



# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

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

**CASE NUMBER:** SEZ15-0003

**STAFF REPORT DATE:** May 1, 2016

**LPA HEARING DATE:** May 10, 2016

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

**STAFF RECOMMENDATION:** DENY

#### **I. APPLICATION SUMMARY**

**Applicant/Agent:** Ron Yanke/Peter M. Maastricht, P.E.

**Request:** A special exception in the DOWNTOWN zoning district to accommodate the expansion of the existing building, modifications to stormwater drainage and expand the outdoor seating area from 1,020 square feet to 2,711 square feet of the Fish Bowl Restaurant located at 1167 Estero Boulevard within 500 feet of a dwelling unit under separate ownership.

**Subject property:** See Exhibit A

**Physical Address:** 1167 Estero Boulevard

**STRAP #:** 19-46-24-W4-0150E.001A

**FLU:** Pedestrian Commercial

**Zoning:** Downtown

**Current use(s):** Restaurant

Adjacent zoning and land uses:

North:	Canal.
South:	Estero Blvd. then Downtown (Beach Bums, Mermaid), Pedestrian Commercial FLUM.
East:	Downtown (Silver Sands Resort), Pedestrian Commercial FLUM.
West:	Downtown (Wilds), Pedestrian Commercial.

**II. BACKGROUND AND ANALYSIS**

Background:

The Fish Bowl Restaurant, 1167 Estero Boulevard, is a restaurant (FKA Surf Club) that has requested an expansion of a 4 COP liquor license and outdoor seating. The subject site 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 (see Exhibit F – Application Materials) in the Downtown zoning district to permit Consumption on Premise (4 COP SRX) within the expanded building (see Exhibit C – Site Plan) as well as the expanded Outdoor Seating (from 1,020sf to 2,711sf) area. The existing restaurant has a total gross floor area of 1,848sf +/- . The applicant proposes to add 943 square feet to the building. The 2,711sf +/- outdoor seating will be facing Estero Blvd. The site area is 13,813 square feet. The expansion to the outdoor COP seating area is contained on 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 (on Primo Street) of the subject property so the request cannot be approved administratively.

The Special Exception request is to support the proposed expanded restaurant. A Limited Development Order (LDO) has been applied for (LDO2015-0018) to accommodate the expansion. This LDO is still under review.

History

The building is the former Waffle House, which was approved by Lee County Community Development on June 22, 1998.

In April 2009 Cermak’s Surf Club LLC purchased the property. In May 2009 this new owner (Bruce Cermak), having possession of a 4COP liquor license, applied for and was granted through the administrative approval process, consumption on premises (FMBCOP2009-0001) with food. The 2009 application, Administrative Approval, as well as

other associated documents is attached as Exhibit D. The COP was granted subject to the following conditions:

1. *All requirements of LDC Section 34-1264(k) are incorporated herein by reference and the subject establishment must comply with these requirements at all times.*
2. *Consumption on premises on the subject property is limited to a restaurant within the exterior walls of the existing building (shown by the attached **Exhibit B**). Any expansion of the area designated for consumption on premises will require a new approval in compliance with all applicable requirements of the LDC at that time.*
3. *Sales, service, and consumption of alcoholic beverages on the subject property are prohibited between the hours of 2:00 AM and 9:00 AM of each day.*
4. *No outdoor areas and no areas that are less than fully enclosed on the subject property are approved for consumption on premises.*
5. *Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only. Alcoholic beverage consumption on premises in conjunction with any other use, specifically including but not limited to a bar or cocktail lounge, will require a new approval in compliance with all applicable requirements of the LDC at that time.*

Subsequent to the 2009 approval, this same applicant applied for a Special Exception (SEZ2010-0005) to allow outdoor seating with consumption on premise. This application proposed to construct a 645 square foot wood deck with a service bar over the existing dry detention area and install pavers in a 375 square foot area to create a patio adjacent to the entrance and deck access on the subject property. This request was approved (Resolution Number 11-15) with conditions on September 26, 2011. Resolution Number 11-15 is attached as Exhibit E. The conditions of approval are reproduced below:

1. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*
2. *Sales, service, and consumption of alcoholic beverages must not begin earlier than 9:00 AM and must end no later than 2:00 AM each day.*
3. *Conditions in prior approvals, including the applicant's May 29, 2009 COP (FMCOP2009-0001) will remain in effect except where such conditions have been modified by this action.*

4. *Music and other audible entertainment are prohibited before 11:00 AM and after 9:00 PM of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan is to be provided at the time of development order or permit.*

#### 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.

#### Submitted Project Narrative Request:

On March 22, 2016, the applicant provided the following request narrative:

*It is the intent of the property owner to expand the existing building, modify the storm drainage system, and expand the outdoor seating area from **1020 SF to 2711 SF**. The owner is requesting a special exception, in the Downtown zoning District, to **expand the current C.O.P. approvals (FMBCOP2009-0001)** which allows consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership.*

#### 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 The Beached Whale, The Doghouse, Key Lime Conch Shack, Yo Taco, and Lani Kai, Sunset Beach Tropical Grill, La Ola, Pierside, 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 recently been granted for the adjacent Yucatan Beach Stand, Pierside, Sunset Beach Tropical Grill, and Fish House Restaurant.

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, along Estero Boulevard near Times Square. This section of the code also encourages restaurants to provide outdoor seating on porches, patios or generally between the enclosed building and the street.

The Staff Report for the previous outdoor seating COP request (SEZ2010-0005 – Surf Club) contained the following discussion:

*The regulations of the DOWNTOWN zoning district (Chapter 34 Section 678) encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street.*

*This vicinity is one of the most intensive commercial areas of the Town, and aside from a minimal number of residential units, is located generally away from the intensely residential areas of the island. Other restaurants and bars serving alcohol on the premises, many of which include outdoor seating areas, are located in Times Square and on Old San Carlos Boulevard to the north, and on both sides of Estero Boulevard to the south. Therefore, the request for outdoor consumption on premises is appropriate at this location.*

*The sidewalks on both sides of Estero Boulevard, the availability of seasonal commercial parking lots, and the popular use of the beach near the County fishing pier and Lynn Hall Park, help to attract beach-going pedestrians to the area. The applicants' restaurant is one among a large number of commercial uses in this part of the Town, several of which have outdoor seating near the beach. The presence of visiting pedestrians transitioning between parking areas, retail stores, restaurants, the beach, and nearby motels, is a long-established custom that will not be altered by approval or denial of the current request. The immediate vicinity is within the Pedestrian Commercial future land use category and the Comprehensive Plan's vision of this area encourages commercial uses. Furthermore, the Comprehensive Plan specifically contemplates that the Times Square area (Downtown Core) include a more intensive mix of commercial uses including outdoor cafes.*

**Parking:**

LDC Section 34-2020 specifies the required parking spaces for new developments by use. This section of the code also addresses existing developments and provides that these buildings and uses may be modernized, altered, or repaired without providing additional parking spaces if there is no increase in total floor area or capacity. This part of the code also specifies that existing buildings or uses enlarged must provide additional parking spaces for the enlarged floor area in accordance with the requirements of the code. The request seeks to add 943 square feet to the building and add 2,711 square feet of outdoor COP seating or the need for 15 new parking spaces.

This section of the code requires provides that the minimum parking requirements for restaurants is eight (8) spaces per 1,000 square feet of total floor area plus any outdoor seating area. This section of the code also specifies that if the restaurant contains a cocktail

lounge or bar an additional five (5) spaces per 1,000 square feet of floor area used for the bar or cocktail lounge. Section 34-676(a) also allows for reduction in parking. The subject site is allowed a multiplier of 67% by 34-676(a)(4).

The calculations for the expanded use are as follows:

Building Addition:

943 square feet/1000 =

.943 X 8 (required parking spaces) = 7.544

Additional Outdoor COP Seating Area:

1,691 square feet/1000=

1.691 X 8(required parking spaces) = 13.528

7.544 (parking spaces for additional building area + 13.528 (parking spaces for outdoor COP seating area) = 21.072 (needed new parking spaces).

21.072 (needed new parking spaces) X 67% (Allowed LDC parking reduction) = 14.118.

Or 15 new parking spaces needed.

The existing restaurant building is 1,848 square feet with 1,020 square feet of outdoor COP seating area. Given the LDC requirements, the existing restaurant and outdoor COP seating area requires 17 parking spaces on the subject site. The application materials provide that the site will yield 16 standard parking spaces, 2 motorcycle parking spaces. The applicant is also providing 3 4-bike bicycle racks. Section 34-2020(c) provides that commercial, multiple-family, and mixed-use buildings may eliminate one (1) required parking space by providing and maintaining a bicycle rack able to hold four (4) bicycles. The applicant is also "counting" 6 boat slips as parking spaces. Staff finds that the request is not supported by adequate additional parking.

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 Times Square activity center which includes the nearby portions of Estero Boulevard. 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 Estero 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 along a Primary Street that contains extensive commercial uses. There are, however, residences on Primo Drive that are within five hundred feet of the restaurant use. The closest residential unit is approximately 150 feet away on Primo Drive (120 Primo Drive, the residence immediately behind the Beached Whale). 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 upstairs deck area has been designed to be oriented to Estero Boulevard with a back wall separating this area

from the residences located to the north along Primo Drive. The upstairs deck area is, however, directly adjacent to hotel units at Silver Sands.

The application provides the following discussion concerning potential impacts to surrounding properties:

***GRANTING THE REQUESTED SPECIAL EXCEPTION COULD IMPACT SURROUNDING PROPERTIES AS FOLLOWS:***

*There is no perceived negative impact to surrounding properties, if this request for special exception is granted. The property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The expansion and renovation of a commercial property, specifically one with an outdoor café supports the vision of the FMB Comprehensive Plan to increase commercial use, including outdoor cafes. In addition, the property owner will be operating this establishment under the conditions of the original approval that specify hours of sale, service and consumption not earlier than 9am and not later than 2am. Music and other entertainment will also not start before 11am or end after 9pm daily in outdoor seating areas.*

Town Council is the final arbitrator of what constitutes commercial intrusion into a residential neighborhood. In staff's opinion the requested activity, as conditioned, does not have the potential to disturb the "comfort" of the residents and does not constitute commercial intrusion into a residential neighborhood.

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 Estero Boulevard. Staff finds that the request is consistent with the Town's Comprehensive Plan but that the request does raise concerns with adequate parking.

**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 has accommodated the use in the past known as The Surf Club. The applicant is seeking to expand the restaurant and outdoor seating area. The applicant has provided the following concerning this consideration:

***The Comprehensive Plan notes in the Consensus on Commercial Uses:***

*"Despite the intensity of disputes over proposed commercial development at Fort Myers Beach, there is considerable consensus on several major points:*

*The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite the severe congestion during the peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings." Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore the area can support a more intensive mix of uses.*

*This request is consistent with the conditions of "a healthy movement to upgrade existing buildings" and contributing to "emerging the Times Square area as a vibrant urban core for the Town of Fort Myers Beach."*

The subject site is an example of continued development along Estero Boulevard. Staff notes there are substantial public investments in the area with the Town's Water Refresh Project and the County's improvements to the road as well as replacement of sewer lines.

In addition, 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 could make approval of the request appropriate. There are several conditions that could support denial of the request. The subject site does not have adequate parking and the upstairs deck could create compatibility issues with the adjacent hotel use.

*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:

*The request for expansion of outdoor consumption on premises is fitting with the vision for the area. The property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an 'Old Estero Island' character to the buildings."*

*In the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a "nucleus of commercial and tourist activities" with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. In the Community Design Element the Comprehensive Plan notes the Objective for the Times Square area as: "Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities."*

*The request is consistent with this vision, by providing a revitalized venue, for the enjoyment of the outdoor environment of Fort Myers Beach. This request is also consistent with the Community Design Element objective to stimulate the revitalization of the downtown core area as the nucleus of commercial and tourist activities.*

Staff finds that the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan. The request does raise compatibility concerns with the adjacent hotel use.

- 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 nature of this application indicates that the requested expansion to the use of outdoor consumption on premises is not a use allowable by right on the property. It is however, a use permitted by special exception. The request is appropriate at this location due to the property's location in the Times Square area (Downtown Core) and is consistent with the goals, objective, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

The proposed use is located in a fairly intense land use category, "Pedestrian Commercial", and is located in an activity center. The requested use raises compatibility concerns with adjacent uses. The subject site does not have adequate parking.

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

Concerning this consideration the applicant provides the following:

*The proposed expansion to existing outdoor consumption application will not have negative effects on environmentally critical areas and natural resources. The property is within an existing commercial district and all of the proposed improvements are located on areas of the site that were previously disturbed.*

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 area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan's vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes; therefore the request is compatible with the area and its vision.*

The request raises compatibility concerns 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 (Chapter 34).*

Concerning this consideration the applicant provides the following:

*The expansion to the existing outdoor consumption on premises of alcoholic beverages on the property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264.*

The requested COP and outdoor seating will not be in compliance with applicable general zoning provisions. The subject site does not have adequate parking

**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 not demonstrated that the requested special exception complies with the Town's Comprehensive Plan and the Land Development Code.

### **III. RECOMMENDATION**

Staff recommends DENIAL of the requested special exception to permit consumption on premises (4COP - SRX) approval for the Fish Bowl Restaurant including 2,711 square feet of outdoor seating.

If the Town Council chooses to approve the request, Staff is proposing to codify the conditions that apply to this restaurant, so if approved, this set of conditions would supersede the previous approvals:

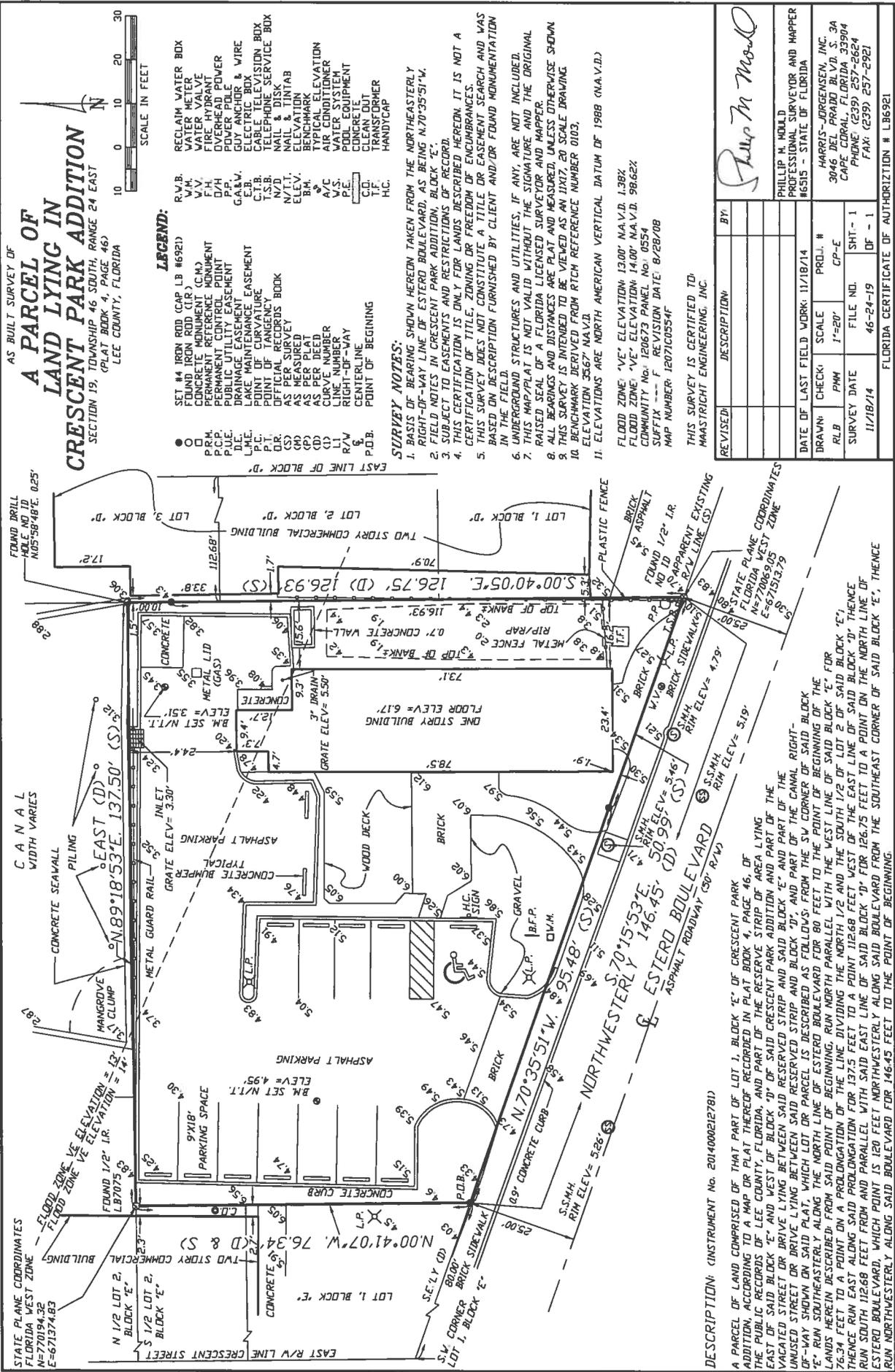
#### **CONDITIONS OF APPROVAL:**

1. *Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only (consistent with LDC Section 34-1264(k)). Alcoholic beverage consumption on premises in conjunction with any other use, specifically including but not limited to a bar or cocktail lounge, will require a new approval in compliance with all applicable requirements of the LDC at that time.*
2. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed decks as shown on Exhibit B. The ground level area must be enclosed by a 42 inch railing, except for access points, delineating the outdoor consumption area from other areas of the subject property.*
3. *Sales, service, and consumption of alcoholic beverages must not begin earlier than 9:00 AM and must end no later than 2:00 AM each day (Hours of operation are from 9 AM to 2 AM).*
4. *Music and other audible entertainment are prohibited before 11:00 AM and after 9:00 PM of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan and an outdoor lighting plan must be provided as part of the limited development order approval.*

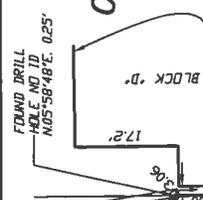
#### **Attachments:**

- A – Legal Description/Plot Plan
- B – Outdoor COP Area
- C – Site Plan
- D – COP2009-0001
- E – Resolution 11-15
- F – Application Materials

EXHIBIT A



AS BUILT SURVEY OF  
**A PARCEL OF LAND LYING IN CRESCENT PARK ADDITION**  
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
(PLAT BOOK 4, PAGE 46)  
LEE COUNTY, FLORIDA



- LEGEND:**
- SET IRON ROD (CAP LB 16921)
  - PLUMB IRON ROD (CAP LB 16921)
  - CONCRETE MONUMENT (CM)
  - △ PERMANENT REFERENCE MONUMENT
  - ▽ PUBLIC UTILITY EASEMENT
  - ▽ DRAINAGE EASEMENT EASEMENT
  - ▽ POINT OF CURVATURE
  - ▽ POINT OF TANGENCY
  - ▽ P.T. OFFICIAL RECORDS BOOK
  - ▽ D.R. AS PER SURVEY
  - ▽ C.S.D. AS MEASURED
  - ▽ C.M. AS PER PLAN
  - ▽ C.D. CURVE NUMBER
  - ▽ C.V. LINE NUMBER
  - ▽ R/W RIGHT-OF-WAY
  - ▽ P.E. CENTERLINE
  - ▽ P.O.B. POINT OF BEGINNING
- R.V.B. RECLAIM WATER BOX
  - V.V. WATER METER
  - V.V. WATER VALVE
  - F.H. FIRE HYDRANT
  - D/H OVERHEAD POWER
  - P.P. POWER POLE
  - G.A.S.V. GUY ANCHOR & WIRE
  - C.T.B. CABLE TELEVISION BOX
  - T.S.B. TELEPHONE SERVICE BOX
  - N/D. NAIL & TIN TAB
  - N/T.T. NAIL & TIN TAB
  - ELEV. ELEVATION
  - B.M. BENCHMARK
  - A.C. AIR CONDITIONER
  - V.S. WATER SYSTEM
  - P.E. POOL EQUIPMENT
  - C.C. CONCRETE
  - C.D. CLEAN OUT
  - H.A.S. HANDBRAKER
  - H.C. HANDICAP

- SURVEY NOTES:**
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, AS BEING N.70°35'51"W.
  2. FIELD NOTES IN CRESCENT PARK ADDITION, BLOCK 'E'.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
  5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
  6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
  7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
  9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
  10. BENCHMARK DERIVED FROM RICH REFERENCE NUMBER 0103.
  11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.).

FLOOD ZONE 'VE' ELEVATION 13.00' N.A.V.D. 138X  
FLOOD ZONE 'VE' ELEVATION 14.00' N.A.V.D. 96.62X  
COMMUNITY NO. 120673 PANEL NO. 0554  
SUFFIX --- F REVISION DATE: 8/28/08  
MAP NUMBER: 1207100554F

THIS SURVEY IS CERTIFIED TO:  
MAASTRICHT ENGINEERING, INC.

REVISED	DESCRIPTION	BY

DATE OF LAST FIELD WORK: 11/18/14

DRAWN	CHECK	SCALE	PROJ. #
RLB	PMW	1"=20'	CP-E

SURVEY DATE	FILE NO.	SHT - 1
11/18/14	46-24-19	DF - 1

PHILLIP M. MULLD  
PROFESSIONAL SURVEYOR AND MAPPER  
66315 - STATE OF FLORIDA

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

FLORIDA CERTIFICATE OF AUTHORIZATION # LB89E1

645 SF. WOOD DECK  
APPROVED FOR C.O.P.  
UNDER FMBSEZ  
2010-00005

375 SF. PAVER PATIO  
APPROVED FOR C.O.P.  
UNDER FMBSEZ  
2010-00005

PROPOSED GROUND  
LEVEL CONCRETE DECK  
C.O.P. #925 SF.

