016
Date

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 2-1-2016 (date) by JOHN W RICHARD (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)

Deborah Drake
Signature

DEBORAH DRAKE
Printed Name



PART V – Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00203.0020

Property Address: 320 Old San Carlos Blvd. Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? **X** 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:

X 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) 180-ft. +/- feet Depth (please provide an average width if irregular in shape) 156-ft. +/- feet Frontage on street: 140-ft. +/- Old San Carlos Blvd. feet. Frontage on waterbody: NA feet

Total land area: 26,285 _____ acres **X** square feet

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

Adjoining the Smokin Oyster Brewery on Old San Carlos Blvd.

X Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

X 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):

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

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

- | | |
|--|--|
| <input type="checkbox"/> Density | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Mixed Residential | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> X 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 type="checkbox"/> X 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) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Barry Greenfield 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.

Barry Greenfield
Signature of owner or authorized agent

25 Jan 16
Date

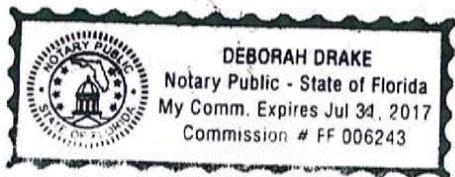
STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on (date) by JANUARY 25, 2016 (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)

Deborah Drake
Signature

DEBORAH DRAKE
Printed Name



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, _____ (name), as _____ (title) of _____ (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.

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

Signature

Title

Typed or Printed Name

Date

STATE OF FLORIDA)
COUNTY OF LEE)

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

(SEAL)

Signature

Printed Name

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit *one ORIGINAL paper copy, eleven (11) copies* and *one (1) digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Any oversized site plans, drawings, pictures, and similar materials should be submitted in a legible reduced format (no more than 11"x17", broken up onto multiple sheets if necessary).

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying.

Explanatory Notes – Part IV

³⁵/₁₇ If the property owner is an individual or husband and wife, check the box and provide the information.

³⁵/₁₇ If there are multiple property owners, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not

required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.

³⁵₁₇ If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map.

³⁵₁₇ Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 4-3. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 4-4.

Explanatory Notes – Part V

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line.
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line.
- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which).
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information.
- F. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and

addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.

- G. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
- H. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

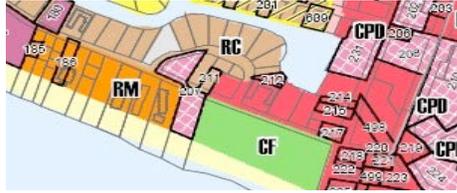
Explanatory Notes – Part VI & VII

The applicant must sign and submit either of the affidavits in Part IV & VII, as applicable.

Case # _____
 Planner _____

Date Received _____
 Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

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>Fish House Restaurant COP & Outdoor Seating Special Exception</u>
Authorized Applicant: <u>Barry Greenfield</u>
LeePA STRAP Number(s): <u>24-46-23-W3-00203.0020</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 type="checkbox"/> <u>no</u> <input checked="" type="checkbox"/> FLUM Density Range: <u>6 DUS/ac.</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:
<u>Consumption on Premise and 836 sf +/- Outdoor Seating for the new relocated Fish House Restaurant</u>

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

For Consumption of Alcoholic Beverages (COP) license approval:

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

"Request for..."

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because..."

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

“Granting the requested special exception could impact surrounding properties as follows...”

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Part 2 Submittal Requirements

Public Hearing Application Form. Applications for special exception consist of the Public Hearing form and the supplemental form PH-A. Both parts of the application form must be completed and submitted.

Site Plan. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.



STUART AND ASSOCIATES
Planning and Design Services

7910 Summerlin Lakes Drive
Fort Myers, FL 33907

C 239-677-6126
Greg@Stuarturbandesign.com

www.Stuarturbandesign.com

COP Special Exception Type of Establishment Statement

The Applicant request a Special Exception to grant a COP permit and to approve 836 sf +/- Outdoor Seating for the new Fish House Restaurant located at 320 San Carlos Blvd. The establishment is a full service restaurant, serving lunch and diner. The COP will allow for the sale of beer, wine and liquor in support of food service through the State of Florida's 4COP SRX license. This is identical to the former Estero Blvd. Fish House Restaurant. The Outdoor Seating is to support ten "four-top" tables.