EXISTING BUILDING

TOTAL NEW AREA  
W/OUTDOOR C.O.P.  
#1,691 SF.

PROPOSED  
BUILDING  
EXTENSION

PROPOSED  
GROUND LEVEL  
WOOD DECK  
W/C.O.P. #133  
SF.

PROPOSED 2nd LEVEL  
DECK AREA W/C.O.P.  
#633 SF.

OUTDOOR C.O.P AREA

TOTAL AREA PROPOSED  
FOR OUTDOOR C.O.P. =  
EXISTING 1,020 S.F.  
PROPOSED 1,691 S.F.  
TOTAL = 2,711 S.F.

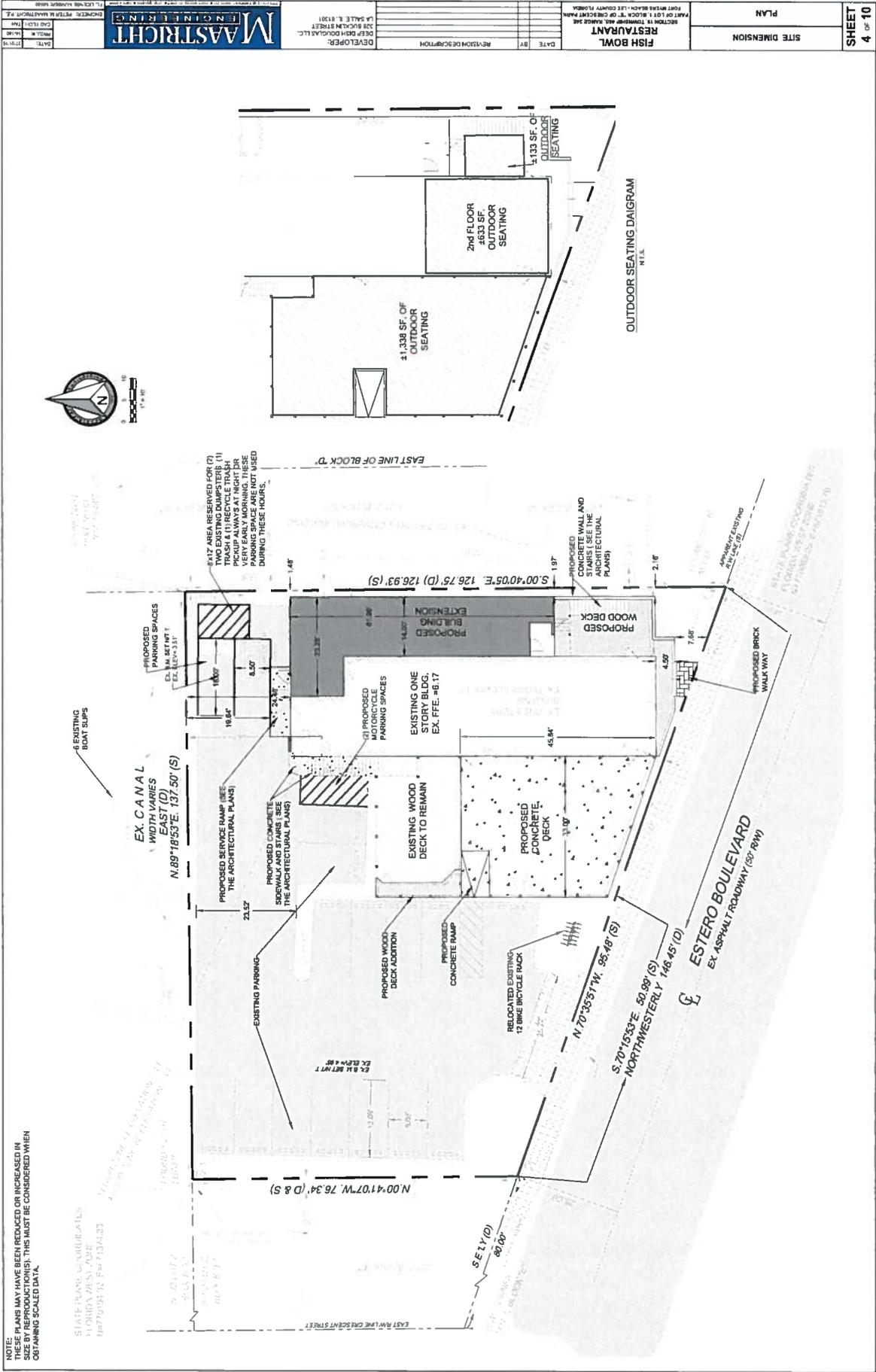
SCALE: 1" = 10'

\\MAASTRICHT-NAS\Maastricht (Engineering)\MAASTRICHT ENGINEERING\CAD\2014\14-140\LOT\COP AREA.dwg Tuesday, March 22, 2016 1:55:39 PM

<b>OUTDOOR COP</b>		<b>FISH BOWL RESTAURANT</b>		DATE: 01/22/16	REVISION DESCRIPTION	DATE: 11/22/15
<b>EXHIBIT B</b>		SECTION 19, TOWNSHIP 48S, RANGE 24E PART OF LOT 1, BLOCK "E" OF CRESCENT PARK PORT MYERS BEACH, LEE COUNTY, FLORIDA		TITLE: PER. PORT MYERS BEACH LETTER		PROJECT: '14-140
				TAX: PER. PORT MYERS BEACH LETTER		CAD TECH: TAR
						<b>SHEET</b>
						1 of 1
						ENGINEER: PETER M. MAASTRICHT, P.E.
						FL LICENSE NUMBER: 50980

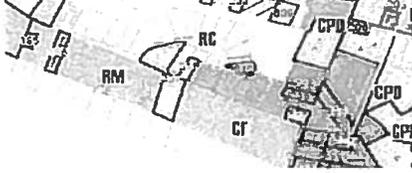


EXHIBIT C

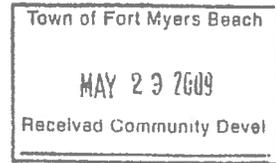


COP 2009-0001

Town of Fort Myers Beach  
 Department of Community Development



Zoning Division



**Application for Administrative Action**

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any Administrative Action. The second part will address additional information for the specific type of action requested.

Project Name:	SURF CLUBS
Authorized Applicant:	BRUCE CEMAK
LeePA STRAP Number(s):	164624W40150 E..001A

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

Action Requested	Additional Form Required
<input type="checkbox"/> Amendment to Planned Development	Form AA-A
<input type="checkbox"/> Commercial Antenna	Form AA-B
<input checked="" type="checkbox"/> Consumption on Premises (Administrative)	Form AA-C
<input type="checkbox"/> Forced Relocation of Business	Form AA-D
<input type="checkbox"/> Interpretation of Land Development Code	Form AA-E
<input type="checkbox"/> Minimum Use Determination	Form AA-F
<input type="checkbox"/> Setback Variance (Administrative)	Form AA-G
<input type="checkbox"/> Other (cite LDC section number: _____) attach explanation	

Town of Fort Myers Beach  
 Department of Community Development  
 2523 Estero Boulevard  
 Fort Myers Beach, FL 33931  
 (239) 765-0202

EXHIBIT D

PART I - General Information

A. Name of applicant:

Address: Street:	1167 Estero Blvd.		
City:	Fort Myers Beach	State:	FL Zip Code: 33931
Phone:	239. 463. 9256		
Fax:	239. 463. 3118		
E-mail address:			

B. Relationship of applicant to property (check appropriate response)

<input checked="" type="checkbox"/> Owner (indicate form of ownership below)	
<input type="checkbox"/> Individual (or husband/wife)	<input type="checkbox"/> Partnership
<input type="checkbox"/> Land Trust	<input type="checkbox"/> Association
<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Timeshare Condo
<input type="checkbox"/> Authorized representative (attach authorization(s) as Exhibit AA-1)	
<input type="checkbox"/> Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)	
<input type="checkbox"/> Town of Fort Myers Beach (Date of Authorization: _____)	

C. Agent's name(s): (use additional sheets if necessary) Bruce Cermak

Mailing address: Street:	1167 Estero Blvd		
City:	Fort Myers Beach	State:	FL Zip Code: 33931
Contact Person:	Bruce Cermak		
Phone:	239. 463. 9256	Fax:	239 463. 3118
E-mail address:	brucecermak@aol.com		

D. Nature of request: (please print or type)

Administrative approval of consumption on premises with feed
--

E. Is the request specific to a particular tract of land?

<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, complete PART II of this form
---

PART II - Property Information

A. Is the action being requested as a result of a violation notice?

<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
If yes, give date of notice:
Specific nature of violation:

EXHIBIT D

B. Property owner:

Name:	Cermak Surf Club LLC		
Address: Street:	1167 Estero Blvd.		
City:	F.M.B.	State:	FL Zip Code: 33931
Phone:	239.463.9256	Fax:	239.463.3118
E-mail address:	bruce.cermak@AOL.com		

C. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?

Yes     No

If yes:

Subdivision name:

Plat Book Number:      Page:      Unit:      Block:      Lot:

If no:

Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit AA-3. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

D. Boundary Survey

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

E. STRAP Number:

192624 ~~W~~ - 0150E.001A

F. Property Dimensions:

Area:	square feet	acres
Width along roadway:	feet	Depth: feet

G. Property Street Address:

1167 Estero Blvd.

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

Left at bottom of bridge

I. Property Restrictions (check applicable):

There are no deed restrictions or covenants on this property that affect this request.

Restrictions and/or covenants are attached as Exhibit AA-4

A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit AA-5.

EXHIBIT D

PART III – Affidavit

Application Signed by Individual Owner or Authorized Applicant

I, Bruce Cermak, 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 Town 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 supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

\_\_\_\_\_  
 Signature Typed or Printed Name

State of \_\_\_\_\_  
 County of \_\_\_\_\_

The foregoing instrument was sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ by \_\_\_\_\_  
(date) (name of person under oath or affirmation)  
 who is personally known to me or produced \_\_\_\_\_  
(type of identification)  
 as identification.

\_\_\_\_\_  
 Signature of person administering oath Typed or Printed Name

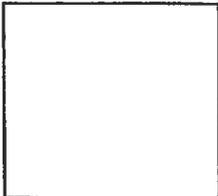
SEAL: 

EXHIBIT D

PART III - Affidavit

Application Signed by a Corporation, Limited Liability Company (LLC), Limited Company (LC), Partnership, Limited Partnership, or Trustee

See attached explanatory notes for instructions

I, Bruce Cermak, as OWNER of SURF CLUB, 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 Town 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 supplemental matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of the Town of Fort Myers Beach and Lee County Department of Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Cermak's Surf Club LLC, MANAGING PARTNER, Bruce Cermak, Signature, Bruce Cermak, Typed or Printed Name

State of Florida, County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 28th of May 2009 by BRUCE CERMAK who is personally known to me or who has produced

as identification, Lois A. Poff, Signature of person administering oath, Lois A. Poff, Typed or Printed Name

SEAL: LOIS A. POFF, NOTARY PUBLIC - STATE OF FLORIDA, COMMISSION # DD450227, EXPIRES 7/12/2009, BONDED THRU 1-888-NOTARY1

## EXHIBIT D

### Explanatory Notes – General

On page 1, place a check mark next to the type of action being requested.

1. Applications for an administrative amendment to a Commercial Planned Development or Residential Planned Development must include this form and supplemental form AA-A.
2. Applications for administrative approval of commercial antenna placement must include this form and supplemental form AA-B.
3. Applications for administrative approval of alcoholic beverage consumption on premises must include this form and supplemental form AA-C. Check with Community Development staff first to find whether your request can be approved administratively or if you will need to request a public hearing for special exception approval.
4. Applications for an administrative approval of a forced relocation of a business must include this form and supplemental form AA-D.
5. Applications for an administrative interpretation of the Land Development Code must include this form and supplemental form AA-E.
6. Applications for a minimum use determination must include this form and supplemental form AA-F.
7. Applications for an administrative setback variance must include this form and supplemental form AA-G. Check with Community Development staff first to find whether your request can be approved administratively or if you will need to request a public hearing for a variance.
8. Other administrative applications, such as for deviations from LDC Chapter 10 or LDC Chapter 26, may require additional information.

### Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.

B. Relationship of applicant to owner: If the applicant is not the owner of the property, state the relationship of the applicant to the owner (option holder, contract purchaser, lessee, trustee, agent, etc) and submit a notarized authorization from the owner(s) to the applicant.

## EXHIBIT D

- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Nature of request: State, in general terms, the purpose of the request.
- E. Specific property: If the request is specific to a particular tract of land, complete Part II of the form.

### Explanatory Notes – Part II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. Applications for administrative interpretations of ordinances that do not affect only a particular parcel do not need to complete this part.

- A. If the request is due to a notice of violation, please indicate the date it was issued, the type of notice (building code, zoning, etc) and what the violation was.
- B. If the owner is the applicant, write "same as applicant."
- C. 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. The initial point in the description must be related to an established identifiable real property corner, such as a government corner or a recorded corner. The bearings in the description must be referenced to a well-established and monumented line.
- D. 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, locations of wetlands, etc) that are relevant to your request.

## EXHIBIT D

- E. 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>.
- F. Provide the property dimensions.
- G. Include the street address of the property.
- H. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which).
- I. If there are any deed restrictions or covenants that might affect the requested action, provide the information.

### Explanatory Notes for Part III

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.

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.

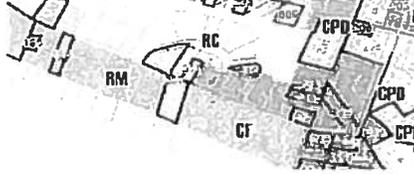
Any oversized site plans, drawings, pictures, and similar materials (larger than 11 x 17) should be submitted in both paper and electronic format.

EXHIBIT D

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

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

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



Zoning Division

**Supplement AA-C**

**Additional Required Information for an Application for  
 Consumption-on-Premises (administrative approval)**

This is the second part of a two-part application. This part requests specific information for an administrative approval of Consumption-on-Premises. Include this form with the Request for Administrative Action form. Only use this form if LDC Sections 34-1261 through 34-1264 clearly allow administrative approval of your request. Otherwise, use the public hearing form and the supplement for special exception.

Applicant: <u>BRUCE CERMAK</u>
Location of subject property:
Street address: <u>1167 Estero Blvd.</u>
STRAP Number: <u>164624W40/50E.001A</u>
Current zoning: <u>Downtown</u>
Future Land Use Map Category: <u>Ped. commercial</u>

1. Type of License: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Temporary
2. Name of Establishment <u>SURF CLUB</u>
3. Type of Establishment:
<input type="checkbox"/> Bar/cocktail lounge <input type="checkbox"/> charter/cruise ship
<input type="checkbox"/> Membership club <input type="checkbox"/> golf course clubhouse
<input type="checkbox"/> Hotel/motel <input checked="" type="checkbox"/> restaurant
<input type="checkbox"/> Restaurant with outdoor seating
4. Requested hours of operation: <u>9AM - 2AM</u>
5. Type of license requested: <u>LCOP</u>

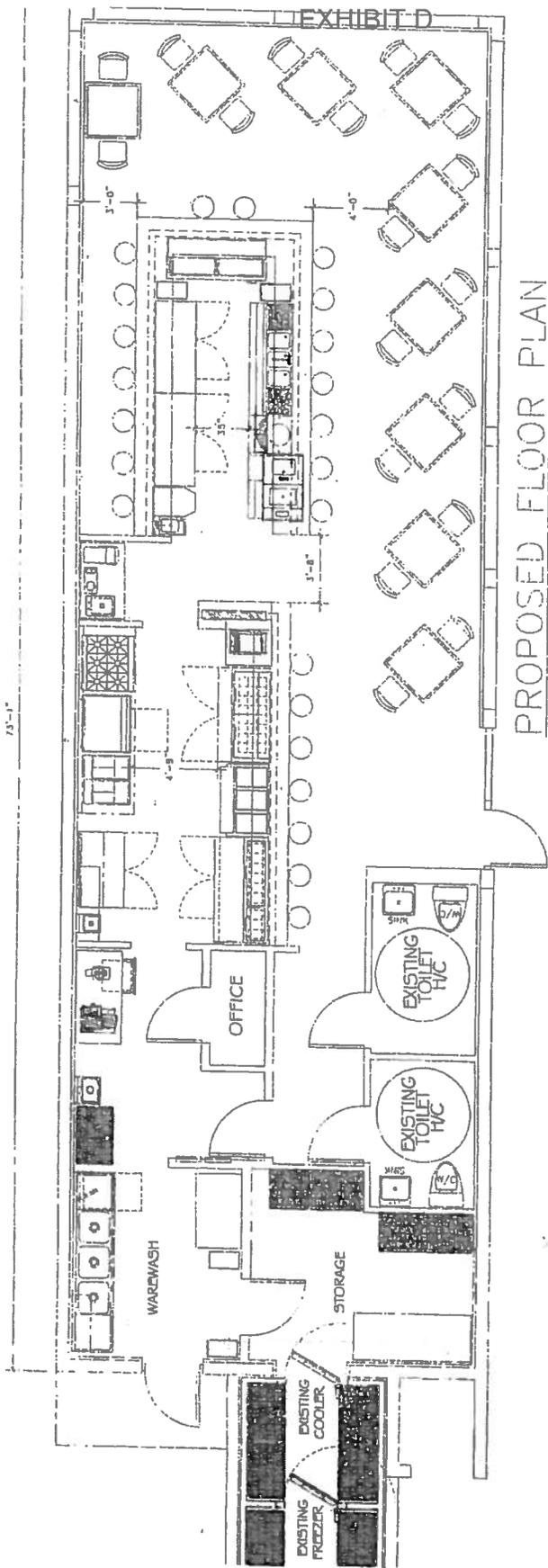
EXHIBIT D

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

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

6. Additional required information for regular (not temporary) permit:
- a. Notarized authorization from property owner to apply for permit
  - b. Town map marked to show existing uses on all property within 500 feet of the building to be used for consumption on premises
  - c. Site plan and floor plan drawn to scale

See LDC Sections 34-1261 through 34-1264 for rules regarding alcoholic beverage consumption-on-premises permitting. Ensure that the requested consumption-on-premises use does not require a special exception before using this form.



PROPOSED FLOOR PLAN  
SCALE: 1/4" = 1'-0"

**41 SEATS PROVIDED**



# RECEIPT

*Town of Fort Myers Beach*

2523 Estero Blvd  
Fort Myers Beach, FL 33931  
Phone: (239) 765-0202

1167 ESTERO BLVD  
FORT MYERS BEACH, FL 33931  
CONSUME ON PREMISES

Project No: COP2009-0001  
Receipt No: P462

**Fee Description**

**Fee Amount**

---

**ADMINISTRATIVE ACTIONS**

FCS 5/29/2009: 09-04 reduce	01.000.329.3203	-\$250.00
Administrative COP	01.000.329.3203	\$ 1,000.00

---

**Total Fees Paid:**

**\$ 750.00**

Date Paid: 05/29/2009

Paid By: Cermak's Nu-Wave Inc

Pay Method: Check 17379

Received By: FRANK SHOCKEY

CUSTOMER

EXHIBIT D

ADMINISTRATIVE APPROVAL  
TOWN OF FORT MYERS BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COP2009-0001

WHEREAS Bruce Cermak, registered agent and managing member of Cermak's Surf Club LLC (owner of the subject property), applied for administrative approval of consumption on premises of alcoholic beverages in conjunction with a restaurant, under the provisions of Fort Myers Beach Land Development Code (LDC) Chapter 34, Article IV, Division 5; and

WHEREAS the subject property is located at 1167 Estero Boulevard, Fort Myers Beach, FL and is legally described in the attached **Exhibit A**; and

WHEREAS the current zoning of the subject property is DOWNTOWN; and

WHEREAS the applicant submitted an application containing the information required by LDC Section 34-1264(c)(1) to the Town; and

WHEREAS the subject property contains an existing enclosed building and a parking lot with 15 parking spaces, and the applicant proposes to operate a restaurant within the existing building; and

WHEREAS the existing enclosed building contains approximately 1835 square feet of floor area; and

WHEREAS the existing building is undergoing interior remodeling under building permit COM09-0113, issued June 9, 2009, and the proposed floor plan within the exterior walls of the building is attached hereto and incorporated herein by reference as **Exhibit B**; and

WHEREAS LDC Section 34-1264(a)(1) allows the director to approve administratively an application for consumption on premises in conjunction with a restaurant, provided the additional requirements of LDC Sections 34-1264(b)(2)a and 34-1264(b)(3) are met; and

WHEREAS LDC Section 34-1264(b)(2)a. requires that a restaurant (1) be in full compliance with state requirements, (2) serve cooked, full-course meals, prepared daily on the premises, (3) provide beverages from a service bar only to patrons ordering meals, or in a cocktail lounge for patrons waiting to be seated at dining tables with no exterior indication that the cocktail lounge is within the building, and (4) comply with the additional requirements of LDC Section 34-1264(k); and

## EXHIBIT D

WHEREAS LDC Section 34-1264(b)(3) requires that a restaurant satisfy the parking requirements contained in LDC Section 34-2020(d)(2); and

WHEREAS the number of parking spaces required by LDC Section 34-2020(d)(2)h. for 1835 square feet of floor area used for a restaurant in the DOWNTOWN zoning district at the subject property location is 10, and the existing parking lot on the subject property contains 15 parking spaces; and

WHEREAS the application does not request any outdoor or unenclosed seating areas for consumption-on-premises uses on the subject property; and

WHEREAS the director makes the following findings of fact:

1. All applicable standards have been met;
2. There will be no deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises;
3. The premises are suitable in regard to their location, site characteristics, and intended purpose;
4. All the preceding clauses introduced by "WHEREAS" are incorporated herein as findings of fact;

NOW, THEREFORE, the Director **APPROVES** the requested administrative approval of a consumption-on-premises permit under LDC Section 34-1264(a)(1),

**SUBJECT TO the following conditions:**

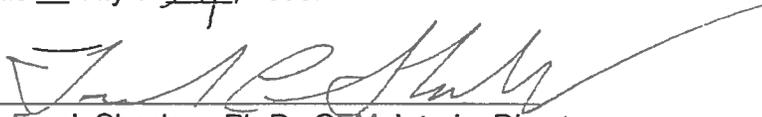
1. All requirements of LDC Section 34-1264(k) are incorporated herein by reference and the subject establishment must comply with these requirements at all times.
2. Consumption on premises on the subject property is limited to a restaurant within the exterior walls of the existing building (shown by the attached **Exhibit B**). Any expansion of the area designated for consumption on premises will require a new approval in compliance with all applicable requirements of the LDC at that time.
3. Sales, service, and consumption of alcoholic beverages on the subject property are prohibited between the hours of 2:00 AM and 9:00 AM of each day.

EXHIBIT D

4. No outdoor areas and no areas that are less than fully enclosed on the subject property are approved for consumption on premises.
5. Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only. Alcoholic beverage consumption on premises in conjunction with any other use, specifically including but not limited to a bar or cocktail lounge, will require a new approval in compliance with all applicable requirements of the LDC at that time.

DULY ADOPTED this 16 day of July, 2009.

By:



Frank Shockey, Ph.D., CFM, Interim Director  
Department of Community Development  
Town of Fort Myers Beach

## EXHIBIT D

FMBCOP2009-0001

Exhibit A

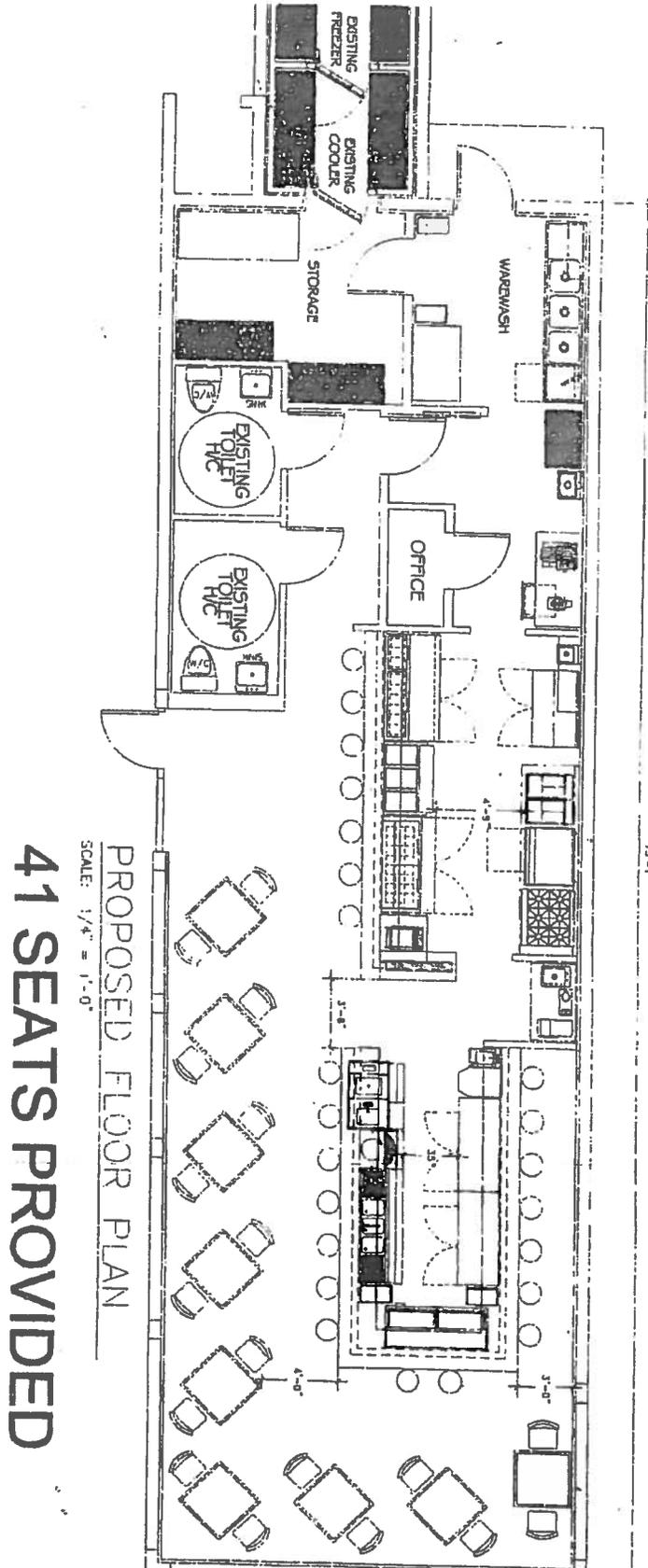
**A lot or parcel of land comprised of part of Lot 1, Block "E" of CRESCENT PARK ADDITION, according to a map or plat thereof recorded in Plat Book 4, page 46, of the Public Records of Lee County, Florida, and part of the reserved strip of area lying East of said Block "E" and West of Block "D" of said Crescent Park Addition and part of the vacated street or drive lying between said reserved strip and said Block "E" and part of the unused street or drive lying between said reserved strip and Block "D", and part of the canal right-of-way shown on said plat, which lot or parcel is described as follows: From the SW Corner of said Block "E" run Southeasterly along the North line of Estero Boulevard for 80 feet to the Point of Beginning of the lands herein described: From said Point of Beginning, run North parallel with the West line of said Block "E" for 76.34 feet to a point on a prolongation of the line dividing the North 1/2 and the South 1/2 of Lot 2 of said Block "E"; thence run East along said prolongation for 137.5 feet to a point 112.68 feet West of the East line of said Block "D" thence run South 112.68 feet from and parallel with said East line of Block "D" for 126.75 feet to a point on the North line of Estero Boulevard, which point is 120 feet Northwesterly along said boulevard from the Southeast corner of said Block "E", thence run Northwesterly along said boulevard for 146.45 feet to the Point of Beginning.**

EXHIBIT D

FMBC092009/0001  
Cermak's Surf Club

EXHIBIT ( B )

FCS



PROPOSED FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
**41 SEATS PROVIDED**

## EXHIBIT D

INSTR # 2009000097880, Doc Type D, Pages 2, Recorded 04/14/2009 at 03:31 PM,  
Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D \$7000.00 Rec. Fee  
\$18.50 Deputy Clerk DMERCIER

1/11/09  
2:00

Prepared by and return to:  
Title Professionals of Florida  
13241 University Drive, Suite 103  
Fort Myers, Florida 33907  
incidental to the issuance of a title insurance policy.  
Parcel Identification Number: 19-46-24-W4-0150E.001A  
File Number: 09001942TPF

(Space Above This Line For Recording Data)

### Warranty Deed

This Warranty Deed made this 10th day of April, 2009, by

J.Harold Chastain, Individually and as Trustee of the JHC 2003 Trust dated April 9, 2003,

hereinafter called the GRANTOR, to

Cermak's Surf Club, LLC.,

whose post office address is 1167 Estero Blvd., Fort Myers Beach, FL 33931,  
hereinafter called the GRANTEE:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land, situate in Lee County, Florida, viz:

A lot or parcel of land comprised of part of Lot 1, Block "E" of CRESCENT PARK ADDITION, according to a map or plat thereof recorded in Plat Book 4, page 46, of the Public Records of Lee County, Florida, and part of the reserved strip of area lying East of said Block "E" and West of Block "D" of said Crescent Park Addition and part of the vacated street or drive lying between said reserved strip and said Block "E" and part of the unused street or drive lying between said reserved strip and Block "D", and part of the canal right-of-way shown on said plat, which lot or parcel is described as follows: From the SW Corner of said Block "E" run Southeasterly along the North line of Estero Boulevard for 80 feet to the Point of Beginning of the lands herein described: From said Point of Beginning, run North parallel with the West line of said Block "E" for 76.34 feet to a point on a prolongation of the line dividing the North 1/2 and the South 1/2 of Lot 2 of said Block "E"; thence run East along said prolongation for 137.5 feet to a point 112.68 feet West of the East line of said Block "D" thence run South 112.68 feet from and parallel with said East line of Block "D" for 126.75 feet to a point on the North line of Estero Boulevard, which point is 120 feet Northwesterly along said boulevard from the Southeast corner of said Block "E", thence run Northwesterly along said boulevard for 146.45 feet to the Point of Beginning.

This property is not the homestead of the Grantor(s) nor is it contiguous to the homestead of the Grantor(s).

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2008 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

EXHIBIT D

INSTR # 2009000097880 Page Number: 2 of 2

IN WITNESS WHEREOF, GRANTOR has hereunto has signed and sealed these presents the date set forth above.

Signed, sealed and delivered in our presence:  
(TWO WITNESSES REQUIRED)

WITNESSES:

Robert J. M. McKinley  
 Signature of Witness  
 Printed Name of Witness: ROBERT J. MCGINLEY

J. Harold Chastain  
 Signature of Witness  
 Printed Name of Witness: J. Harold Chastain, Individually and as Trustee

Donna J. Davis  
 Signature of Witness  
 Printed Name of Witness: Donna J. Davis

STATE OF FLORIDA

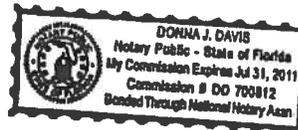
COUNTY OF Manatee

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared J. Harold Chastain, Individually and as Trustee of the JHC 2003 Trust dated April 9, 2003, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that: he, she and/or they, executed the same, and an oath was not taken. (Check one)  Said person(s) is/are personally known to me.

Said person(s) provided the following type of identification \_\_\_\_\_  
 WITNESS my hand and official seal in the County and State last aforesaid this 3<sup>rd</sup> day of April, 2009.

Donna J. Davis  
 Notary Public  
 Printed Name: Donna J. Davis  
 My Commission Expires: July 31, 2011

SEAL



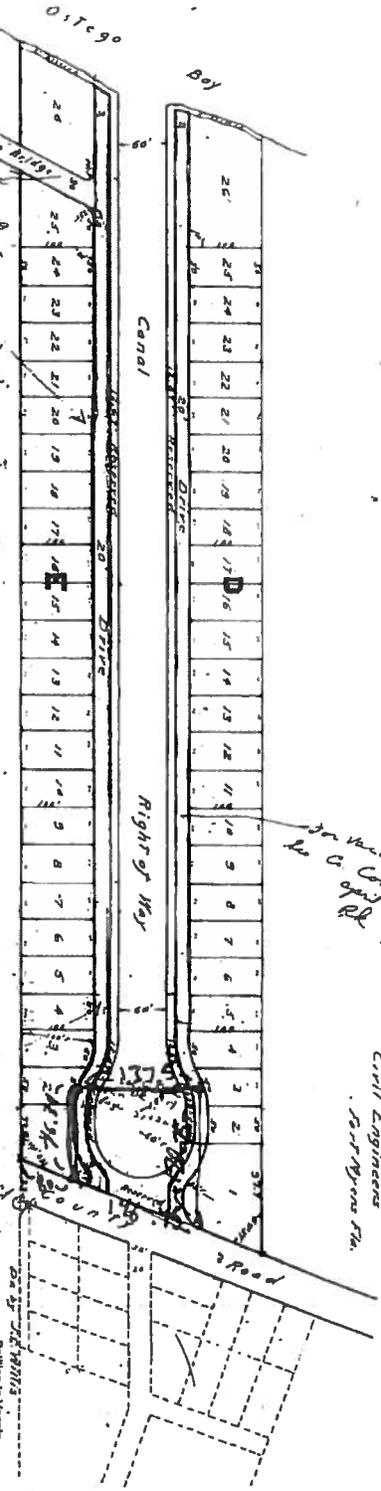
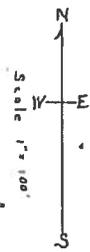
# CRESCENT PARK ADDITION.

Being a Subdivision of Lot 1, of Hill's Subdivision of Gov't Lot 2, 3, and 4, See 19, T46S, R24E, Lee County Fla.

Petition to Vacate  
Vacation of: cancelling of 20ft drive  
Date of Approval: 08/09/50  
CCMB: 11 Page: 192

Plotted by  
J.H. Davidson & Son  
Civil Engineers  
Sarasota, Fla.

For vacation of 20' drive  
see C. Comm. min. Ord. 15 P. 258  
Ord. 8, 1959  
Ord. 16-18



30' Road to Bridge  
1/21/51 min. Ord. 19  
2/2/51 min. Ord. 22  
C. Comm. Ord. 19  
3/2/51 min. Ord. 23  
C. Comm. Ord. 23  
3/2/51 min. Ord. 24  
C. Comm. Ord. 24  
3/2/51 min. Ord. 25  
C. Comm. Ord. 25  
3/2/51 min. Ord. 26  
C. Comm. Ord. 26  
3/2/51 min. Ord. 27  
C. Comm. Ord. 27  
3/2/51 min. Ord. 28  
C. Comm. Ord. 28  
3/2/51 min. Ord. 29  
C. Comm. Ord. 29  
3/2/51 min. Ord. 30  
C. Comm. Ord. 30  
3/2/51 min. Ord. 31  
C. Comm. Ord. 31  
3/2/51 min. Ord. 32  
C. Comm. Ord. 32  
3/2/51 min. Ord. 33  
C. Comm. Ord. 33  
3/2/51 min. Ord. 34  
C. Comm. Ord. 34  
3/2/51 min. Ord. 35  
C. Comm. Ord. 35  
3/2/51 min. Ord. 36  
C. Comm. Ord. 36  
3/2/51 min. Ord. 37  
C. Comm. Ord. 37  
3/2/51 min. Ord. 38  
C. Comm. Ord. 38  
3/2/51 min. Ord. 39  
C. Comm. Ord. 39  
3/2/51 min. Ord. 40  
C. Comm. Ord. 40

Note: This plot replaces the plot of CRESCENT PARK ADDITION, recorded on page 498 of Lee County Records.

FILED IN THE OFFICE OF THE  
CLERK OF THE CIRCUIT COURT  
IN AND FOR THE COUNTY OF LEE  
FLORIDA  
THIS 10th DAY OF AUGUST 1950  
AT TALLAHASSEE, FLORIDA  
J. H. Davidson & Son  
Civil Engineers  
Sarasota, Fla.

Plotted by  
J.H. Davidson & Son  
Civil Engineers  
Sarasota, Fla.





EXHIBIT D





# Town of Fort Myers Beach

TOWN OF FORT MYERS BEACH

JUL 17 2009

RECEIVED BY

## Certificate of Use Permit

Owners Name: <u>Cermak's Surf Club LLC</u>	Cell Ph: _____
Strap No. <u>19-46-24-W4-0150E.001A</u>	Phone: _____
Business Name: <u>Surf Club</u>	Fax No: _____
Business Location: <u>1167 Estero Blvd</u>	
Contact Name: <u>Bruce Cermak</u>	
Business Description: <u>Restaurant</u>	

Permit No FMB USE 2009-0020 Issued \_\_\_\_\_ Expires \_\_\_\_\_

### Approvals Required

**Building Inspection – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Fax the site plan, floor plan and this form to the Lee County Building Dept.  
 FAX No. 485-5555 Phone No. 533-5801

**Fire Inspector – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Call Fort Myers Beach Fire Control District at 590-4206

**Garbage Verification - Name of Landlord** Acct # 10657  
 Call Veolia Waste Services at 334-1224 Fax No 433-2550  
 Will need the approval stamp below:

Landlord provides service	<b>VEOLIA ES SOLID WASTE SOUTHEAST, INC.</b> 17101 PINE RIDGE RD FORT MYERS BEACH, FL 33931 (239) 334-1224
Name of account; <u>Surf Club</u>	
Phone No. <u>239-463-9256</u>	
<input type="checkbox"/> Shared account	
<input checked="" type="checkbox"/> Established new service	
Veolia Waste services to fax back to 765-0909 Town of Fort Myers Beach	

**Code Enforcement – Approved by:** [Signature] **Date** 8/14/09  
 Call 765-0202 – Ext 108 – Code Enforcement and fax to 765-0909 Attn: Jim

*Barbara Hayden*  
7-17-09

HRS and/or Health Dept. (if applicable) provide approvals

**Town of Fort Myers**  
 Certificate of Use Approval \_\_\_\_\_ **Date** \_\_\_\_\_

Town of Fort Myers Beach – 2523 Estero Boulevard – Fort Myers Beach, Florida 33931  
 Telephone 239-765-0202 Fax 239-765-0909

# Town of Fort Myers Beach

## Certificate of Use Permit

Owners Name: <u>Cermak's Surf Club LLC</u>	Cell Ph: _____
Strap No. <u>19-46-24-W4-0150E.001A</u>	Phone: _____
Business Name: <u>Surf Club</u>	Fax No: _____
Business Location: <u>1167 Estero Blvd</u>	
Contact Name: <u>Bruce Cermak</u>	
Business Description: <u>Restaurant</u>	

Permit No FMB USE2009-0020 Issued \_\_\_\_\_ Expires \_\_\_\_\_

### Approvals Required

\* **Building Inspection – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Fax the site plan, floor plan and this form to the Lee County Building Dept.  
 FAX No. 485-5555 Phone No. 533-5801

\* **Fire Inspector – Approved by:** [Signature] **Date** 8-14-09  
 Call Fort Myers Beach Fire Control District at 590-4206

**Garbage Verification - Name of Landlord** \_\_\_\_\_  
 Call Veolia Waste Services at 334-1224 Fax No 433-2550  
 Will need the approval stamp below:

<p><b>Landlord provides service</b></p> <p>Name of account; _____          Phone No. _____  <input type="checkbox"/> Shared account  <input type="checkbox"/> Established new service</p> <p>Veolia Waste services to fax back to 765-0909 Town of Fort Myers Beach</p>
---

**Code Enforcement – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Call 765-0202 – Ext 108 – Code Enforcement and fax to 765-0909 Attn: Jim

HRS and/or Health Dept. (if applicable) provide approvals

**Town of Fort Myers**  
 Certificate of Use Approval \_\_\_\_\_ **Date** \_\_\_\_\_

08/23/2006 05:43  
07/17/2009 9:24AM

VEOLIA ES 239-433-2550

#1987 P.001 /001



# Town of Fort Myers Beach

TOWN OF  
FORT MYERS BEACH

JUL 17 2009

## Certificate of Use Permit

RECEIVED BY

Owners Name: <u>Cermak's Surf Club LLC</u>	Cell Ph: _____
Strap No. <u>19-46-24-W4-0150E.0017</u>	Phone: _____
Business Name: <u>Surf Club</u>	Fax No: _____
Business Location: <u>1167 Estero Blvd</u>	
Contact Name: <u>Bruce Cermak</u>	
Business Description: <u>Restaurant</u>	

Permit No FMB USE 2009-0020 Issued \_\_\_\_\_ Expires \_\_\_\_\_

### Approvals Required

Building Inspection -- Approved by: BSS Date 8-18-09  
Fax the site plan, floor plan and this form to the Lee County Building Dept.  
Phone No. 533-5801  
FAX No. 485-5555

Fire Inspector -- Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Call Fort Myers Beach Fire Control District at 590-4206

Garbage Verification - Name of Landlord Acct # 10657  
Call Veolia Waste Services at 334-1224 Fax No 433-2550  
Will need the approval stamp below:

Landlord provides service	VEOLIA ES SOLID WASTE SOUTHEAST, INC.
Name of account: <u>Surf Club</u>	17101 PINE RIDGE RD
Phone No. <u>239-463-7256</u>	FORT MYERS BEACH, FL 33931
<input type="checkbox"/> Shared account	(239) 334-1224
<input checked="" type="checkbox"/> Established new service	
Veolia Waste services to fax back to 765-0909 Town of Fort Myers Beach	

*Barbara Heywood*  
7-17-09

Code Enforcement -- Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Call 765-0202 -- Ext 108 -- Code Enforcement and fax to 765-0909 Attn: Jim

HRS and/or Health Dept. (if applicable) provide approvals

Town of Fort Myers  
Certificate of Use Approval \_\_\_\_\_ Date \_\_\_\_\_

Town of Fort Myers Beach -- 2523 Estero Boulevard -- Fort Myers Beach, Florida 33931  
Telephone 239-765-0202 Fax 239-765-0909

4/15/2009

## EXHIBIT E

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 11- 15  
FMBSEZ2010-0005 (Surf Club)

WHEREAS, applicant Cermak's Surf Club, LLC., by and through Bruce Cermak, owner (collectively "applicant") has requested a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages, in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership; and

WHEREAS, the subject property is located at 1167 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24- W4-0150E.001A and the legal description of the subject property is Lot 1, Block E, CRESCENT PARK ADDITION, recorded in Plat Book 4, Page 46, Public Records of Lee County, Florida,

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on January 11, 2011; and

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

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on September 26, 2011, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2011-001, 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 2011-001 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 applicant's request for a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership, with such approval subject to the following conditions:

## EXHIBIT E

### CONDITIONS OF APPROVAL:

1. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*
2. *Sales, service, and consumption of alcoholic beverages must not begin earlier than 9:00 AM and must end no later than 2:00 AM each day.*
3. *Conditions in prior approvals, including the applicant's May 29, 2009 COP (FMBCOP2009-0001) will remain in effect except where such conditions have been modified by this action.*
4. *Music and other audible entertainment are prohibited before 11:00 AM and after 9:00 PM of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan is to be provided at the time of development order or permit.*

### FINDINGS AND CONCLUSIONS:

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

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

*The Comprehensive Plan notes in the Consensus on Commercial Uses: "The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite severe congestion during peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings." Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore, the area can support a more intensive mix of uses which is consistent with the applicant's request.*

2. The requested special exception, as conditioned, is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan:

*The applicant's request for outdoor consumption on premises is fitting with the vision for the area. The subject property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment*

## EXHIBIT E

*area with tree-shaded outdoor cafes, pedestrian streets, and an 'Old Estero Island' character to the buildings."*

*Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a "nucleus of commercial and tourist activities" with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. Again, the applicant's request is consistent with this vision, by providing additional venue for the enjoyment of the outdoor environment of Fort Myers Beach.*

3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use.