Special Exception Part 1 Narrative Statement

A Request for:

Request for approval of a Special Exception in the Downtown zoning district to grant a Consumption On Premise (COP) license approval for the relocated Fish House Restaurant, located at 320 Old San Carlos Blvd., and to allow for approximately 836 sf of Outdoor Seating. The subject property's future land use is Pedestrian Commercial. The COP permit will allow for the sale of beer, wine and liquor in support of food service through the State of Florida's 4COP SRX license. The Outdoor Seating is to support ten "four-top" tables. The restaurant's seating capacity will be 150 persons, and the planned operating hours are 11:00AM to midnight.

B Reasons For The Request:

The Fish House Restaurant has been a very popular establishment for over 15 years. It is relocating, from 7225 Estero Blvd., to 320 Old San Carlos Blvd. The restaurant has always served alcoholic beverages, having received permits consistent with State and local laws. Without the sale of beer, wine and alcoholic beverages, the restaurant cannot compete in the marketplace and, as such, will fail as a business. This failure will result in the loss of 35 local jobs. Hence, the basis of this request is to insure that the new Old San Carlos Blvd. business will be successfully supported by Consumption On Premise permit and Outdoor Seating so as to allow comply with the 4COP SRX license and to meet market demand for outdoor dining.

The request and the subject property qualify for a COP Special Exception and Outdoor Seating because the project complies with the considerations found in Land Development Code 34-1264(A)(1.f) Alcoholic Beverage On-premise Consumption Restaurants, 34-1264(B)(2) Restaurant Exceptions To Location Standards and Outdoor Seating standards 34-678(e)(4). As per 34-1264(B)(2)a.1, the relocated Fish House Restaurant will be in compliance with Florida Division of Hotel and Restaurants Department of Business and Professional Regulation's Plan Review Guidelines. Specifically, the relocated restaurant will comply with:

- FSS 509.221(2) and Rules 61C-4.010(2) and (7) regarding bathroom facilities;
- Construction Finishes of Floors, Walls and Ceilings for food storage and preparation areas (Chapter 6 Food Code);
- Equipment, including sinks, refrigeration, tables, etc. (Chapters 3 – 6 Food Code);
- Fire Safety, including Automatic Fire Suppression (NFPA 96), Emergency Lights and Exit Signs (NFPA 101) and Fire Extinguishers (NFPA 10);
- Handwashing Areas (Chapter 5 Food Code);
- Lighting (Chapter 6 Food Code);
- Mop and Utility Sinks (Chapter 5 Food Code);
- Plumbing (Chapter 5 Food Code);
- Outside Premises (Chapter 6 Food Code);

- Sanitization (Chapter 4 Food Code);
- Solid Waste (Chapter 5 and 6 Food Code);
- Ventilation (Chapter 6 Food Code); and
- Water and Wastewater (Chapter 5 Food Code);

As per 34-1264(B)(2)a.2, the relocated Fish House Restaurant will serve cooked, full-course meals prepared daily on the premise. As per 34-1264(B)(2)a.3, the relocated Fish House Restaurant will use only a service bar and that the sale and service of alcoholic beverages will be for restaurant patrons.