*The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is however, a use permitted by special exception. The applicant's request is appropriate at this location due to the subject property's location in the Times Square area (Downtown Core) and is consistent with the goals, objectives, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources:

*The proposed outdoor consumption application will have virtually no negative effects on environmentally critical areas and natural resources. The subject property is within an existing commercial district and the proposed deck is to be located on an area of the site that was previously disturbed.*

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:

*The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan's vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes. Staff feels the applicant's request is compatible with the area and its vision.*

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 outdoor consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to Sections 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.*

EXHIBIT E

Upon a motion made by Vice Mayor Raymond and seconded by Council Member Mandel, this Resolution was

DULY PASSED AND ADOPTED ON THIS 26TH DAY OF September, 2011.

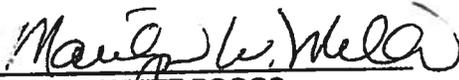
Larry Kiker, Mayor     aye  
Alan Mandel           aye  
Joe Kosinski          aye

Bob Raymond, Vice Mayor     aye  
Jo List                   aye

By:   
Larry Kiker, Mayor

ATTEST:  
By:   
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By:   
FOWLER WELLS BOGGS  
Town Attorney



# Attachment

F



RESUBMITTAL

Town of Fort Myers Beach  
OCT 29 2015  
Received Community Development

# 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: SEZ 2015-0003 DATE: 9-8-2015

Site Address: 1167 ESTERO BLVD. FORT MYERS BEACH, FL 33931

STRAP Number: 19-46-24-W4-0150E.001A

Applicant: RONALD YANKE Phone: 815-228-4663

Contact Name: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Email: petem@maastricht-eng.com Fax: N/A

Current Zoning District: DOWNTOWN

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

FLUM Density Range: \_\_\_\_\_ 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 |

OCT 29 2015

Received Community Devel

PART I - General Information

A. Applicant\*: RONALD YANKE Phone: 815-228-4663

\*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: 1167 ESTERO BLVD. FORT MYERS, FL. 33931

Email: DEEPDISHDOUGH@GMAIL.COM Fax: 815-224-4462

Contact Name: RONALD YANKE Phone: 815-228-4663

B. Relationship of Applicant to subject property:

- Owner\* (checked), Land Trust\*, Partnership\*, Corporation\*, Association\*, Condominium\*, Subdivision\*, Timeshare Condo\*, Contract Purchaser\*, Authorized Representative\*, 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: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Address: 7370 COLLEGE PARKWAY, SUITE 211 FORT MYERS, FL. 33907

Email: petem@maastricht-eng.com Fax: N/A

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

Name: Phone:

Address:

Email: Fax:

Name: Phone:

Address:

Email: Fax:

Name: Phone:

Address:

Email: Fax:

OCT 29 2015

Received Community Devel

PART II - Nature of Request

Requested Action (each request requires a separate application)

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

PART III - Waivers

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

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

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

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

PART IV - Property Ownership

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

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)

**RESUBMITTAL**

**DISCLOSURE OF OWNERSHIP INTEREST**

STRAP: 19-46-24-W4-0150E.001A

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

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

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

Name, Address and Office	Percentage of Stock
RONALD YANKE, OWNER	50%
328 BUCKLIN ST.	_____
LASALLE, IL 61301	_____
MERRY NOONAN	50%
1510 SYCAMORE ST.	_____
PERU, IL 61301	_____

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

RESUBMITTAL

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

RESUBMITTAL

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.ON.FILE *Ronald Yanke* RONALD YANKE  
 Signature Printed Name

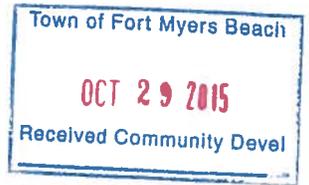
STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10-29-15  
 (date) by RONALD YANKE (name of person providing oath or affirmation), who is  
personally known to me or who has produced \_\_\_\_\_ (type  
 of identification) as identification.



\_\_\_\_\_  
*B Falduto*  
 Signature

Printed Name



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

RESUBMITTAL

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.

Merry Noonan Signature MERRY NOONAN Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10-29-15 (date) by MERRY NOONAN (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.



B Falduto Signature

Printed Name

RESUBMITTAL

Town of Fort Myers Beach  
OCT 29 2015  
Received Community Devel



TRANSMITTAL LETTER

TO: Department of Community Development  
Town of Fort Myers Beach  
2525 Estero Blvd.  
Ft Myers, FL 33931

PROJECT #: 14-140  
LDO2015-0018  
PROJECT: Fish Bowl Restaurant  
1167 Estero Blvd.  
Fort Myers Beach, FL 33931

FROM: Peter M. Maastricht, P.E.

DATE: October 29, 2015

WE ARE SENDING YOU THE FOLLOWING ITEMS:

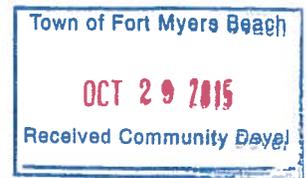
- Attached Via HAND DELIVERED  Under Separate Cover Via \_\_\_\_\_
- Plans/Prints  Shop Drawings  Specifications  Contract  Disc
- Permit Applications  Other

NO. OF COPIES	DESCRIPTION
1	Revised Written Description of Proposed Development
1	Response to Staff Comment's Letter
6	Signed & Sealed Civil Plans
6	Architectural Floor Plans & Elevations

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

- as requested  for approval  for signature  for review & comment
- for your use/files/information  for your distribution  to be returned

REMARKS:



RESUBMITTAL

## WRITTEN DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development includes the construction of a concrete deck and wood deck for additional outdoor seating. In addition, the existing building is proposed to be renovated to include the following:

1. A roof deck with a bar and outdoor seating. Total outdoor seating is 2104 SF.
2. The building is being expanded by 943 SF off of the NE corner to accommodate a larger kitchen.

The Stormwater system is proposed to be modified to accommodate the above described improvements.



Town of Fort Myers Beach  
 NOV 13 2015  
 Received Community Devel

RESUBMITTAL

**TRANSMITTAL LETTER**

**TO:** Ayita Williams  
 Permit Coordinator  
 Town of Fort Myers Beach  
 Community Development  
 2525 Estero Blvd.  
 Ft Myers, FL 33931

**PROJECT #:** 14-140  
  
**PROJECT:** Fish Bowl Restaurant  
 1167 Estero Blvd.  
 Fort Myers Beach, FL 33931  
**SEZ2015-0003**

**FROM:** Peter M. Maastricht, P.E.

**DATE:** November 13, 2015

**WE ARE SENDING YOU THE FOLLOWING ITEMS:**

- Attached Via     **HAND DELIVERED**      Under Separate Cover Via \_\_\_\_\_  
 Plans/Prints  Shop Drawings  Specifications  Contract  Disc  
 Permit Applications  Other

NO. OF COPIES	DESCRIPTION
1	Response to Comments Letter re: <b>SEZ2015-0003</b>
1	Attachment – "Narrative Statements"
1	Exhibit – "COP Exhibit"
1	Copy of Resolution 11-15 FMBSEZ2010-005 (Surf Club)

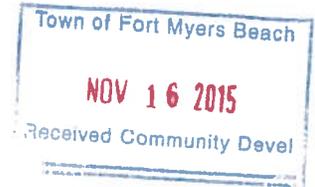
**THIS DATA IS TRANSMITTED AS CHECKED BELOW:**

- as requested  for approval  for signature  for review & comment  
 for your use/files/information  for your distribution  to be returned

**REMARKS:**



RESUBMITTAL



November 13, 2015

Ayita Williams, Permit Coordinator  
Town of Fort Myers Beach  
Community Development  
2525 Estero Blvd.  
Fort Myers Beach, FL 33931

Response to 1<sup>st</sup> Review Comments – Special Exception

RE: 1167 ESTERO BLVD.  
Fort Myers Beach, FL 33931  
STRAP: 19-46-24-W4-0150E.001A  
SEZ2015-0003

To Whom It May Concern:

The following is our response to staffs first review comments for above referenced zoning project regarding application for Public Hearing for Special Exception:

**COMMENTS:**

**Environmental Review, Matt Noble** (239) 765-0202 extension 115 [matt@fortmyersbeachfl.gov](mailto:matt@fortmyersbeachfl.gov)  
Application needs to be signed and notarized.

**RESPONSE:** *Applicant personally re-submitted signed and notarized application on 10/29/2015 to Community Development.*

**COMMENTS:**

Please clarify if the utility box located at the southwest corner of the property is being moved or relocated.

**RESPONSE:** *The utility box (electrical transformer) is not going to be moved or relocated.*

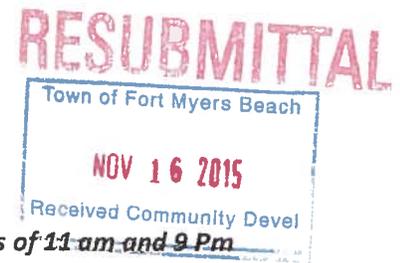
**COMMENTS:**

Please clarify if the awning located along Estero Blvd is being modified.

**RESPONSE:** *The awning located along Estero Blvd is not proposed to be to be modified. Should any modifications become necessary, the applicant is aware that the new awning shall be constructed so that no part of the building or awning encroaches into the ROW.*

**COMMENTS:**

Please clarify if outdoor entertainment is being proposed. If outdoor entertainment is sought, specify location, type, and proposed measures to assure neighborhood compatibility.



**RESPONSE:**

*The applicant is requesting audible entertainment be permitted between the hours of ~~11 am and 9 pm~~ of each day in the outdoor seating areas complying at all times with the applicable noise ordinances. Typical audible entertainment would consist of single entertainer with a guitar, as conditioned in FMBSEZ2010-0005 (Surf Club).*

*The regulations of the DOWNTOWN zoning district (Chapter 34 Section 678) encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street.*

*This vicinity is one of the most intensive commercial areas of the Town, and aside from a minimal number of residential units, is located generally away from the intensely residential areas of the island. Other restaurants and bars serving alcohol on the premises, many of which include outdoor seating areas, are located in Times Square and on Old San Carlos Boulevard to the north, and on both sides of Estero Boulevard to the south. Therefore, the request for outdoor consumption on premises is appropriate at this location.*

*In addition, the site and building has been designed such that all of the outdoor seating areas (and thus the audible entertainment), will be located so that the building or proposed wall will be situated between the outdoor seating areas (and thus the audible entertainment) and the adjacent property and the residential properties further down the canal.*

**COMMENTS:**

Please provide an exhibit that shows where the previous approvals permitted consumption on premises and an exhibit that shows where the applicant is proposing consumption on premise

**RESPONSE:** *Please see attached COP exhibit*

**COMMENTS:**

Please provide a more descriptive project narrative request.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised project narrative request.*

**COMMENTS:**

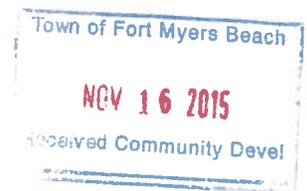
Please provide a more descriptive comprehensive plan and land development code consistency statement under the reasons for the request section of the application.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised comprehensive plan and land development code consistency statement.*

**COMMENTS:**

Please address the LDO comments.

**RESPONSE:** *The owner personally delivered the LDO response package to the Town of Fort Myers Beach on 10/29/2015. All of the proposed outdoor seating areas will be enclosed by a 36 inch hedge and a 42 in railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*



**COMMENTS:**

(10/28/2015 4:08 PM MN)

Please revise the narrative under the "Granting the requested Special Exception..." section based on all of the other revisions.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised project narrative request. Reference section GRANTING THE REQUESTED SPECIAL EXCEPTION COULD IMPACT SURROUNDING PROPERTIES AS FOLLOWS*

**COMMENTS:**

(10/29/2015 9:46 AM MN)

Please include a copy of Resolution 11-15 in the resubmittal/application materials. Please review this resolution and incorporate the conditions into the application or propose modifications to the conditions so that these modifications can be reviewed as part of this application.

**RESPONSE:** *Please see attached document Resolution 11-15.*

*Owner has acknowledged compliance with the following conditions noted in Resolution Number 11-15 (FMBSEZ2010-0005):*

- 1. The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from the other areas of the subject property.*
- 2. Sales, service and consumption of alcoholic beverages must not begin earlier than 9:00am and must end no later than 2:00am each day.*
- 3. Conditions in prior approvals, including applicant's May 29, 2009 COP (FMBCOP2009-0001) will remain in effect except where such conditions have been modified by this action.*
- 4. Music and other audible entertainment are prohibited before 11:00am and after 9:00pm of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
- 5. A landscaping plan is to be provided at the time of the development order or permit.*

**COMMENTS:**

(10/29/2015 9:48 AM MN)

Specifically address LDC Sec. 34-88 Special exceptions, in the project narrative.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised project narrative request. Reference section A. "Request for" and section B. "Reason for Request"*

**COMMENTS:**

(10/29/2015 10:03 AM MN)

Please provide a discussion of measures that will be utilized to protect the fence that is located on the southern property boundary and how the area between the proposed building expansion area and the fence will be maintained.

**RESPONSE:**

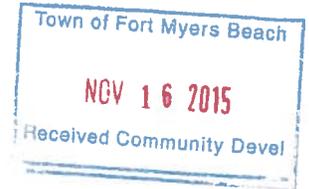
*The proposed building will be constructed to within ±1.8 ft of the south property line. The existing fence is to remain in place. The area between the proposed building and the existing PVC fence on the south property line will be finished with crushed shell and maintained free of weeds.*

We trust this information is sufficient for you to complete your review. Please feel free to contact me should you have any questions or comments.

Sincerely,



Peter M. Maastricht, P.E.  
MAASTRICHT ENGINEERING, INC.



Cc: Ron Yanke

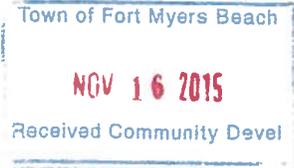


RESUBMITTAL

Response to 1<sup>st</sup> Review Comments – Special Exception

SEZ2015-0003

**ATTACHMENT**  
**NARRATIVE STATEMENTS**



**PROJECT NARRATIVE REQUEST**

**A. REQUEST FOR:**

*It is the intent of the property owner to expand the existing building, modify the storm drainage, and expand the outdoor seating area from **1020 SF TO 2104 SF**. The owner is requesting a special exception, in the Downtown zoning district, to **expand the current C.O.P. approvals (FMBCOP2009-0001)** which allows consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership.*

**COMPREHENSIVE PLAN & LAND DEVELOPMENT CODE CONSISTENCY STATEMENT**

**B. REASONS FOR REQUEST:**

**THE PROPERTY QUALIFIES FOR A SPECIAL EXCEPTION BECAUSE:**

**Based on guidelines in LDC Section 34-88**

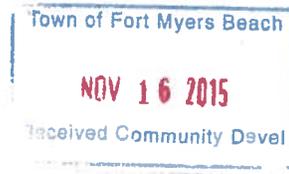
1. Whether there exist changed or changing conditions which make approval of the request appropriate:

***The Comprehensive Plan notes in the Consensus on Commercial Uses:***

*“Despite the intensity of disputes over proposed commercial development at Fort Myers Beach, there is considerable consensus on several major points:”*

*“The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite the severe congestion during the peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today’s floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings.” Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore the area can support a more intensive mix of uses.*

*This request is consistent with the conditions of “a healthy movement to upgrade existing buildings” and contributing to “emerging the Times Square area as a vibrant urban core for the Town of Fort Myers Beach.”*



RESUBMITTAL

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

*The request for expansion of outdoor consumption on premises is fitting with the vision for the area. The property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that “boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an ‘Old Estero Island’ character to the buildings.”*

*In the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a “nucleus of commercial and tourist activities” with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. In the Community Design Element the Comprehensive Plan notes the Objective for the Times Square area as: “Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities.”*

*The request is consistent with this vision, by providing a revitalized venue, for the enjoyment of the outdoor environment of Fort Myers Beach. This request is also consistent with the Community Design Element objective to stimulate the revitalization of the downtown core area as the nucleus of commercial and tourist activities.*

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

*The nature of this application indicates that the requested expansion to the use of outdoor consumption on premises is not a use allowable by right on the property. It is however, a use permitted by special exception. The request is appropriate at this location due to the property’s location in the Times Square area (Downtown Core) and is consistent with the goals, objectives, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

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

*The proposed expansion to existing outdoor consumption application will not have negative effects on environmentally critical areas and natural resources. The property is within an existing commercial district and all of the proposed improvements are located on areas of the site that were previously disturbed.*

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

*The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan’s vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes; therefore the request is compatible with the area and its vision.*

NOV 16 2015

Planned Community Devel

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

*The expansion to the existing outdoor consumption on premises of alcoholic beverages on the property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264.*

**GRANTING THE REQUESTED SPECIAL EXCEPTION COULD IMPACT SURROUNDING PROPERTIES AS FOLLOWS:**

*There is no perceived negative impact to surrounding properties, if this request for special exception is granted. The property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The expansion and renovation of a commercial property, specifically one with an outdoor café supports the vision of the FMB Comprehensive Plan to increase commercial use, including outdoor cafes. In addition, the property owner will be operating this establishment under the conditions of the original approval that specify hours of sale, service and consumption not earlier than 9am and not later than 2am. Music and other entertainment will also not start before 11am or end after 9pm daily in outdoor seating areas.*

COP EXHIBIT

RESUBMITTAL

Town of Fort Myers Beach  
NOV 16 2015  
Received Community Devel

TOTAL AREA PROPOSED FOR C.O.P. =  
EXISTING 1,020 S.F.  
PROPOSED 1,084 S.F.  
TOTAL = 2,104 S.F.

PROPOSED GROUND LEVEL WOOD DECK W/C.O.P. ±133 SF.

PROPOSED BUILDING EXTENSION

EXISTING BUILDING

TOTAL NEW AREA W/C.O.P. ±1,084 SF.

PROPOSED 2nd LEVEL DECK AREA W/C.O.P. ±633 SF.

645 SF. WOOD DECK APPROVED FOR C.O.P. UNDER FMBSEZ 2010-00005

375 SF. PAVER PATIO APPROVED FOR C.O.P. UNDER FMBSEZ 2010-00005

PROPOSED GROUND LEVEL CONCRETE DECK C.O.P. ±318 SF.

C.O.P AREA  
N.T.S.

MAASTRICHT ENGINEERING

727 COLLEGE PARKWAY, SUITE 211 • FORT MYERS, FL 33907 • (239) 332-3300 • (813) 2 2015

DATE: 11/02/15  
PROJ. #: 14-109  
CAD TECH: TAR  
ENGINEER: PETER M. MAASTRICHT, P.E.  
FL LICENSE NUMBER: 50860

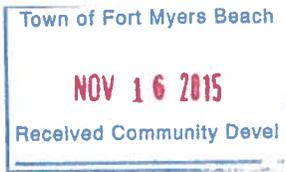
SHEET 1 OF 1

DATE	BY	REVISION DESCRIPTION

FISH BOWL RESTAURANT  
SECTION 19, TOWNSHIP 48S, RANGE 24E  
PART OF LOT 1, BLOCK "E" OF CRESCENT PARK  
FORT MYERS BEACH - LEE COUNTY, FLORIDA

COP EXHIBIT

MAASTRICHT-NA5\MAASTRICHT.Engineering\MAASTRICHT.Engineering\CAD\2014\14-109\LOT COP AREA.dwg Thursday, November 12, 2015 12:20:43 PM



COPY OF RESOLUTION 11-15

RESUBMITTAL

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 11- 15  
FMBSEZ2010-0005 (Surf Club)

WHEREAS, applicant Cermak's Surf Club, LLC., by and through Bruce Cermak, owner (collectively "applicant") has requested a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages, in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership; and

WHEREAS, the subject property is located at 1167 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24- W4-0150E.001A and the legal description of the subject property is Lot 1, Block E, CRESCENT PARK ADDITION, recorded in Plat Book 4, Page 46, Public Records of Lee County, Florida,

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on January 11, 2011; and

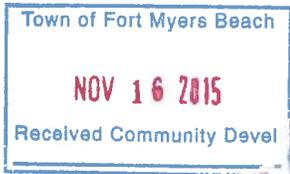
WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on September 26, 2011, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2011-001, 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 2011-001 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 applicant's request for a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership, with such approval subject to the following conditions:



**CONDITIONS OF APPROVAL:**

1. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*
2. *Sales, service, and consumption of alcoholic beverages must not begin earlier than 9:00 AM and must end no later than 2:00 AM each day.*
3. *Conditions in prior approvals, including the applicant's May 29, 2009 COP (FMBCOP2009-0001) will remain in effect except where such conditions have been modified by this action.*
4. *Music and other audible entertainment are prohibited before 11:00 AM and after 9:00 PM of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan is to be provided at the time of development order or permit.*

**FINDINGS AND CONCLUSIONS:**

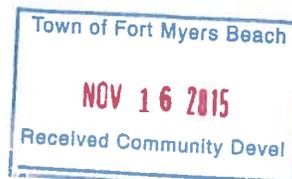
In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding consideration of eligibility for a special exception, the Town Council makes the following findings and reach the following conclusions:

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

*The Comprehensive Plan notes in the Consensus on Commercial Uses: "The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite severe congestion during peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings." Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore, the area can support a more intensive mix of uses which is consistent with the applicant's request.*

2. **The requested special exception, as conditioned, is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan:**

*The applicant's request for outdoor consumption on premises is fitting with the vision for the area. The subject property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment*



area with tree-shaded outdoor cafes, pedestrian streets, and an "Old Estero Island" character to the buildings."

Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a "nucleus of commercial and tourist activities" with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. Again, the applicant's request is consistent with this vision, by providing additional venue for the enjoyment of the outdoor environment of Fort Myers Beach.

3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use.

*The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is however, a use permitted by special exception. The applicant's request is appropriate at this location due to the subject property's location in the Times Square area (Downtown Core) and is consistent with the goals, objectives, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources:

*The proposed outdoor consumption application will have virtually no negative effects on environmentally critical areas and natural resources. The subject property is within an existing commercial district and the proposed deck is to be located on an area of the site that was previously disturbed.*

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:

*The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan's vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes. Staff feels the applicant's request is compatible with the area and its vision.*

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 outdoor consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to Sections 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.*

NOV 16 2015

Received Community Devel

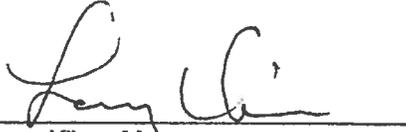
RESUBMITTAL

Upon a motion made by Vice Mayor Raymond and seconded by Council Member Mandel, this Resolution was

DULY PASSED AND ADOPTED ON THIS 26TH DAY OF September, 2011.

Larry Kiker, Mayor aye  
Alan Mandel aye  
Joe Kosinski aye

Bob Raymond, Vice Mayor aye  
Jo List aye

By:   
Larry Kiker, Mayor

ATTEST:  
By:   
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By:   
FOWLER WHITE BOGGS  
Town Attorney

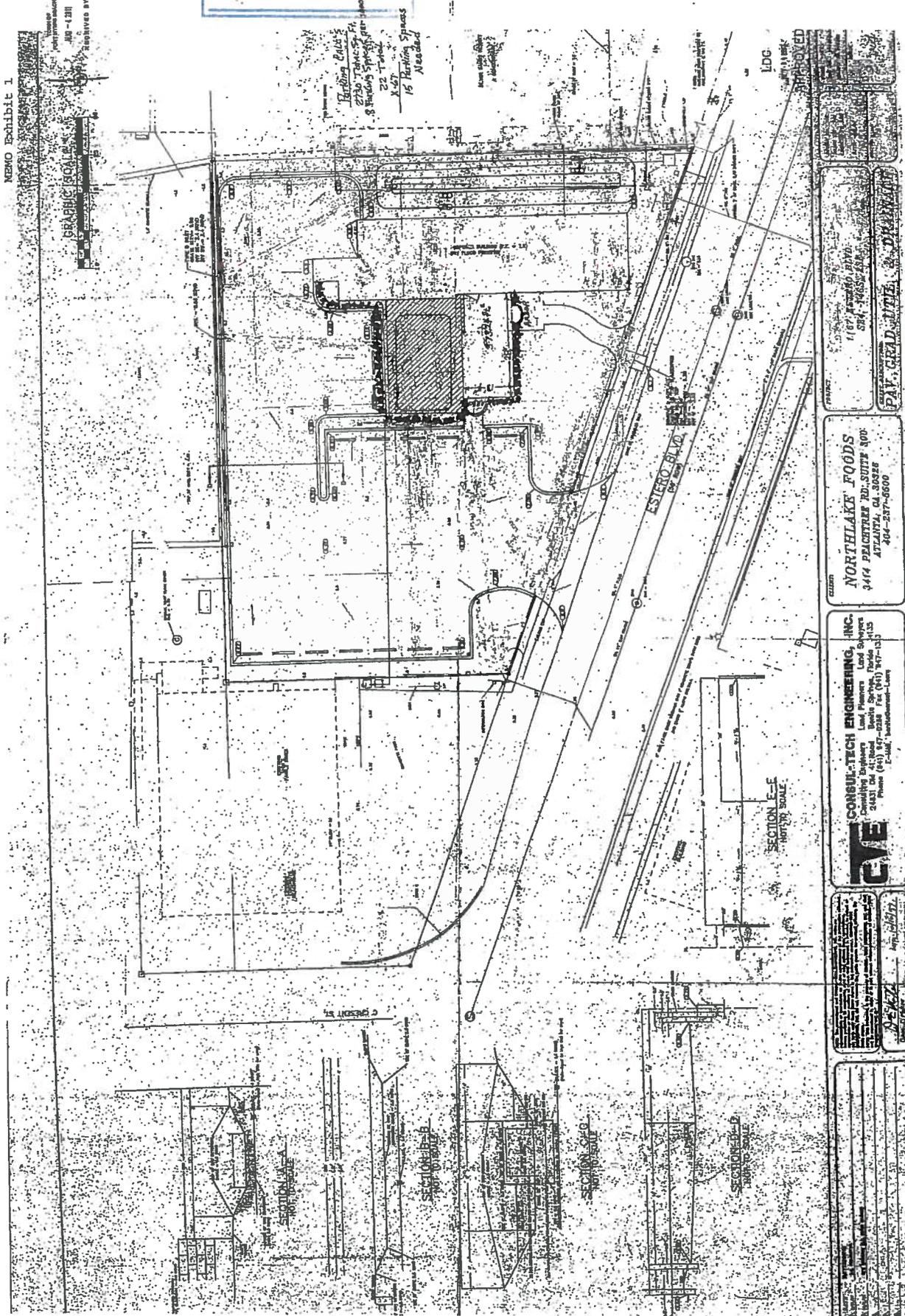
NCV 16 2015

Received Community Devel

RESUBMITTAL

EXHIBIT (B)

MEMO Exhibit 1



Barbara Child's  
 2736 T. M. ...  
 8 ...  
 22 ...  
 15 ...  
 Needed

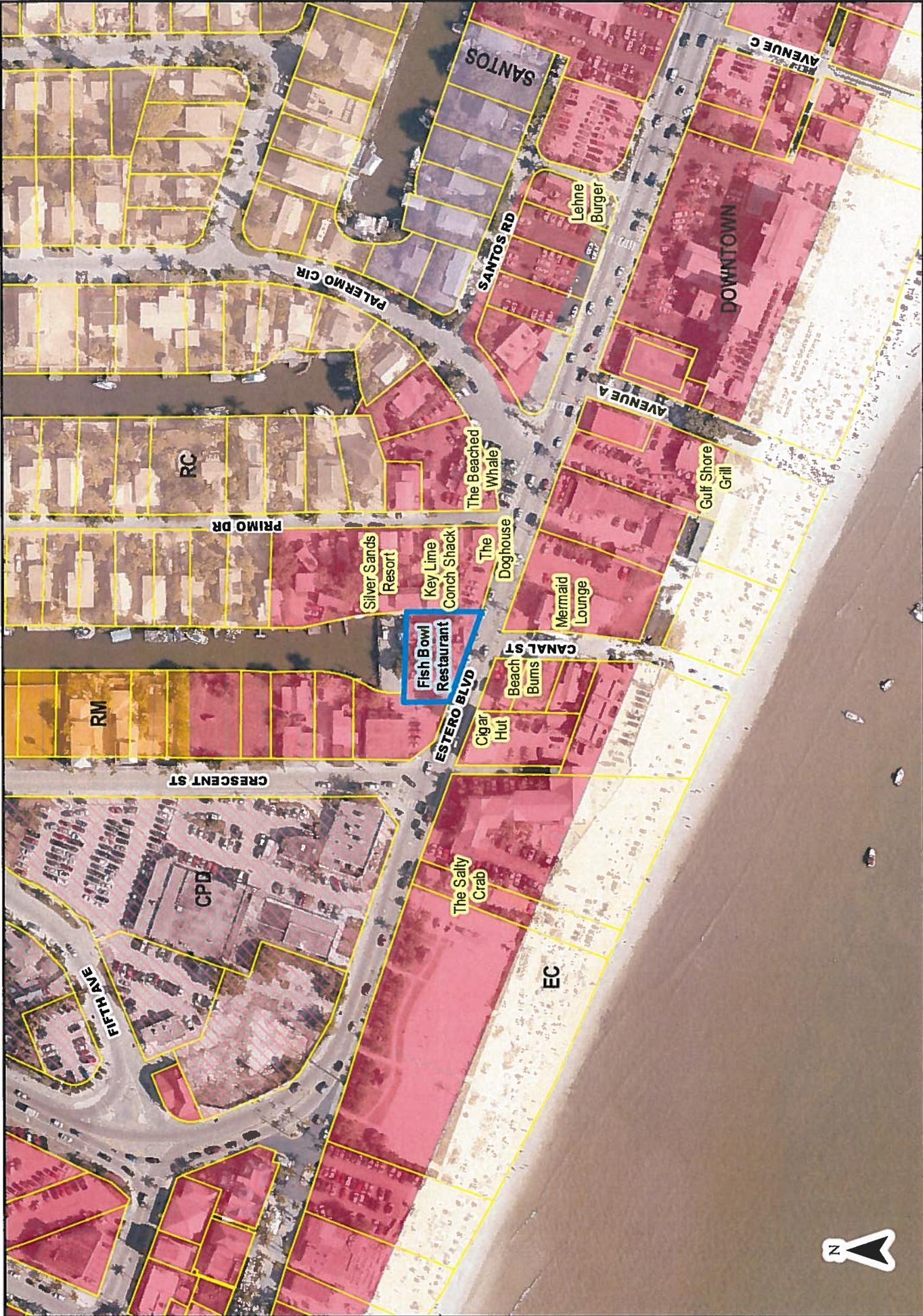
1107 ...  
 304 ...  
 PAY. GRAD. UTIL. & DRAINAGE

NORTHLAKE FOODS  
 3414 ...  
 ATLANTA, GA 30328  
 404-537-0600

CONSULT-TECH ENGINEERING, INC.  
 Consulting Engineers  
 3000 ...  
 Phone (404) 471-2228 Fax (404) 471-1413  
 E-mail: tech@consult-tech.com

**ETE**  
 CONSULT-TECH ENGINEERING, INC.  
 CONSULTING ENGINEERS  
 3000 ...  
 Phone (404) 471-2228 Fax (404) 471-1413  
 E-mail: tech@consult-tech.com

DATE: 11/11/15  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]



**Town of Fort Myers Beach, Florida**  
 DEPARTMENT OF PUBLIC WORKS  
 2521 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931  
 (239) 765-0202

**Fish Bowl Restaurant Special Exception Site Location**  
 STRAP : 194824W40150E001A  
 Case : SEZ13-0003

Date	5/2/2016	Drawn By	PW GIS	Sheet	1	Scale	1" = 175'
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**ZONING**

- 1167 Estero Blvd
- CPD-Corner Planned Development
- RC-Residential Conservation
- Parcel Boundary
- RM-Residential Multifamily
- DOWNTOWN
- EC-Environmental Critical
- SANTOS

STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=770194.32  
E=671374.83

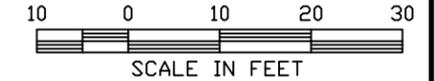
CANAL  
WIDTH VARIES

EXHIBIT A

FOUND DRILL  
HOLE NO. ID  
N.05°58'48"E. 0.25'

# AS BUILT SURVEY OF A PARCEL OF LAND LYING IN CRESCENT PARK ADDITION

SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
(PLAT BOOK 4, PAGE 46)  
LEE COUNTY, FLORIDA



### LEGEND:

●	SET #4 IRON ROD (CAP LB #6921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	W.V.	WATER VALVE
P.R.M.	PERMANENT REFERENCE MONUMENT	F.H.	FIRE HYDRANT
P.C.P.	PERMANENT CONTROL POINT	O/H	OVERHEAD POWER
P.U.E.	PUBLIC UTILITY EASEMENT	P.P.	POWER POLE
D.E.	DRAINAGE EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
L.M.E.	LAKE MAINTENANCE EASEMENT	E.B.	ELECTRIC BOX
P.C.	POINT OF CURVATURE	C.T.B.	CABLE TELEVISION BOX
P.T.	POINT OF TANGENCY	T.S.B.	TELEPHONE SERVICE BOX
O.R.	OFFICIAL RECORDS BOOK	N/D	NAIL & DISK
(S)	AS PER SURVEY	N/T.T.	NAIL & TINTAB
(M)	AS MEASURED	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(D)	AS PER DEED	TYP.	TYPICAL ELEVATION
(1)	CURVE NUMBER	A/C	AIR CONDITIONER
L1	LINE NUMBER	W.S.	WATER SYSTEM
R/W	RIGHT-OF-WAY	P.E.	POOL EQUIPMENT
⊕	CENTERLINE	CONC.	CONCRETE
P.O.B.	POINT OF BEGINNING	C.D.	CLEAN OUT
		T.F.	TRANSFORMER
		H.C.	HANDYCAP

### SURVEY NOTES:

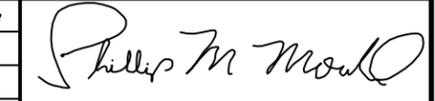
1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, AS BEING N.70°35'51"W.
2. FIELD NOTES IN CRESCENT PARK ADDITION, BLOCK "E".
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
10. BENCHMARK DERIVED FROM RTCM REFERENCE NUMBER 0103, ELEVATION 35.67' N.A.V.D.
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

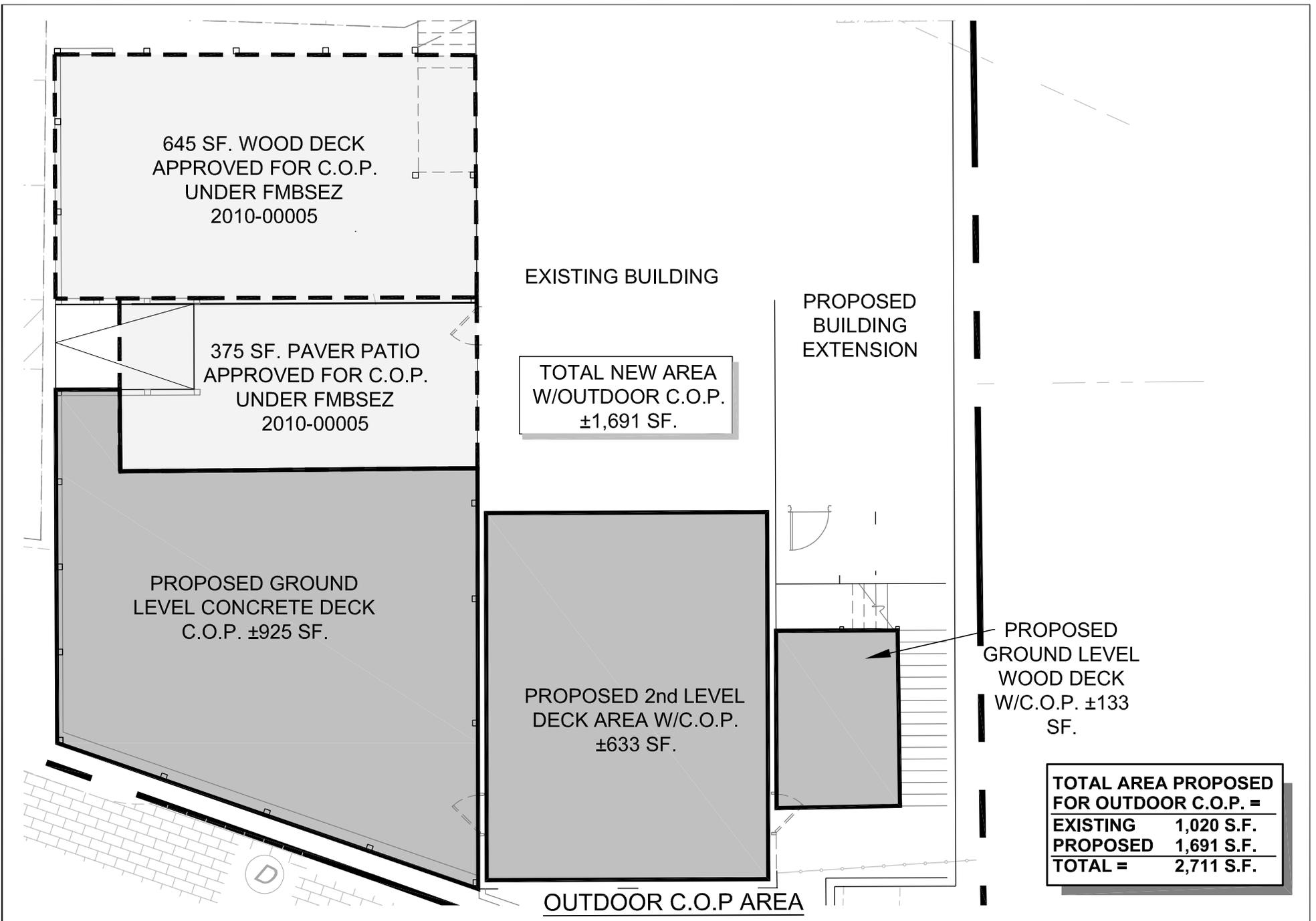
FLOOD ZONE: \*VE\* ELEVATION: 13.00' N.A.V.D. 1.38%  
FLOOD ZONE: \*VE\* ELEVATION: 14.00' N.A.V.D. 98.62%  
COMMUNITY No.: 120673 PANEL No.: 0554  
SUFFIX --- F REVISION DATE: 8/28/08  
MAP NUMBER: 12071C0554F

THIS SURVEY IS CERTIFIED TO:  
MAASTRICHT ENGINEERING, INC.

DESCRIPTION: (INSTRUMENT No. 2014000212781)

A PARCEL OF LAND COMPRISED OF THAT PART OF LOT 1, BLOCK "E" OF CRESCENT PARK ADDITION, ACCORDING TO A MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND PART OF THE RESERVE STRIP OF AREA LYING EAST OF SAID BLOCK "E" AND WEST OF BLOCK "D" OF SAID CRESCENT PARK ADDITION AND PART OF THE VACATED STREET OR DRIVE LYING BETWEEN SAID RESERVED STRIP AND SAID BLOCK "E" AND PART OF THE UNUSED STREET OR DRIVE LYING BETWEEN SAID RESERVED STRIP AND BLOCK "D", AND PART OF THE RIGHT-OF-WAY SHOWN ON SAID PLAT, WHICH LOT OR PARCEL IS DESCRIBED AS FOLLOWS: FROM THE SW CORNER OF SAID BLOCK "E" RUN SOUTHEASTERLY ALONG THE NORTH LINE OF ESTERO BOULEVARD FOR 80 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, RUN NORTH PARALLEL WITH THE WEST LINE OF SAID BLOCK "E" FOR 76.34 FEET TO A POINT ON A PROLONGATION OF THE LINE DIVIDING THE NORTH 1/2 AND THE SOUTH 1/2 OF LOT 2 OF SAID BLOCK "E"; THENCE RUN EAST ALONG SAID PROLONGATION FOR 137.5 FEET TO A POINT 112.68 FEET WEST OF THE EAST LINE OF SAID BLOCK "D" THENCE RUN SOUTH 112.68 FEET FROM AND PARALLEL WITH SAID EAST LINE OF SAID BLOCK "D" FOR 126.75 FEET TO A POINT ON THE NORTH LINE OF ESTERO BOULEVARD, WHICH POINT IS 120 FEET NORTHWESTERLY ALONG SAID BOULEVARD FROM THE SOUTHEAST CORNER OF SAID BLOCK "E", THENCE RUN NORTHWESTERLY ALONG SAID BOULEVARD FOR 146.45 FEET TO THE POINT OF BEGINNING.

REVISED:	DESCRIPTION:	BY:
 PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA		
DATE OF LAST FIELD WORK: 11/18/14		
DRAWN:	CHECK:	SCALE:
RLB	PMM	1"=20'
SURVEY DATE		PRJ. #
11/18/14		CP-E
FILE NO.		SHT.- 1
46-24-19		OF - 1
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921		
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921		



SCALE: 1" = 10'

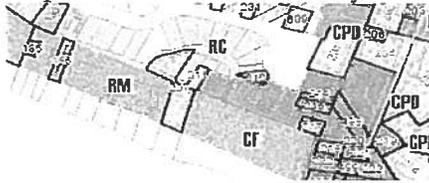
\\MAASTRICHT-NAS\Maastricht Engineering\MAASTRICHT ENGINEERING\CAD\2014\14-140\LOT\COP AREA.dwg Tuesday, March 22, 2016 1:55:39 PM

<b>OUTDOOR COP</b>	<b>FISH BOWL RESTAURANT</b>	DATE	BY	REVISION DESCRIPTION	<b>MAASTRICHT ENGINEERING</b>	ENGINEER: PETER M. MAASTRICHT, P.E.	DATE:	11/03/15
		01/22/16	TAH	PER. FORT MYERS BEACH LETTER		PROJ. #:	14-140	
<b>EXHIBIT B</b>	SECTION 19, TOWNSHIP 46S, RANGE 24E PART OF LOT 1, BLOCK "E" OF CRESCENT PARK FORT MYERS BEACH - LEE COUNTY, FLORIDA	03/22/16	TAH	PER. FORT MYERS BEACH LETTER	7370 COLLEGE PARKWAY, SUITE 211 • FORT MYERS, FL 33907 • (239) 962-1605 • FBPE # 28825	FL. LICENSE NUMBER: 59680	CAD TECH:	TAH
							<b>SHEET</b>	<b>1 OF 1</b>



COP 2009-0001

Town of Fort Myers Beach  
Department of Community Development



Zoning Division

Town of Fort Myers Beach  
MAY 29 2009  
Received Community Devel

Application for Administrative Action

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any Administrative Action. The second part will address additional information for the specific type of action requested.