The facilities parking will comply with the Town of Fort Myers Beach parking code (34-2020(d)(2). Under Special Exception SEZ2013-0005 Houseboat (RES 14-04) and SEZ 2013-0006 Shipwreck (RES 14-07), the parking will be provided by the 59 space Shared and Permanent Parking Lot. The parking space calculations are as follows:

Total Restaurant Area (inside and outside) @ 3,980 sf
Parking Required @ 8 spc./1000 sf = 32 spaces
50% Downtown reduction = 16 required parking spaces

The request and the subject property qualify for a COP Special Exception and Outdoor Seating because the project complies with the considerations found in Land Development Code 34-1264(K) Alcoholic Beverages in Restaurants, and and the Outdoor Seating Private Property 34-678(e)(4) Identical to the original Fish House Restaurant (located at 7225 Estero Blvd.), the new location's COP will comply with 34-1264(K)1-6, including:

- The sale of alcoholic beverages will be incidental to the sale of food;
- The sale of alcoholic beverages will be limited to no more than 49% of the combined gross sales attributed to the sale of food and beverages during any continuous 12-month period;
- The Applicant will keep separate books and records to document gross food, non-alcoholic beverage and alcoholic beverages; and
- Books and records will be available for FMB inspection and review.

As per LDC 34-88(2), the relocation of a long-established restaurant permitted to serve alcoholic beverage, to a new downtown Fort Myers Beach location presents a reasonable and legitimate change of condition that makes approval of the Consumption on Premise and Outdoor Seating Special Exception appropriate. The request complies with 34-88(2). Finally, on-site lighting will be shielded as per code.

The new Fish House Restaurant's Old San Carlos Blvd. location ensures compatibility in that it is the Town's main commercial street for food and beverage establishments. The Consumption on Premise and Outdoor Seating Special Exception request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan. The 320 Old San Carlos Blvd. location is within the town's District One Core Commercial Area. The new location fits well within the commercial corridor, and supports Times Square Objective 3-D, and Policies 3-A-5 and 6, by advancing downtown core area revitalization. The SE does not present unwarranted commercial expansion and supports the concentration of Times Square commercial uses. By ensuring the

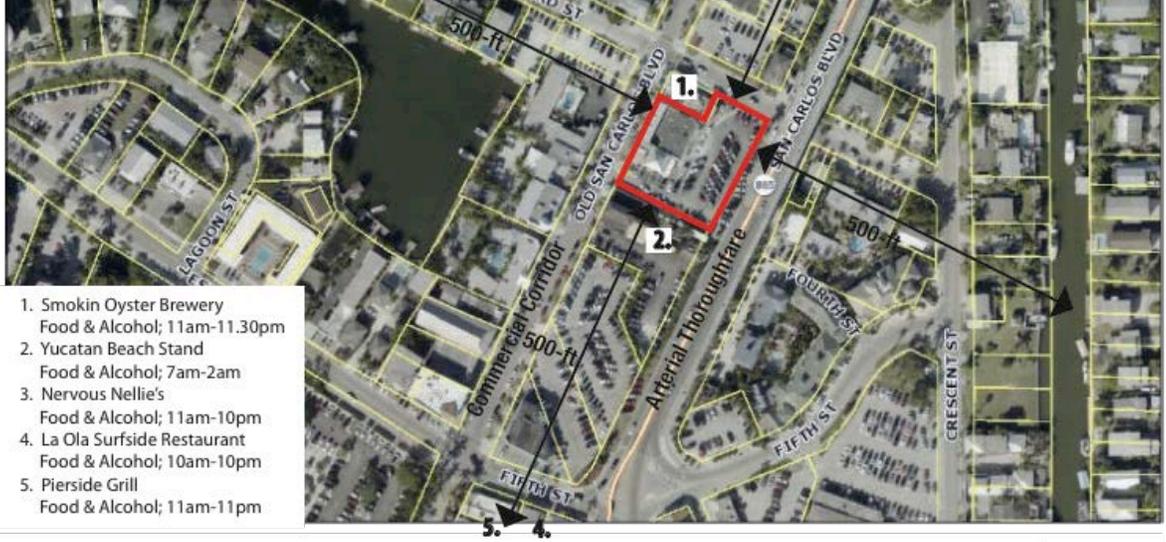
continue success of the Fish House Restaurant the COP Special Exception is consistent with maintaining the small-town character of FMB (Obj. 4-A) and enhances town economy and walkability (Policy 4-A-2). The request is consistent with Policy 4-B-6 Pedestrian Commercial Future Land Use. A denial of the COP request will not be consistent with Pedestrian Commercial in that it will preclude a viable, pedestrian oriented commercial use. The restaurant is consistent with the two story building height (Policy 4-C-4). The project is consistent with Policy 4-C-3.ii, as new commercial uses are encouraged in the Pedestrian Commercial category where a streamlined approval process is provided.