Project Name:	SURF CLUB
Authorized Applicant:	BRUCE CIEMAK
LeePA STRAP Number(s):	164624W40150 E.001A

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

Action Requested	Additional Form Required
<input type="checkbox"/> Amendment to Planned Development	Form AA-A
<input type="checkbox"/> Commercial Antenna	Form AA-B
<input checked="" type="checkbox"/> Consumption on Premises (Administrative)	Form AA-C
<input type="checkbox"/> Forced Relocation of Business	Form AA-D
<input type="checkbox"/> Interpretation of Land Development Code	Form AA-E
<input type="checkbox"/> Minimum Use Determination	Form AA-F
<input type="checkbox"/> Setback Variance (Administrative)	Form AA-G
<input type="checkbox"/> Other (cite LDC section number: _____) attach explanation	

Town of Fort Myers Beach  
Department of Community Development  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931  
(239) 765-0202

EXHIBIT D

PART I - General Information

A. Name of applicant:

Address: Street:	1167 Estero Blvd.		
City:	Fort Myers Beach	State:	FL Zip Code: 33931
Phone:	239. 463. 9256		
Fax:	239. 463. 3118		
E-mail address:			

B. Relationship of applicant to property (check appropriate response)

<input checked="" type="checkbox"/> Owner (indicate form of ownership below)
<input type="checkbox"/> Individual (or husband/wife) <input type="checkbox"/> Partnership
<input type="checkbox"/> Land Trust <input type="checkbox"/> Association
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision <input type="checkbox"/> Timeshare Condo
<input type="checkbox"/> Authorized representative (attach authorization(s) as Exhibit AA-1)
<input type="checkbox"/> Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)
<input type="checkbox"/> Town of Fort Myers Beach (Date of Authorization: _____)

C. Agent's name(s): (use additional sheets if necessary) Bruce Cermak

Mailing address: Street:	1167 Estero Blvd		
City:	Fort Myers Beach	State:	FL Zip Code: 33931
Contact Person:	Bruce Cermak		
Phone:	239. 463. 9256	Fax:	239 463. 3118
E-mail address:	brucecermak @ AOL. Com		

D. Nature of request: (please print or type)

Administrative approval of consumption on premises with food
--

E. Is the request specific to a particular tract of land?

<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, complete PART II of this form
---

PART II - Property Information

A. Is the action being requested as a result of a violation notice?

<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
If yes, give date of notice:
Specific nature of violation:

EXHIBIT D

B. Property owner:

Name:	Cermaks Surf Club LLC		
Address: Street:	1167 Estero Blvd.		
City:	F.M.B.	State:	FL Zip Code: 33931
Phone:	239.463.9256	Fax:	239.463.3118
E-mail address:	bruce.cermak@AOL.com		

C. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?

Yes  No

If yes:

Subdivision name:

Plat Book Number: Page: Unit: Block: Lot:

If no:

Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit AA-3. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

D. Boundary Survey

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

E. STRAP Number:

192624 WH - 0150E.001A

F. Property Dimensions:

Area:	square feet	acres
Width along roadway:	feet	Depth: feet

G. Property Street Address:

1167 Estero Blvd.

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

Left at bottom of bridge

I. Property Restrictions (check applicable):

There are no deed restrictions or covenants on this property that affect this request.

Restrictions and/or covenants are attached as Exhibit AA-4

A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit AA-5.

PART III – Affidavit

Application Signed by Individual Owner or Authorized Applicant

I, Bruce Cermak, 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 Town 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 supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature	Typed or Printed Name
-----------	-----------------------

State of \_\_\_\_\_  
 County of \_\_\_\_\_

The foregoing instrument was sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ by \_\_\_\_\_  
(date) (name of person under oath or affirmation)  
 who is personally known to me or produced \_\_\_\_\_  
(type of identification)  
 as identification.

Signature of person administering oath	Typed or Printed Name
--	-----------------------

SEAL:

PART III – Affidavit

Application Signed by a Corporation, Limited Liability Company (LLC), Limited Company (LC), Partnership, Limited Partnership, or Trustee

See attached explanatory notes for instructions

I, Bruce Cermak, as OWNER of SURF CLUB, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

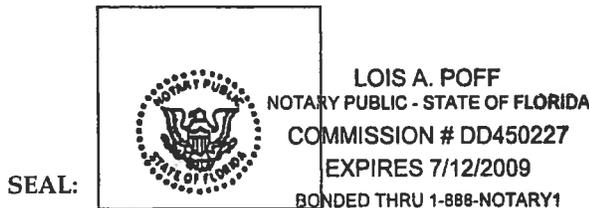
- 1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and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

Cermak's Surf Club LLC, MANAGING PARTNER, Bruce Cermak, Signature, Typed or Printed Name

State of Florida, County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 28th of May 2009 by BRUCE CERMAK who is personally known to me or who has produced

Lois A. Poff, Signature of person administering oath, Lois A. Poff, Typed or Printed Name



## EXHIBIT D

### Explanatory Notes – General

On page 1, place a check mark next to the type of action being requested.

1. Applications for an administrative amendment to a Commercial Planned Development or Residential Planned Development must include this form and supplemental form AA-A.
2. Applications for administrative approval of commercial antenna placement must include this form and supplemental form AA-B.
3. Applications for administrative approval of alcoholic beverage consumption on premises must include this form and supplemental form AA-C. Check with Community Development staff first to find whether your request can be approved administratively or if you will need to request a public hearing for special exception approval.
4. Applications for an administrative approval of a forced relocation of a business must include this form and supplemental form AA-D.
5. Applications for an administrative interpretation of the Land Development Code must include this form and supplemental form AA-E.
6. Applications for a minimum use determination must include this form and supplemental form AA-F.
7. Applications for an administrative setback variance must include this form and supplemental form AA-G. Check with Community Development staff first to find whether your request can be approved administratively or if you will need to request a public hearing for a variance.
8. Other administrative applications, such as for deviations from LDC Chapter 10 or LDC Chapter 26, may require additional information.

### Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.

---

B. Relationship of applicant to owner: If the applicant is not the owner of the property, state the relationship of the applicant to the owner (option holder, contract purchaser, lessee, trustee, agent, etc) and submit a notarized authorization from the owner(s) to the applicant.

## EXHIBIT D

- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Nature of request: State, in general terms, the purpose of the request.
- E. Specific property: If the request is specific to a particular tract of land, complete Part II of the form.

### Explanatory Notes – Part II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. Applications for administrative interpretations of ordinances that do not affect only a particular parcel do not need to complete this part.

- A. If the request is due to a notice of violation, please indicate the date it was issued, the type of notice (building code, zoning, etc) and what the violation was.
- B. If the owner is the applicant, write "same as applicant."
- C. 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. The initial point in the description must be related to an established identifiable real property corner, such as a government corner or a recorded corner. The bearings in the description must be referenced to a well-established and monumented line.
- D. 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, locations of wetlands, etc) that are relevant to your request.

## EXHIBIT D

- E. 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>.
- F. Provide the property dimensions.
- G. Include the street address of the property.
- H. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which).
- I. If there are any deed restrictions or covenants that might affect the requested action, provide the information.

### Explanatory Notes for Part III

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.

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.

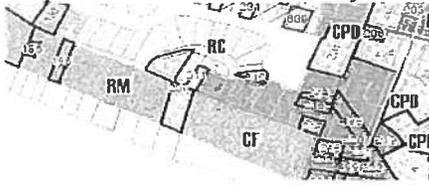
Any oversized site plans, drawings, pictures, and similar materials (larger than 11 x 17) should be submitted in both paper and electronic format.

EXHIBIT D

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

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

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



Zoning Division

**Supplement AA-C**

**Additional Required Information for an Application for  
 Consumption-on-Premises (administrative approval)**

This is the second part of a two-part application. This part requests specific information for an administrative approval of Consumption-on-Premises. Include this form with the Request for Administrative Action form. **Only** use this form if LDC Sections 34-1261 through 34-1264 clearly allow administrative approval of your request. Otherwise, use the public hearing form and the supplement for special exception.

Applicant: <u>BRUCE CERMAK</u>
Location of subject property:
Street address: <u>1167 Estero Blvd.</u>
STRAP Number: <u>164624W40/50E.001A</u>
Current zoning: <u>Downtown</u>
Future Land Use Map Category: <u>Ped. Commercial</u>

1. Type of License: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Temporary
2. Name of Establishment <u>SURF CLUB</u>
3. Type of Establishment:
<input type="checkbox"/> Bar/cocktail lounge <input type="checkbox"/> charter/cruise ship
<input type="checkbox"/> Membership club <input type="checkbox"/> golf course clubhouse
<input type="checkbox"/> Hotel/motel <input checked="" type="checkbox"/> restaurant
<input type="checkbox"/> Restaurant with outdoor seating
4. Requested hours of operation: <u>9AM - 2AM</u>
5. Type of license requested: <u>H COP</u>

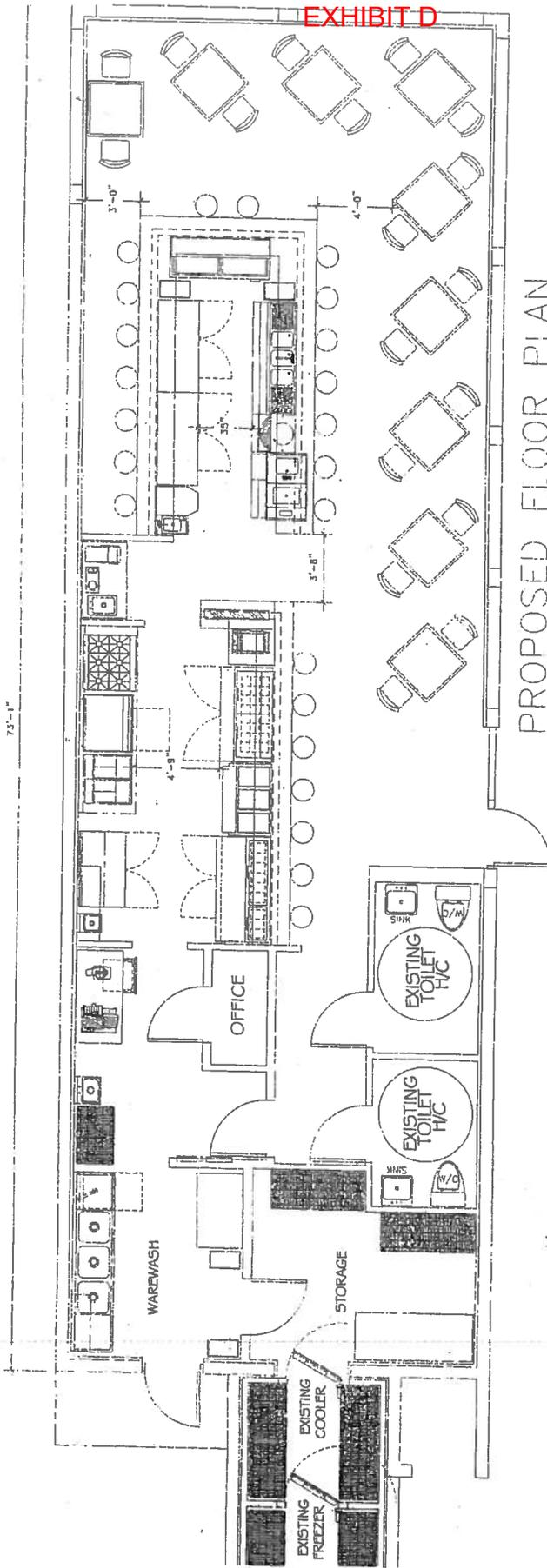
## EXHIBIT D

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

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

6. Additional required information for regular (not temporary) permit:
  - a. Notarized authorization from property owner to apply for permit
  - b. Town map marked to show existing uses on all property within 500 feet of the building to be used for consumption on premises
  - c. Site plan and floor plan drawn to scale

See LDC Sections 34-1261 through 34-1264 for rules regarding alcoholic beverage consumption-on-premises permitting. Ensure that the requested consumption-on-premises use does not require a special exception before using this form.



PROPOSED FLOOR PLAN

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

41 SEATS PROVIDED



# RECEIPT

*Town of Fort Myers Beach*

2523 Estero Blvd  
Fort Myers Beach, FL 33931  
Phone: (239) 765-0202

1167 ESTERO BLVD  
FORT MYERS BEACH, FL 33931  
CONSUME ON PREMISES

Project No: COP2009-0001

Receipt No: P462

**Fee Description**

**Fee Amount**

---

**ADMINISTRATIVE ACTIONS**

FCS 5/29/2009: 09-04 reduce	01.000.329.3203	-\$250.00
Administrative COP	01.000.329.3203	\$ 1,000.00

---

**Total Fees Paid:**

**\$ 750.00**

Date Paid: 05/29/2009

Paid By: Cermak's Nu-Wave Inc

Pay Method: Check 17379

Received By: FRANK SHOCKEY

CUSTOMER

EXHIBIT D

ADMINISTRATIVE APPROVAL  
TOWN OF FORT MYERS BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COP2009-0001

WHEREAS Bruce Cermak, registered agent and managing member of Cermak's Surf Club LLC (owner of the subject property), applied for administrative approval of consumption on premises of alcoholic beverages in conjunction with a restaurant, under the provisions of Fort Myers Beach Land Development Code (LDC) Chapter 34, Article IV, Division 5; and

WHEREAS the subject property is located at 1167 Estero Boulevard, Fort Myers Beach, FL and is legally described in the attached **Exhibit A**; and

WHEREAS the current zoning of the subject property is DOWNTOWN; and

WHEREAS the applicant submitted an application containing the information required by LDC Section 34-1264(c)(1) to the Town; and

WHEREAS the subject property contains an existing enclosed building and a parking lot with 15 parking spaces, and the applicant proposes to operate a restaurant within the existing building; and

WHEREAS the existing enclosed building contains approximately 1835 square feet of floor area; and

WHEREAS the existing building is undergoing interior remodeling under building permit COM09-0113, issued June 9, 2009, and the proposed floor plan within the exterior walls of the building is attached hereto and incorporated herein by reference as **Exhibit B**; and

WHEREAS LDC Section 34-1264(a)(1) allows the director to approve administratively an application for consumption on premises in conjunction with a restaurant, provided the additional requirements of LDC Sections 34-1264(b)(2)a and 34-1264(b)(3) are met; and

WHEREAS LDC Section 34-1264(b)(2)a. requires that a restaurant (1) be in full compliance with state requirements, (2) serve cooked, full-course meals, prepared daily on the premises, (3) provide beverages from a service bar only to patrons ordering meals, or in a cocktail lounge for patrons waiting to be seated at dining tables with no exterior indication that the cocktail lounge is within the building, and (4) comply with the additional requirements of LDC Section 34-1264(k); and

## EXHIBIT D

WHEREAS LDC Section 34-1264(b)(3) requires that a restaurant satisfy the parking requirements contained in LDC Section 34-2020(d)(2); and

WHEREAS the number of parking spaces required by LDC Section 34-2020(d)(2)h. for 1835 square feet of floor area used for a restaurant in the DOWNTOWN zoning district at the subject property location is 10, and the existing parking lot on the subject property contains 15 parking spaces; and

WHEREAS the application does not request any outdoor or unenclosed seating areas for consumption-on-premises uses on the subject property; and

WHEREAS the director makes the following findings of fact:

1. All applicable standards have been met;
2. There will be no deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises;
3. The premises are suitable in regard to their location, site characteristics, and intended purpose;
4. All the preceding clauses introduced by "WHEREAS" are incorporated herein as findings of fact;

NOW, THEREFORE, the Director **APPROVES** the requested administrative approval of a consumption-on-premises permit under LDC Section 34-1264(a)(1),

**SUBJECT TO the following conditions:**

1. All requirements of LDC Section 34-1264(k) are incorporated herein by reference and the subject establishment must comply with these requirements at all times.
2. Consumption on premises on the subject property is limited to a restaurant within the exterior walls of the existing building (shown by the attached **Exhibit B**). Any expansion of the area designated for consumption on premises will require a new approval in compliance with all applicable requirements of the LDC at that time.
3. Sales, service, and consumption of alcoholic beverages on the subject property are prohibited between the hours of 2:00 AM and 9:00 AM of each day.

EXHIBIT D

4. No outdoor areas and no areas that are less than fully enclosed on the subject property are approved for consumption on premises.
5. Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only. Alcoholic beverage consumption on premises in conjunction with any other use, specifically including but not limited to a bar or cocktail lounge, will require a new approval in compliance with all applicable requirements of the LDC at that time.

DULY ADOPTED this 16 day of July, 2009.

By: \_\_\_\_\_

  
Frank Shockey, Ph.D., CFM, Interim Director  
Department of Community Development  
Town of Fort Myers Beach

## EXHIBIT D

FMBCOP2009-0001

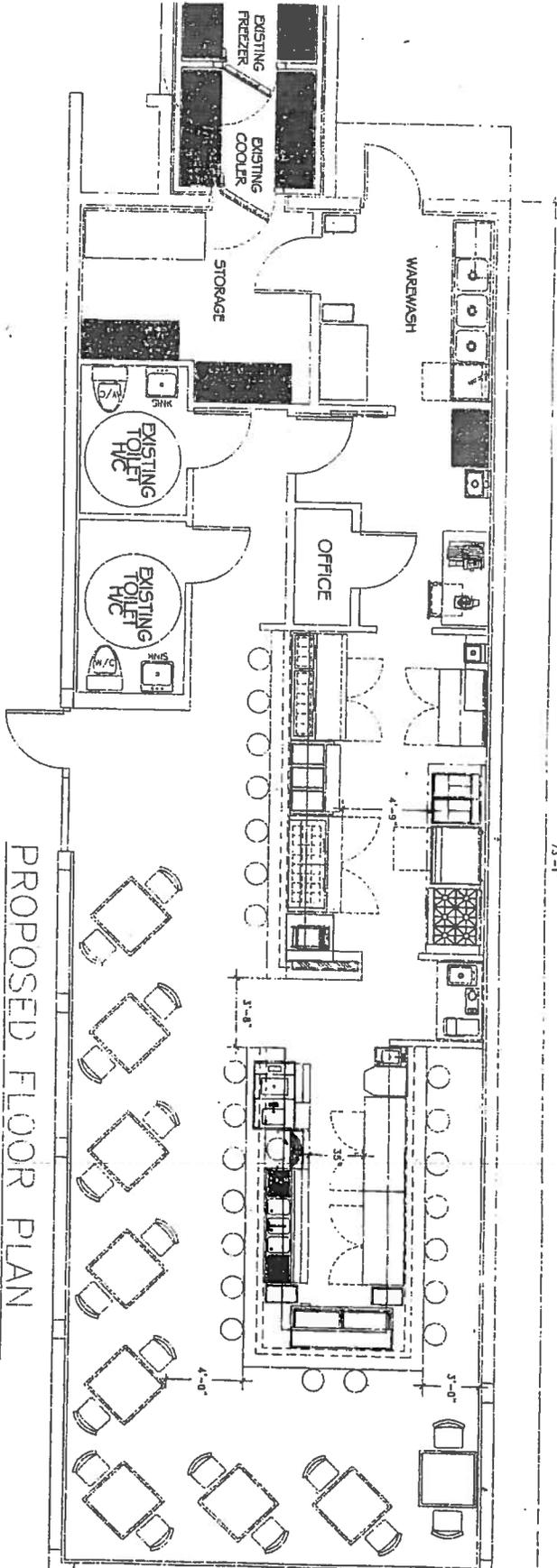
Exhibit A

A lot or parcel of land comprised of part of Lot 1, Block "E" of CRESCENT PARK ADDITION, according to a map or plat thereof recorded in Plat Book 4, page 46, of the Public Records of Lee County, Florida, and part of the reserved strip of area lying East of said Block "E" and West of Block "D" of said Crescent Park Addition and part of the vacated street or drive lying between said reserved strip and said Block "E" and part of the unused street or drive lying between said reserved strip and Block "D", and part of the canal right-of-way shown on said plat, which lot or parcel is described as follows: From the SW Corner of said Block "E" run Southeasterly along the North line of Estero Boulevard for 80 feet to the Point of Beginning of the lands herein described: From said Point of Beginning, run North parallel with the West line of said Block "E" for 76.34 feet to a point on a prolongation of the line dividing the North 1/2 and the South 1/2 of Lot 2 of said Block "E"; thence run East along said prolongation for 137.5 feet to a point 112.68 feet West of the East line of said Block "D" thence run South 112.68 feet from and parallel with said East line of Block "D" for 126.75 feet to a point on the North line of Estero Boulevard, which point is 120 feet Northwesterly along said boulevard from the Southeast corner of said Block "E", thence run Northwesterly along said boulevard for 146.45 feet to the Point of Beginning.

FMB002009/0001  
Cermak's Surf Club

EXHIBIT ( B )

FCS



PROPOSED FLOOR PLAN

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

41 SEATS PROVIDED

**EXHIBIT D**

INSTR # 2009000097880, Doc Type D, Pages 2, Recorded 04/14/2009 at 03:31 PM,  
Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D \$7000.00 Rec. Fee  
\$18.50 Deputy Clerk DMERCIER

1/15/09  
2009

Prepared by and return to:  
Title Professionals of Florida  
13241 University Drive, Suite 103  
Fort Myers, Florida 33907  
incidental to the issuance of a title insurance policy.  
Parcel Identification Number: 19-46-24-W4-0150E.001A  
File Number: 09001942TPF

(Space Above This Line For Recording Data)

**Warranty Deed**

This Warranty Deed made this 10th day of April, 2009, by

J.Harold Chastain, Individually and as Trustee of the JHC 2003 Trust dated April 9, 2003,

hereinafter called the GRANTOR, to

Cermak's Surf Club, LLC.,

whose post office address is 1167 Estero Blvd., Fort Myers Beach, FL 33931,  
hereinafter called the GRANTEE:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land, situate in Lee County, Florida, viz:

A lot or parcel of land comprised of part of Lot 1, Block "E" of CRESCENT PARK ADDITION, according to a map or plat thereof recorded in Plat Book 4, page 46, of the Public Records of Lee County, Florida, and part of the reserved strip of area lying East of said Block "E" and West of Block "D" of said Crescent Park Addition and part of the vacated street or drive lying between said reserved strip and said Block "E" and part of the unused street or drive lying between said reserved strip and Block "D", and part of the canal right-of-way shown on said plat, which lot or parcel is described as follows: From the SW Corner of said Block "E" run Southeasterly along the North line of Estero Boulevard for 80 feet to the Point of Beginning of the lands herein described: From said Point of Beginning, run North parallel with the West line of said Block "E" for 76.34 feet to a point on a prolongation of the line dividing the North 1/2 and the South 1/2 of Lot 2 of said Block "E"; thence run East along said prolongation for 137.5 feet to a point 112.68 feet West of the East line of said Block "D" thence run South 112.68 feet from and parallel with said East line of Block "D" for 126.75 feet to a point on the North line of Estero Boulevard, which point is 120 feet Northwesterly along said boulevard from the Southeast corner of said Block "E", thence run Northwesterly along said boulevard for 146.45 feet to the Point of Beginning.

This property is not the homestead of the Grantor(s) nor is it contiguous to the homestead of the Grantor(s).

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2008 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has hereunto has signed and sealed these presents the date set forth above.

Signed, sealed and delivered in our presence:  
(TWO WITNESSES REQUIRED)

WITNESSES:

Robert J. McGinley  
Signature of Witness  
Printed Name of Witness: ROBERT J. MCGINLEY

J. Harold Chastain  
Signature of Witness  
Printed Name of Witness: J. Harold Chastain, Individually and as Trustee

Donna J. Davis  
Signature of Witness  
Printed Name of Witness: Donna J. Davis

STATE OF FLORIDA

COUNTY OF Manatee

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared J. Harold Chastain, Individually and as Trustee of the JHC 2003 Trust dated April 9, 2003, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that: he, she and/or they, executed the same, and an oath was not taken. (Check one)  Said person(s) is/are personally known to me.

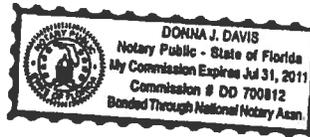
Said person(s) provided the following type of identification \_\_\_\_\_  
WITNESS my hand and official seal in the County and State last aforesaid this 3<sup>rd</sup> day of April, 2009.

Donna J. Davis  
Notary Public

Printed Name: Donna J. Davis

My Commission Expires: July 31, 2011

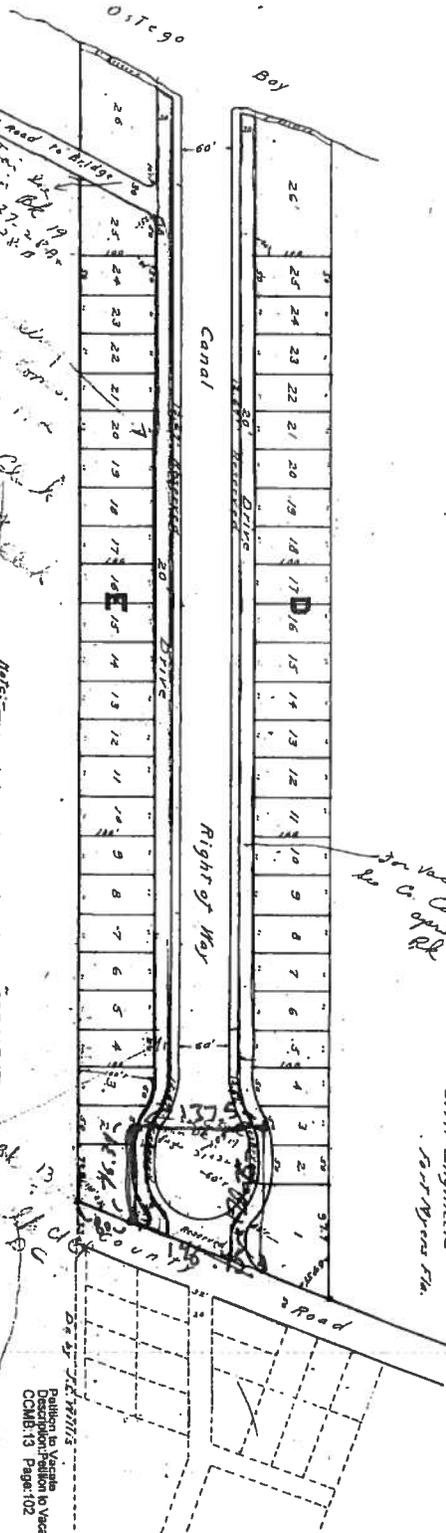
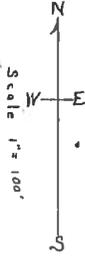
SEAL



# CRESCENT PARK ADDITION.

Being a Subdivision of Lot 1, of Hill's Subdivision of Gov't Lots 2, 3, and 4, Sec 19, T. 46. S. R. 24. E. Lee County Fla.

Petition to Vacate  
Vacation of: cancelling of 20ft drive  
Date of Approval: 08/09/50  
CCMB: 11 Page: 192



30' Road to bridge  
30' vacating & can drive  
20' 20 ft drive, can top  
of  
9-1950.  
R. J. Amador, Clerk  
City of Lee County Fla.

Note: This plat replaces the plat of CRESCENT PARK ADDITION, recorded on page 43 Book Lee County Records.

For vacation of 20' drive  
to C. County  
April 8, 1959  
RL 16-18

Platted by  
J.A. Davison & Son,  
Civil Engineers  
Tallahassee, Fla.

Petition to Vacate  
Description: Petition to Vacate this 20ft drive  
CCMB: 13 Page: 102

FILED IN THE OFFICE OF THE  
CLERK OF THE COUNTY OF LEE  
FLORIDA  
THIS 9th DAY OF AUGUST 1950  
R. J. Amador, Clerk  
City of Lee County Fla.





Local Business Tax Account Application  
Lee County Tax Collector  
P.O. Box 1549  
Ft. Myers, FL 33902-1549  
(239) 533-6000



COM09-  
9903737

(Return application, fees, and corresponding documents to the Lee County Tax Collector for processing.)

- Type of Business: Restaurant
- Business Name (DBA): Cermak's Nu-Wave Inc. EIN/SSN: \_\_\_\_\_  
NOTE: Indicate below why you are exempt from filing for a Fictitious Name Registration/DBA (Doing Business As)  
 Business name indicates my full legal name       Business name is a registered trademark  
 Business name is the corporate name               Business name is the limited liability partnership name  
 Business name is the general partnership name     Attorney, Dept. of Health, Dept. of Business & Professional Regulation
- Owner/Professional/Qualifier Name: Cermak Bruce  
(Last) (First) (Middle Initial)
- County/State license or certification number: (Professional, Contractor & Restaurants, etc.)  
Enter license number and attach a copy of your current license or certification License #: \_\_\_\_\_
- Physical Address: 1167 Esters Blvd Strap #: \_\_\_\_\_  
(Zoning approval is required-see below and back of this application.)  
City: Fort Myers Beach State: FL Zip: 33931  
Mailing Address (if different): Same as above  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- Business Phone Number: 239 463 9256 Alternate Phone Number: ( ) \_\_\_\_\_
- Business located in:  Residential  Commercial Property
- Is the physical address located within a city limit?  Yes: If yes, attach a copy of your city local business tax receipt  
 No: If no, see zoning requirements below & on reverse side
- Date business actually began at this location: \_\_\_\_\_

**IMPORTANT: IF TRANSFERRING A BUSINESS TAX RECEIPT, CHECK EACH TYPE OF CHANGE BELOW**

(Current Lee County Business Tax Receipt must be attached to this application) TRANSFER FEE: \$3.00

- Business Name (DBA)       Physical Address      CURRENT RECEIPT #: \_\_\_\_\_  
 Owner Name                       Mailing Address  
 Ownership (example: purchase of existing business, include a copy of the Bill of Sale)

Existing receipt transfers may require one of the following: County/State license or certification, zoning approval.

**Business Tax Fee (Includes a \$20.00 Hazardous Waste Surcharge per Resolution 94-07-14)**

	Full Year Fee	1/2 Year Fee (April - June)	1/4 Year Fee (July - Sept)
Business Tax Receipt Fee:	\$50.00	\$25.00	\$12.50

(Payment required at time of application.)

To obtain fees for Flea Markets, Special Events, Transient Merchants or Going Out of Business/Fire Sales call (239) 533-6000

**Signatures:** Under penalties of perjury, I hereby declare the statements above are true and correct to the best of my knowledge.

Owner/Qualifier: \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Owner: \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

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**ZONING APPROVAL IS REQUIRED FOR BUSINESSES LOCATED IN UNINCORPORATED LEE COUNTY.**

Lee County Zoning Department must complete this section prior to local business tax receipt issuance, or attach a copy of the LOCATION Certificate of Use or Certificate of Occupancy.

Strap Number: 194624W40150E001A HOL-USE or COM #: FMBUSE 2009-0020  
Approved By: [Signature] Title: Development Director Date: 8/18/2009

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EXHIBIT D





# Town of Fort Myers Beach

TOWN OF  
FORT MYERS BEACH

JUL 17 2009

## Certificate of Use Permit

RECEIVED BY

Owners Name: <u>Cermak's Surf Club LLC</u>	Cell Ph: _____
Strap No. <u>19-46-24-W4-0150E.001A</u>	Phone: _____
Business Name: <u>Surf Club</u>	Fax No: _____
Business Location: <u>1167 Estero Blvd</u>	
Contact Name: <u>Bruce Cermak</u>	
Business Description: <u>Restaurant</u>	

Permit No FMB VSE2009-0020 Issued \_\_\_\_\_ Expires \_\_\_\_\_

### Approvals Required

**Building Inspection – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Fax the site plan, floor plan and this form to the Lee County Building Dept.  
 FAX No. 485-5556 Phone No. 533-5801

**Fire Inspector – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Call Fort Myers Beach Fire Control District at 590-4206

**Garbage Verification - Name of Landlord** Acct # 10657  
 Call Veolia Waste Services at 334-1224 Fax No 433-2550  
 Will need the approval stamp below:

Landlord provides service	VEOLIA ES SOLID WASTE SOUTHEAST, INC.
Name of account: <u>Surf Club</u>	17101 PINE RIDGE RD
Phone No. <u>239-463-1256</u>	FORT MYERS BEACH, FL 33931
<input type="checkbox"/> Shared account	(239) 334-1224
<input checked="" type="checkbox"/> Established new service	
Veolia Waste services to fax back to 765-0909 Town of Fort Myers Beach	

**Code Enforcement – Approved by:** [Signature] **Date** 8/14/09  
 Call 765-0202 – Ext 108 – Code Enforcement and fax to 765-0909 Attn: Jim

HRS and/or Health Dept. (if applicable) provide approvals

**Town of Fort Myers**  
 Certificate of Use Approval \_\_\_\_\_ **Date** \_\_\_\_\_

Town of Fort Myers Beach – 2523 Estero Boulevard – Fort Myers Beach, Florida 33931  
 Telephone 239-765-0202 Fax 239-765-0909

# Town of Fort Myers Beach

## Certificate of Use Permit

Owners Name: <u>Cermak's Surf Club LC</u>	Cell Ph: _____
Strap No. <u>19-46-24-W4-0150E.001A</u>	Phone: _____
Business Name: <u>Surf Club</u>	Fax No: _____
Business Location: <u>1167 Estero Blvd</u>	
Contact Name: <u>Bruce Cermak</u>	
Business Description: <u>Restaurant</u>	

Permit No FMB USE2009-0020 Issued \_\_\_\_\_ Expires \_\_\_\_\_

### Approvals Required

\* **Building Inspection – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Fax the site plan, floor plan and this form to the Lee County Building Dept.  
 FAX No. 485-5555 Phone No. 533-5801

\* **Fire Inspector – Approved by:** [Signature] **Date** 8-14-09  
 Call Fort Myers Beach Fire Control District at 590-4206

**Garbage Verification - Name of Landlord** \_\_\_\_\_  
 Call Veolia Waste Services at 334-1224 Fax No 433-2550  
 Will need the approval stamp below:

<p><b>Landlord provides service</b></p> <p>Name of account; _____</p> <p>Phone No. _____</p> <p><input type="checkbox"/> Shared account</p> <p><input type="checkbox"/> Established new service</p> <p>Veolia Waste services to fax back to 765-0909 Town of Fort Myers Beach</p>
---

**Code Enforcement – Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_  
 Call 765-0202 – Ext 108 – Code Enforcement and fax to 765-0909 Attn: Jim

HRS and/or Health Dept. (if applicable) provide approvals

**Town of Fort Myers**  
 Certificate of Use Approval \_\_\_\_\_ **Date** \_\_\_\_\_

08/23/2006 05:43

#1987 P.001 /001

NO. 0611



07 Jul 17 2009 9:24AM

VEOLIA ES 239-433-2550

TOWN OF FORT MYERS BEACH

# Town of Fort Myers Beach

TOWN OF FORT MYERS BEACH

JUL 17 2009

AUG 17 2009

## Certificate of Use Permit

RECEIVED BY

RECEIVED

Owners Name:	<u>Cermak's Surf Club LC</u>	Cell Ph:	_____
Strap No.	<u>19-46-24-W4-0150E.001</u>	Phone:	_____
Business Name:	<u>Surf Club</u>	Fax No:	_____
Business Location:	<u>1167 Estero Blvd</u>		
Contact Name:	<u>Bruce Cermak</u>		
Business Description:	<u>Restaurant</u>		

Permit No FMB USE 2009-0020 Issued \_\_\_\_\_ Expires \_\_\_\_\_

### Approvals Required

Building Inspection – Approved by: TSS Date 8-18-09  
 Fax the site plan, floor plan and this form to the Lee County Building Dept  
 Phone No. 533-5801  
 FAX No. 485-5555

Fire Inspector – Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
 Call Fort Myers Beach Fire Control District at 590-4206

Garbage Verification - Name of Landlord Acct # 10657  
 Call Veolia Waste Services at 334-1224 Fax No 433-2550  
 Will need the approval stamp below:

Landlord provides service	VEOLIA ES SOLID WASTE SOUTHEAST, INC.
Name of account: <u>Surf Club</u>	17101 PINE RIDGE RD
Phone No. <u>239-463-7256</u>	FORT MYERS BEACH, FL 33931
<input type="checkbox"/> Shared account	(239) 334-1224
<input checked="" type="checkbox"/> Established new service	
Veolia Waste services to fax back to 765-0909 Town of Fort Myers Beach	

*Barbara Hayden*  
7-17-09

Code Enforcement – Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
 Call 765-0202 – Ext 108 – Code Enforcement and fax to 765-0909 Attn: Jim

HRS and/or Health Dept (if applicable) provide approvals

Town of Fort Myers  
 Certificate of Use Approval \_\_\_\_\_ Date \_\_\_\_\_

Town of Fort Myers Beach – 2523 Estero Boulevard – Fort Myers Beach, Florida 33931  
 Telephone 239-765-0202 Fax 239-765-0909

4/15/2009

## EXHIBIT E

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 11- 15  
FMBSEZ2010-0005 (Surf Club)

WHEREAS, applicant Cermak's Surf Club, LLC., by and through Bruce Cermak, owner (collectively "applicant") has requested a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages, in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership; and

WHEREAS, the subject property is located at 1167 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24- W4-0150E.001A and the legal description of the subject property is Lot 1, Block E, CRESCENT PARK ADDITION, recorded in Plat Book 4, Page 46, Public Records of Lee County, Florida,

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on January 11, 2011; and

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

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on September 26, 2011, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2011-001, 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 2011-001 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 applicant's request for a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership, with such approval subject to the following conditions:

## EXHIBIT E

### CONDITIONS OF APPROVAL:

1. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*
2. *Sales, service, and consumption of alcoholic beverages must not begin earlier than 9:00 AM and must end no later than 2:00 AM each day.*
3. *Conditions in prior approvals, including the applicant's May 29, 2009 COP (FMB COP2009-0001) will remain in effect except where such conditions have been modified by this action.*
4. *Music and other audible entertainment are prohibited before 11:00 AM and after 9:00 PM of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan is to be provided at the time of development order or permit.*

### FINDINGS AND CONCLUSIONS:

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

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

*The Comprehensive Plan notes in the Consensus on Commercial Uses: "The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite severe congestion during peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings." Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore, the area can support a more intensive mix of uses which is consistent with the applicant's request.*

2. The requested special exception, as conditioned, is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan:

*The applicant's request for outdoor consumption on premises is fitting with the vision for the area. The subject property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment*

## EXHIBIT E

area with tree-shaded outdoor cafes, pedestrian streets, and an 'Old Estero Island' character to the buildings."

Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a "nucleus of commercial and tourist activities" with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. Again, the applicant's request is consistent with this vision, by providing additional venue for the enjoyment of the outdoor environment of Fort Myers Beach.

3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use.

*The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is however, a use permitted by special exception. The applicant's request is appropriate at this location due to the subject property's location in the Times Square area (Downtown Core) and is consistent with the goals, objectives, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources:

*The proposed outdoor consumption application will have virtually no negative effects on environmentally critical areas and natural resources. The subject property is within an existing commercial district and the proposed deck is to be located on an area of the site that was previously disturbed.*

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:

*The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan's vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes. Staff feels the applicant's request is compatible with the area and its vision.*

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 outdoor consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to Sections 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.*

EXHIBIT E

Upon a motion made by Vice Mayor Raymond and seconded by Council Member Mandel, this Resolution was

DULY PASSED AND ADOPTED ON THIS 26TH DAY OF September, 2011.

Larry Kiker, Mayor     aye  
Alan Mandel            aye  
Joe Kosinski           aye

Bob Raymond, Vice Mayor     aye  
Jo List                    aye

By:   
Larry Kiker, Mayor

ATTEST:  
By:   
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By:   
FOWLER WHITE BOGGS  
Town Attorney

EXHIBIT E

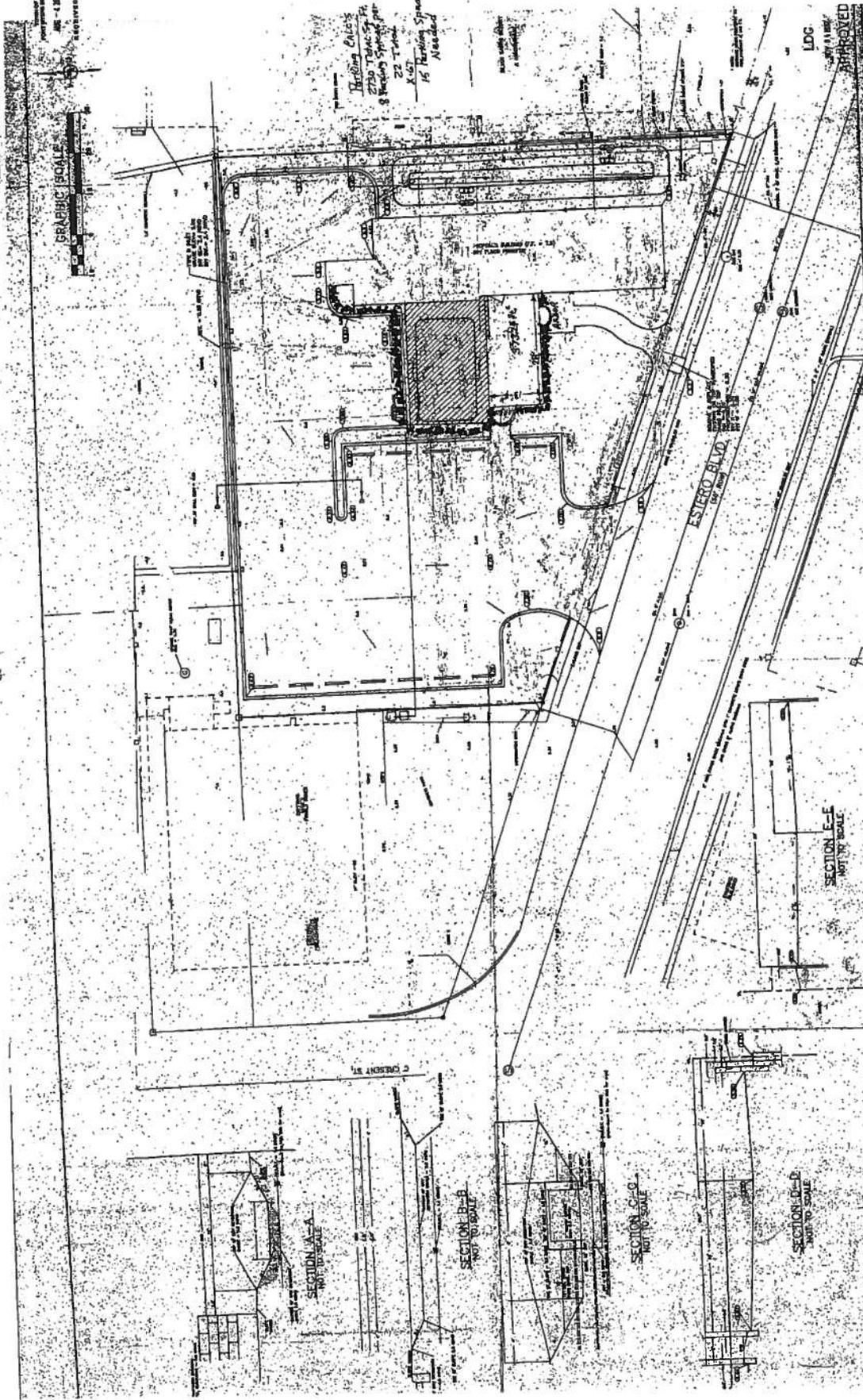
EXHIBIT (B)

MEMO Exhibit 1

GRAPHIC SCALE

REVISIONS BY

Handing Check  
2750 Trucking  
8 Working Spaces per 1000 sq ft  
22 Trucks  
5.67  
15 Working Spaces  
Needed



LDC

APPROVED

1187 PEARSON BLVD  
SFA 34655 ZIP  
P.O. CRAD. UTIL. & DRAWING

NORTHLAKE FOODS  
3414 PEACHTREE RD. SUITE 000  
ATLANTA, GA 30326  
404-257-0800

CONSUL-TECH ENGINEERING, INC.  
Civil Engineers  
3481 DE SOTO AVE. SUITE 100  
ATLANTA, GA 30326  
Phone (404) 947-2283 Fax (404) 947-1320



SECTION A-A  
NOT TO SCALE

SECTION B-B  
NOT TO SCALE

SECTION C-C  
NOT TO SCALE

SECTION D-D  
NOT TO SCALE

SECTION E-E  
NOT TO SCALE

# EXHIBIT F



RESUBMITTAL

Town of Fort Myers Beach  
OCT 29 2015  
Received Community Devel

# 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: SEZ 2015-0003 DATE: 9-9-2015

Site Address: 1167 ESTERO BLVD. FORT MYERS BEACH, FL 33931

STRAP Number: 19-46-24-W4-0150E.001A

Applicant: RONALD YANKE Phone: 815-228-4663

Contact Name: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Email: petem@maastricht-eng.com Fax: N/A

Current Zoning District: DOWNTOWN

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

FLUM Density Range: \_\_\_\_\_ 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 |

OCT 29 2015

Received Community Devel

PART I - General Information

A. Applicant\*: RONALD YANKE Phone: 815-228-4663

\*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: 1167 ESTERO BLVD. FORT MYERS, FL. 33931

Email: DEEPDISHDOUGH@GMAIL.COM Fax: 815-224-4462

Contact Name: RONALD YANKE Phone: 815-228-4663

B. Relationship of Applicant to subject property:

- Owner\*, Land Trust\*, Partnership\*, Corporation\*, Association\*, Condominium\*, Subdivision\*, Timeshare Condo\*, Contract Purchaser\*, Authorized Representative\*, 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: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Address: 7370 COLLEGE PARKWAY, SUITE 211 FORT MYERS, FL. 33907

Email: petem@maastricht-eng.com Fax: N/A

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

Name: Phone:

Address:

Email: Fax:

Name: Phone:

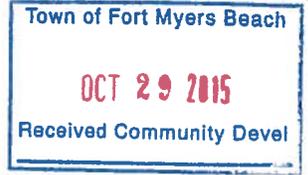
Address:

Email: Fax:

Name: Phone:

Address:

Email: Fax:



PART II - Nature of Request

Requested Action (each request requires a separate application)

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

PART III - Waivers

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

- Code Section: Description:
Code Section: Description:
Code Section: Description:

PART IV - Property Ownership

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

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)

**RESUBMITTAL**

**DISCLOSURE OF OWNERSHIP INTEREST**

STRAP: 19-46-24-W4-0150E.001A

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

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

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

Name, Address and Office	Percentage of Stock
RONALD YANKE, OWNER	50%
328 BUCKLIN ST.	_____
LASALLE, IL 61301	_____
MERRY NOONAN	50%
1510 SYCAMORE ST.	_____
PERU, IL 61301	_____

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

RESUBMITTAL

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.