The COP Special Exception is consistent with the LDC's Location Standards restaurant exception (34-1264(B)(2)(a)) and the Outdoor Seating standards 34-678(e)(4). The project is surrounded by full service restaurants with COP and Outdoor Seating (The Yucatan and The Oyster Bar). The restaurant will be in full compliance with state rules, will serve cooked meals prepared daily, will use a service bar and will meet the requirements of 34-1264(K). The Old San Carlos Blvd. commercial corridor location is completely urbanized. The SE request has no environmentally critical areas or natural resources to protect, conserve, or preserve.

C Surrounding Properties Impacts:

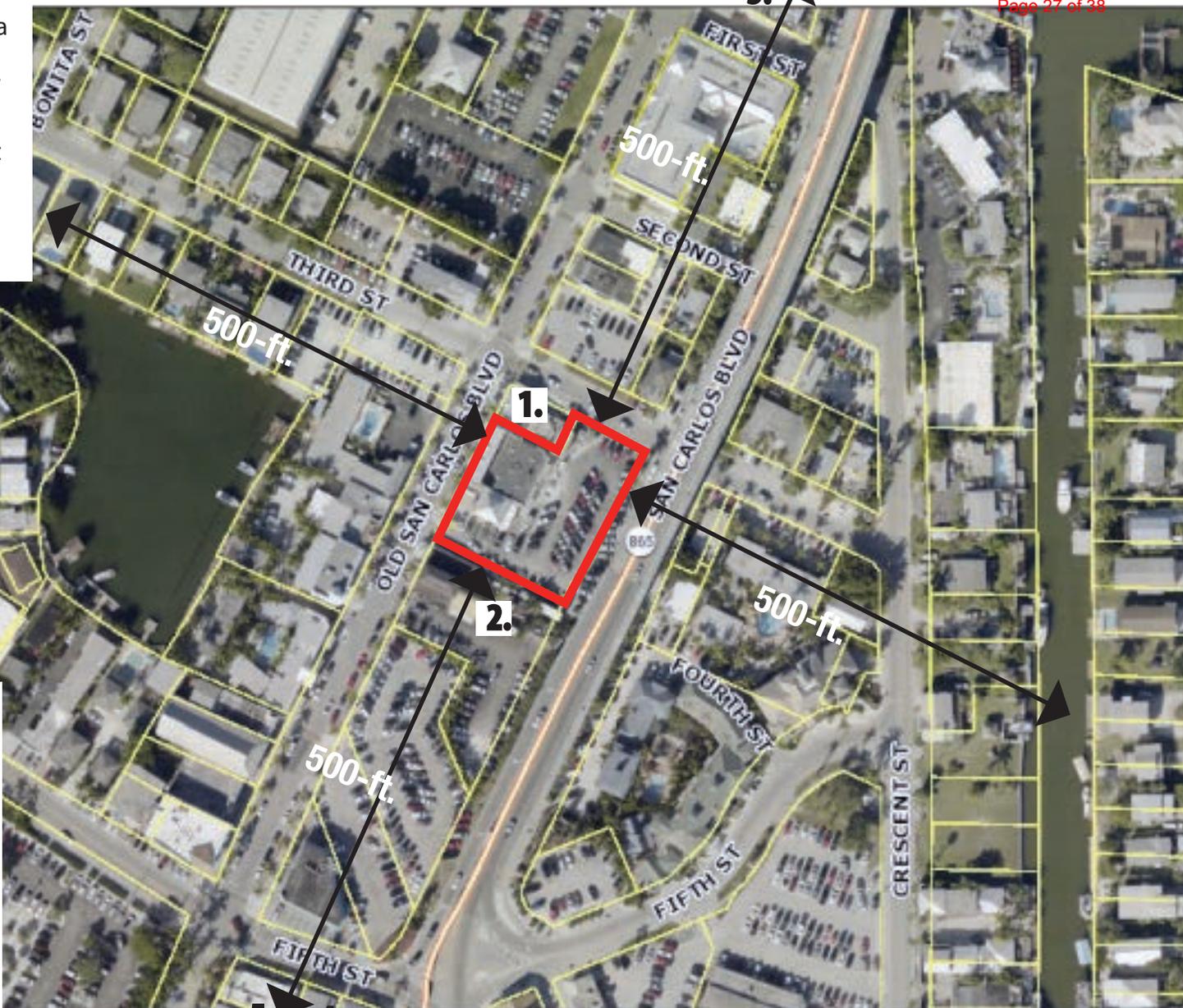
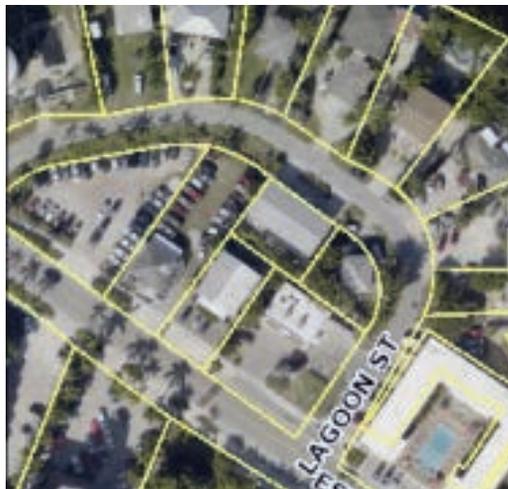
The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. The new Fish House Restaurant is ideally suited for consumption-on-premise. This is so in that it is located adjoining and adjacent to bars and restaurants that have COP's. The site backs onto San Carlos Blvd., which is Estero Islands main thoroughfare. This arterial road is characterized by having no adjoining or adjacent residential uses proximate to the project. The Old San Carlos Blvd. location is the Town's main commercial corridor, with no direct residential uses located on the strip. Hence, the location ensures compatibility and appropriateness for a COP. The Special Exception's COP and Outdoor Seating will not present residential compatibility impacts due to distance and separation. The nearest residential property (934 Third Street) is approximately 240 feet from the 320 Old San Carlos site. A commercial motel is located between the subject site and the 934 Third Street residential property.

The New Fish House Restaurant meets 34-1264 Administrative Approval criteria and standards, including Location B(2) and Parking B(3).
There are no places of worship, religious facilities, schools, day cares or parks within 500-ft.
The New Fish House Restaurant is surrounded by restaurants with bars.



The New Fish House Restaurant 320 Old San Carlos Blvd.

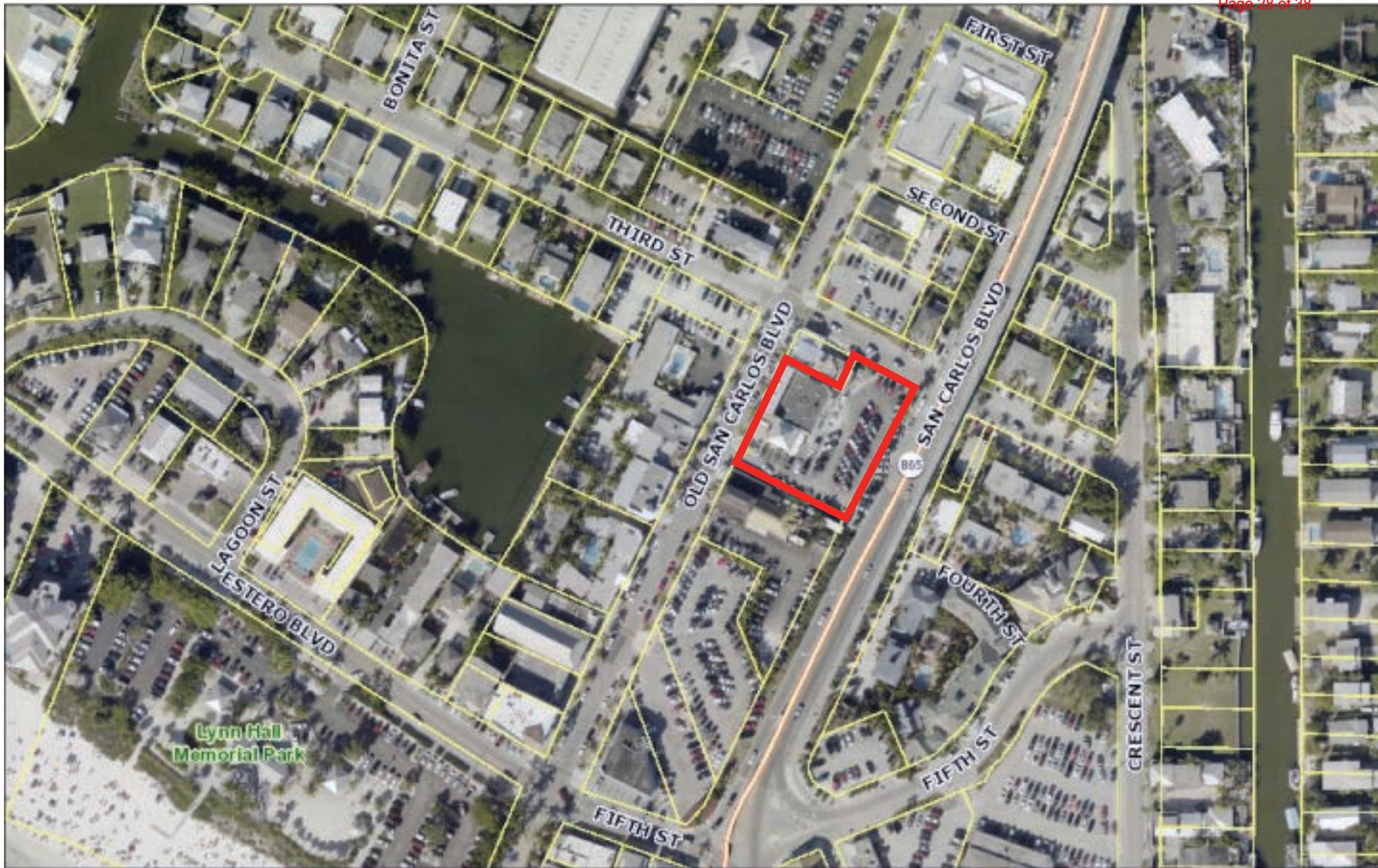
The New Fish House Restaurant meets 34-1264 Administrative Approval criteria and standards, including Location B(2)a and Parking B(3). There are no places of worship, religious facilities, schools, day cares or parks within 500-ft.; the nearest residence is 240-ft. +/- from the site. The New Fish House Restaurant is surrounded by restaurants with bars.



1. Smokin Oyster Brewery
Food & Alcohol; 11am-11.30pm
2. Yucatan Beach Stand
Food & Alcohol; 7am-2am
3. Nervous Nellie's
Food & Alcohol; 11am-10pm
4. La Ola Surside Restaurant
Food & Alcohol; 10am-10pm
5. Pierside Grill
Food & Alcohol; 11am-11pm



The New Fish House Restaurant 320 Old San Carlos Blvd.



The New Fish House Restaurant Special Exception

320 Old San Carlos Blvd.

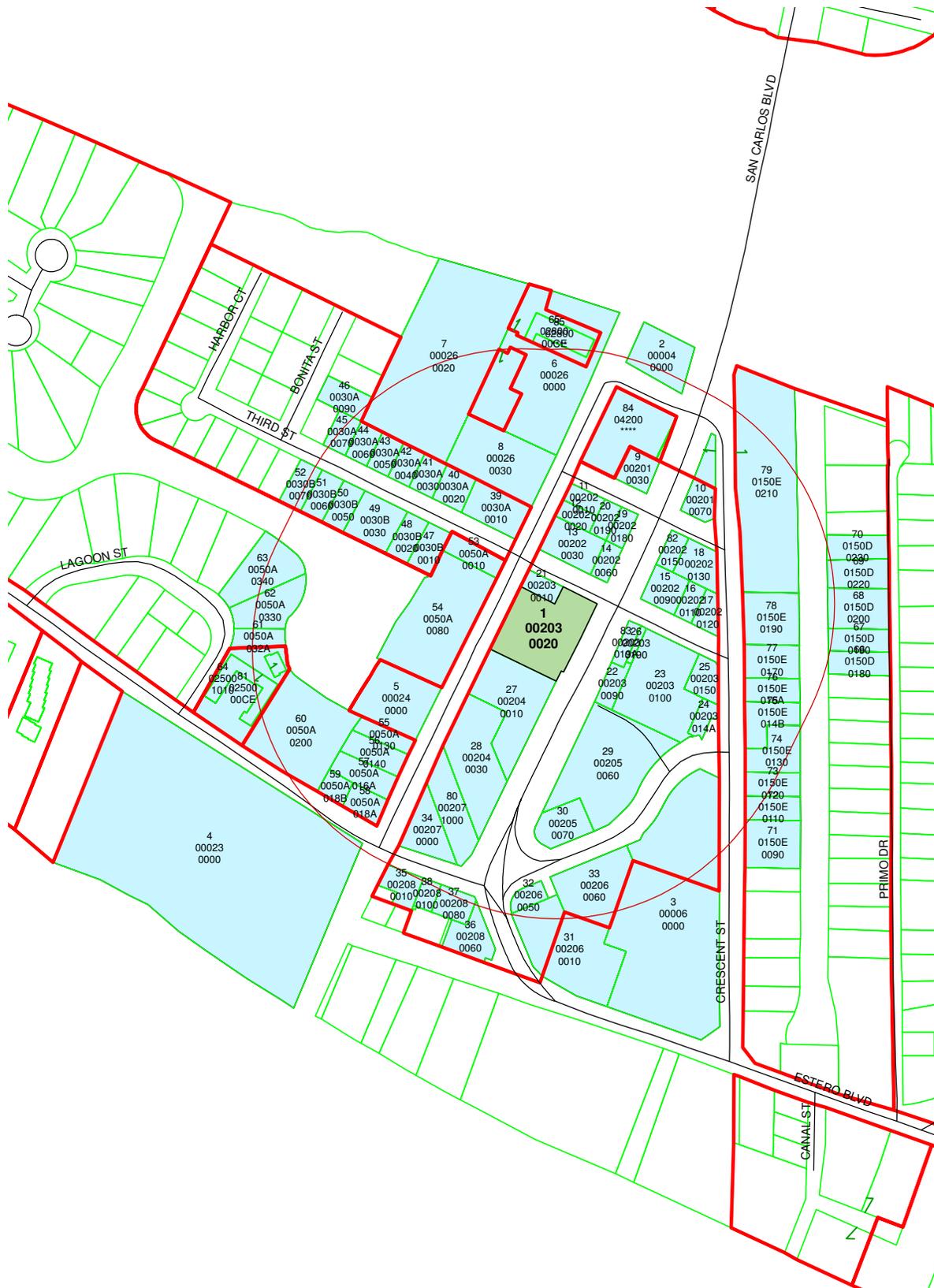
LOCATION MAP EX. 5-3



VARIANCE REPORT

1/25/2016

Subject Parcels: 1 Affected Parcels: 131 Buffer Distance: 500 ft



24-46-23-W3-00203.0020



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



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

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

VARIANCE REPORT

Date of Report: 1/25/2016 10:32:37 AM
Buffer Distance: 500 ft
Parcels Affected: 130
Subject Parcels: 24-46-23-W3-00203.0020

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-00004.0000 1131 FIRST ST FORT MYERS BEACH FL 33931	A PARL AS DESC IN OR 1246 PG 0118
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
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
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
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
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
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-00026.0030 441/445 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
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
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
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
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
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
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
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
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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
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
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
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
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
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
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)
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
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
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST
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
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
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAAMI 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
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
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
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAAMI 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
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
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
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

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).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
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
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
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
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
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
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
GRAY TIMOTHY A 1270 PARKSIDE GREEN DR APT B GREEN ACRES, FL 33415	24-46-23-W3-0030A.0070 911 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 7
LOYD STEVEN + 125 ANDRE MAR DR FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0090 430 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 9
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
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
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
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
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
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
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
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
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
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

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).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
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
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
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
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
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
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
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
STEPANEK DAVID LESLIE + 225 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0180 225 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 18 + VAC R/W + LAND ADJ CANAL
ENNIS DAVID W + BONNIE L 239 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0190 239 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 19 + VAC R/W + LAND ADJ CANAL
REDENIUS RICHARD R + NANCY G 5218 WILLIAMS DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0200 241/243 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4/46 LT20+ LT 21 LES N10+VAC ST+LAND ADJ
MACMILLAN RAYMOND B + LORRAINE 52264 RANGE ROAD 232 SHERWOOD PARK, AB T8B 1B8 CANADA	19-46-24-W4-0150D.0230 259 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 23 + VAC R/W + LAND ADJ CANAL
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
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
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
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
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
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
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

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).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00207.1000 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
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
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
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
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
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
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
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
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
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
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
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
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
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
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

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).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
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
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
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
BENNETT CHAD A + LINDY 306 APRICOT CT RICHMOND, KY 40475	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
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
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
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
SOLER JOHN H + SANDRA G 1037 STONE STACK DR BETHLEHEM, PA 18015	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
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
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
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
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
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
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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
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
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
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
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
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
SCHRAM PETER B PO BOX 386 CLAVERACK, NY 12513	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
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
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
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
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
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
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
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
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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-02800.0030 645 OLD SAN CARLOS BLVD #3 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 3
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-02800.0040 645 OLD SAN CARLOS BLVD #4 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 4
BARRIER ISLANDS MANAGEMENT LLC 16020 COOK RD FORT MYERS, FL 33908	24-46-23-W3-02800.0050 645 OLD SAN CARLOS BLVD #5 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 5
MARINA VILLAGE AT SNUG HARBOR 645 OLD SAN CARLOS BLVD #2 FORT MYERS BEACH, FL 33931	24-46-23-W3-02800.02CE 645 OLD SAN CARLOS BLVD #2 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO OR 1637 PG 1387 UNIT 2
MARINA VILLAGE AT SNUG HARBOR 645 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-02800.3010 645 OLD SAN CARLOS BLVD #301 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR A TIME-SHARE OR1637 PG1387 UNITS 301-705 (30 UNITS)



Town of Fort Myers Beach

2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: (239) 765-0202 Fax: (239)765-0909

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: SEZ16-0001

Case Name: Fish House COP w/ Outdoor Seating

Applicant: Barry Greenfield

Request: A special exception in the DOWNTOWN zoning district to grant a consumption on premises and to approve 836 square feet of outdoor seating for the new Fish House Restaurant located at 320 Old San Carlos Boulevard.

Location: 320 OLD SAN CARLOS BLVD

STRAP #: 244623W3002030020

Staff Report: Direct inquires to:
MATT NOBLE, at 239-765-0202
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the **Local Planning Agency** of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **9:00 am on 2/9/2016** regarding the case listed above. This hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

Notice is hereby given that the **Town Council** of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **6:30 pm on 02/16/2016** regarding the case listed above. This hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931. At this hearing Town Council will review the case and make a decision on this matter. If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

Copies of the staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Town Hall at 239-765-0202.