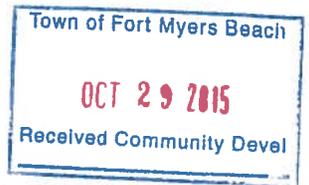
Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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





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

RESUBMITTAL

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.

Merry Noonan Signature MERRY NOONAN Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10-29-15 (date) by MERRY NOONAN (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.



B Falduto Signature

Printed Name

RESUBMITTAL

Town of Fort Myers Beach

OCT 29 2015

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TRANSMITTAL LETTER

TO: Department of Community Development
Town of Fort Myers Beach
2525 Estero Blvd.
Ft Myers, FL 33931

PROJECT #: 14-140
LDO2015-0018
PROJECT: Fish Bowl Restaurant
1167 Estero Blvd.
Fort Myers Beach, FL 33931

FROM: Peter M. Maastricht, P.E.

DATE: October 29, 2015

WE ARE SENDING YOU THE FOLLOWING ITEMS:

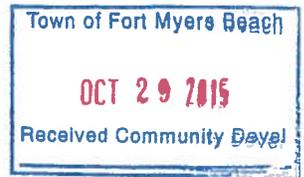
- Attached Via HAND DELIVERED Under Separate Cover Via
Plans/Prints Shop Drawings Specifications Contract Disc
Permit Applications Other

Table with 2 columns: NO. OF COPIES, DESCRIPTION. Rows include: Revised Written Description of Proposed Development, Response to Staff Comment's Letter, Signed & Sealed Civil Plans, Architectural Floor Plans & Elevations.

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

- as requested for approval for signature for review & comment
for your use/files/information for your distribution to be returned

REMARKS:



RESUBMITTAL

## WRITTEN DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development includes the construction of a concrete deck and wood deck for additional outdoor seating. In addition, the existing building is proposed to be renovated to include the following:

1. A roof deck with a bar and outdoor seating. Total outdoor seating is 2104 SF.
2. The building is being expanded by 943 SF off of the NE corner to accommodate a larger kitchen.

The Stormwater system is proposed to be modified to accommodate the above described improvements.



Town of Fort Myers Beach  
 NOV 15 2015  
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RESUBMITTAL

**TRANSMITTAL LETTER**

**TO:** Ayita Williams  
 Permit Coordinator  
 Town of Fort Myers Beach  
 Community Development  
 2525 Estero Blvd.  
 Ft Myers, FL 33931

**PROJECT #:** 14-140  
  
**PROJECT:** Fish Bowl Restaurant  
 1167 Estero Blvd.  
 Fort Myers Beach, FL 33931  
**SEZ2015-0003**

**FROM:** Peter M. Maastricht, P.E.

**DATE:** November 13, 2015

**WE ARE SENDING YOU THE FOLLOWING ITEMS:**

- Attached Via           HAND DELIVERED          
 Under Separate Cover Via \_\_\_\_\_  
 Plans/Prints       Shop Drawings       Specifications       Contract       Disc  
 Permit Applications       Other

NO. OF COPIES	DESCRIPTION
1	Response to Comments Letter re: SEZ2015-0003
1	Attachment – “Narrative Statements”
1	Exhibit – “COP Exhibit”
1	Copy of Resolution 11-15 FMBSEZ2010-005 (Surf Club)

**THIS DATA IS TRANSMITTED AS CHECKED BELOW:**

- as requested       for approval       for signature       for review & comment  
 for your use/files/information       for your distribution       to be returned

**REMARKS:**



RESUBMITTAL



November 13, 2015

Ayita Williams, Permit Coordinator  
Town of Fort Myers Beach  
Community Development  
2525 Estero Blvd.  
Fort Myers Beach, FL 33931

Response to 1<sup>st</sup> Review Comments – Special Exception

RE: 1167 ESTERO BLVD.  
Fort Myers Beach, FL 33931  
STRAP: 19-46-24-W4-0150E.001A  
SEZ2015-0003

To Whom It May Concern:

The following is our response to staffs first review comments for above referenced zoning project regarding application for Public Hearing for Special Exception:

**COMMENTS:**

**Environmental Review, Matt Noble** (239) 765-0202 extension 115 [matt@fortmyersbeachfl.gov](mailto:matt@fortmyersbeachfl.gov)  
Application needs to be signed and notarized.

**RESPONSE:** *Applicant personally re-submitted signed and notarized application on 10/29/2015 to Community Development.*

**COMMENTS:**

Please clarify if the utility box located at the southwest corner of the property is being moved or relocated.

**RESPONSE:** *The utility box (electrical transformer) is not going to be moved or relocated.*

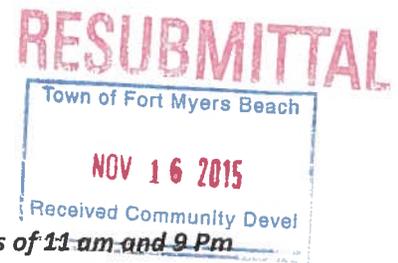
**COMMENTS:**

Please clarify if the awning located along Estero Blvd is being modified.

**RESPONSE:** *The awning located along Estero Blvd is not proposed to be to be modified. Should any modifications become necessary, the applicant is aware that the new awning shall be constructed so that no part of the building or awning encroaches into the ROW.*

**COMMENTS:**

Please clarify if outdoor entertainment is being proposed. If outdoor entertainment is sought, specify location, type, and proposed measures to assure neighborhood compatibility.



**RESPONSE:**

*The applicant is requesting audible entertainment be permitted between the hours of ~~11 am and 9 pm~~ of each day in the outdoor seating areas complying at all times with the applicable noise ordinances. Typical audible entertainment would consist of single entertainer with a guitar, as conditioned in FMBSEZ2010-0005 (Surf Club).*

*The regulations of the DOWNTOWN zoning district (Chapter 34 Section 678) encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street.*

*This vicinity is one of the most intensive commercial areas of the Town, and aside from a minimal number of residential units, is located generally away from the intensely residential areas of the island. Other restaurants and bars serving alcohol on the premises, many of which include outdoor seating areas, are located in Times Square and on Old San Carlos Boulevard to the north, and on both sides of Estero Boulevard to the south. Therefore, the request for outdoor consumption on premises is appropriate at this location.*

*In addition, the site and building has been designed such that all of the outdoor seating areas (and thus the audible entertainment), will be located so that the building or proposed wall will be situated between the outdoor seating areas (and thus the audible entertainment) and the adjacent property and the residential properties further down the canal.*

**COMMENTS:**

Please provide an exhibit that shows where the previous approvals permitted consumption on premises and an exhibit that shows where the applicant is proposing consumption on premise

**RESPONSE:** *Please see attached COP exhibit*

**COMMENTS:**

Please provide a more descriptive project narrative request.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised project narrative request.*

**COMMENTS:**

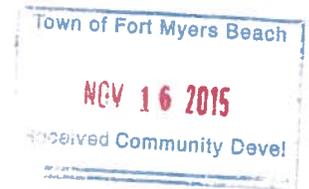
Please provide a more descriptive comprehensive plan and land development code consistency statement under the reasons for the request section of the application.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised comprehensive plan and land development code consistency statement.*

**COMMENTS:**

Please address the LDO comments.

**RESPONSE:** *The owner personally delivered the LDO response package to the Town of Fort Myers Beach on 10/29/2015. All of the proposed outdoor seating areas will be enclosed by a 36 inch hedge and a 42 in railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*



**COMMENTS:**

(10/28/2015 4:08 PM MN)

Please revise the narrative under the "Granting the requested Special Exception..." section based on all of the other revisions.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised project narrative request. Reference section GRANTING THE REQUESTED SPECIAL EXCEPTION COULD IMPACT SURROUNDING PROPERTIES AS FOLLOWS*

**COMMENTS:**

(10/29/2015 9:46 AM MN)

Please include a copy of Resolution 11-15 in the resubmittal/application materials. Please review this resolution and incorporate the conditions into the application or propose modifications to the conditions so that these modifications can be reviewed as part of this application.

**RESPONSE:** *Please see attached document Resolution 11-15.*

*Owner has acknowledged compliance with the following conditions noted in Resolution Number 11-15 (FMBSEZ2010-0005):*

1. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from the other areas of the subject property.*
2. *Sales, service and consumption of alcoholic beverages must not begin earlier than 9:00am and must end no later than 2:00am each day.*
3. *Conditions in prior approvals, including applicant's May 29, 2009 COP (FMBCOP2009-0001) will remain in effect except where such conditions have been modified by this action.*
4. *Music and other audible entertainment are prohibited before 11:00am and after 9:00pm of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan is to be provided at the time of the development order or permit.*

**COMMENTS:**

(10/29/2015 9:48 AM MN)

Specifically address LDC Sec. 34-88 Special exceptions, in the project narrative.

**RESPONSE:** *Please see attached sheet "Narrative Statements" with revised project narrative request. Reference section A. "Request for" and section B. "Reason for Request"*

**COMMENTS:**

(10/29/2015 10:03 AM MN)

Please provide a discussion of measures that will be utilized to protect the fence that is located on the southern property boundary and how the area between the proposed building expansion area and the fence will be maintained.

**RESPONSE:**

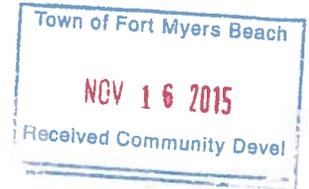
*The proposed building will be constructed to within ±1.8 ft of the south property line. The existing fence is to remain in place. The area between the proposed building and the existing PVC fence on the south property line will be finished with crushed shell and maintained free of weeds.*

We trust this information is sufficient for you to complete your review. Please feel free to contact me should you have any questions or comments.

Sincerely,



Peter M. Maastricht, P.E.  
MAASTRICHT ENGINEERING, INC.



Cc: Ron Yanke

RESUBMITTAL

Response to 1<sup>st</sup> Review Comments – Special Exception

SEZ2015-0003

**ATTACHMENT**  
**NARRATIVE STATEMENTS**

Town of Fort Myers Beach

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**PROJECT NARRATIVE REQUEST****A. REQUEST FOR:**

*It is the intent of the property owner to expand the existing building, modify the storm drainage, and expand the outdoor seating area from 1020 SF TO 2104 SF. The owner is requesting a special exception, in the Downtown zoning district, to **expand the current C.O.P. approvals (FMBCOP2009-0001)** which allows consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership.*

**COMPREHENSIVE PLAN & LAND DEVELOPMENT CODE CONSISTENCY STATEMENT****B. REASONS FOR REQUEST:****THE PROPERTY QUALIFIES FOR A SPECIAL EXCEPTION BECAUSE:**

Based on guidelines in LDC Section 34-88

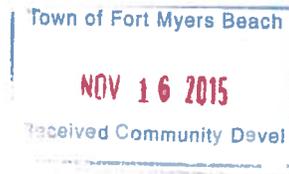
- Whether there exist changed or changing conditions which make approval of the request appropriate:

***The Comprehensive Plan notes in the Consensus on Commercial Uses:***

*“Despite the intensity of disputes over proposed commercial development at Fort Myers Beach, there is considerable consensus on several major points:”*

*“The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite the severe congestion during the peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today’s floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings.” Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore the area can support a more intensive mix of uses.*

*This request is consistent with the conditions of “a healthy movement to upgrade existing buildings” and contributing to “emerging the Times Square area as a vibrant urban core for the Town of Fort Myers Beach.”*



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

*The request for expansion of outdoor consumption on premises is fitting with the vision for the area. The property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that “boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an ‘Old Estero Island’ character to the buildings.”*

*In the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a “nucleus of commercial and tourist activities” with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. In the Community Design Element the Comprehensive Plan notes the Objective for the Times Square area as: “Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities.”*

*The request is consistent with this vision, by providing a revitalized venue, for the enjoyment of the outdoor environment of Fort Myers Beach. This request is also consistent with the Community Design Element objective to stimulate the revitalization of the downtown core area as the nucleus of commercial and tourist activities.*

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

*The nature of this application indicates that the requested expansion to the use of outdoor consumption on premises is not a use allowable by right on the property. It is however, a use permitted by special exception. The request is appropriate at this location due to the property’s location in the Times Square area (Downtown Core) and is consistent with the goals, objectives, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

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

*The proposed expansion to existing outdoor consumption application will not have negative effects on environmentally critical areas and natural resources. The property is within an existing commercial district and all of the proposed improvements are located on areas of the site that were previously disturbed.*

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

*The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan’s vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes; therefore the request is compatible with the area and its vision.*

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

*The expansion to the existing outdoor consumption on premises of alcoholic beverages on the property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264.*

**GRANTING THE REQUESTED SPECIAL EXCEPTION COULD IMPACT SURROUNDING PROPERTIES AS FOLLOWS:**

*There is no perceived negative impact to surrounding properties, if this request for special exception is granted. The property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The expansion and renovation of a commercial property, specifically one with an outdoor café supports the vision of the FMB Comprehensive Plan to increase commercial use, including outdoor cafes. In addition, the property owner will be operating this establishment under the conditions of the original approval that specify hours of sale, service and consumption not earlier than 9am and not later than 2am. Music and other entertainment will also not start before 11am or end after 9pm daily in outdoor seating areas.*

COP EXHIBIT

RESUBMITTAL

Town of Fort Myers Beach

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TOTAL AREA PROPOSED FOR C.O.P. =

EXISTING	1,020 S.F.
PROPOSED	1,084 S.F.
TOTAL =	2,104 S.F.

PROPOSED GROUND LEVEL WOOD DECK W/C.O.P. ±133 SF.

PROPOSED BUILDING EXTENSION

EXISTING BUILDING

TOTAL NEW AREA W/C.O.P. ±1,084 SF.

PROPOSED 2nd LEVEL DECK AREA W/C.O.P. ±693 SF.

645 SF. WOOD DECK APPROVED FOR C.O.P. UNDER FMBSEZ 2010-00005

375 SF. PAVER PATIO APPROVED FOR C.O.P. UNDER FMBSEZ 2010-00005

PROPOSED GROUND LEVEL CONCRETE DECK C.O.P. ±318 SF.

C.O.P AREA  
N.T.S.

DATE: 11/03/15  
PROJ. #: 14-140  
CAD TECH: TAH  
SHEET 1 OF 1

ENGINEER: PETER M. MAASTRICHT, P.E.  
FL. LICENSE NUMBER: 58690

**MAASTRICHT**  
ENGINEERING  
CORPORATE PARKWAY SUITE 211 • FORT MYERS, FL 33907 • (813) 333-8855 • PAPER PRINT

REVISION DESCRIPTION

DATE

BY

FISH BOWL RESTAURANT

SECTION 19, TOWNSHIP 48S, RANGE 24E  
PART OF LOT 1, BLOCK "E" OF CRESCENT PARK  
FORT MYERS BEACH, - LEE COUNTY, FLORIDA

COP EXHIBIT

Town of Fort Myers Beach  
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COPY OF RESOLUTION 11-15

RESUBMITTAL

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 11- 15  
FMBSEZ2010-0005 (Surf Club)

WHEREAS, applicant Cermak's Surf Club, LLC., by and through Bruce Cermak, owner (collectively "applicant") has requested a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages, in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership; and

WHEREAS, the subject property is located at 1167 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24- W4-0150E.001A and the legal description of the subject property is Lot 1, Block E, CRESCENT PARK ADDITION, recorded in Plat Book 4, Page 46, Public Records of Lee County, Florida,

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on January 11, 2011; and

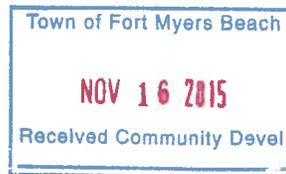
WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on September 26, 2011, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2011-001, 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 2011-001 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 applicant's request for a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area within 500 feet of a dwelling unit under separate ownership, with such approval subject to the following conditions:



RESUBMITTAL

**CONDITIONS OF APPROVAL:**

1. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck shown on the site plan attached hereto and incorporated herein by reference as Exhibit B. This area must be enclosed by a 42 inch railing, except for access points, further delineating the outdoor consumption area from other areas of the subject property.*
2. *Sales, service, and consumption of alcoholic beverages must not begin earlier than 9:00 AM and must end no later than 2:00 AM each day.*
3. *Conditions in prior approvals, including the applicant's May 29, 2009 COP (FMBCOP2009-0001) will remain in effect except where such conditions have been modified by this action.*
4. *Music and other audible entertainment are prohibited before 11:00 AM and after 9:00 PM of each day in outdoor seating areas, and must comply at all times with applicable noise ordinances.*
5. *A landscaping plan is to be provided at the time of development order or permit.*

**FINDINGS AND CONCLUSIONS:**

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

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

*The Comprehensive Plan notes in the Consensus on Commercial Uses: "The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite severe congestion during peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings." Also, as contemplated in the Comprehensive Plan, the Times Square area (Downtown Core) has continued to emerge as a vibrant urban core for the Town. Therefore, the area can support a more intensive mix of uses which is consistent with the applicant's request.*

2. **The requested special exception, as conditioned, is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan:**

*The applicant's request for outdoor consumption on premises is fitting with the vision for the area. The subject property is located in the Times Square area (Downtown Core). The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment*



area with tree-shaded outdoor cafes, pedestrian streets, and an "Old Estero Island" character to the buildings."

Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Times Square area (Downtown Core) as a "nucleus of commercial and tourist activities" with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor. Again, the applicant's request is consistent with this vision, by providing additional venue for the enjoyment of the outdoor environment of Fort Myers Beach.

3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use.

*The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is however, a use permitted by special exception. The applicant's request is appropriate at this location due to the subject property's location in the Times Square area (Downtown Core) and is consistent with the goals, objectives, policies and intent of the Comprehensive Plan; which describes a vibrant tourist commercial district.*

4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources:

*The proposed outdoor consumption application will have virtually no negative effects on environmentally critical areas and natural resources. The subject property is within an existing commercial district and the proposed deck is to be located on an area of the site that was previously disturbed.*

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:

*The subject property and the area immediately surrounding it are within the Pedestrian Commercial future land use category. The Comprehensive Plan's vision for the Times Square area (Downtown Core) encourages commercial uses be maintained and/or increased, including outdoor cafes. Staff feels the applicant's request is compatible with the area and its vision.*

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 outdoor consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but not limited to Sections 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.*

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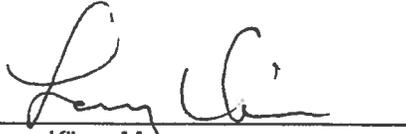
RESUBMITTAL

Upon a motion made by Vice Mayor Raymond and seconded by Council Member Mandel, this Resolution was

DULY PASSED AND ADOPTED ON THIS 26TH DAY OF September, 2011.

Larry Kiker, Mayor aye  
Alan Mandel aye  
Joe Kosinski aye

Bob Raymond, Vice Mayor aye  
Jo List aye

By:   
Larry Kiker, Mayor

ATTEST:  
By:   
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By:   
FOWLER WHITE BOGGS  
Town Attorney

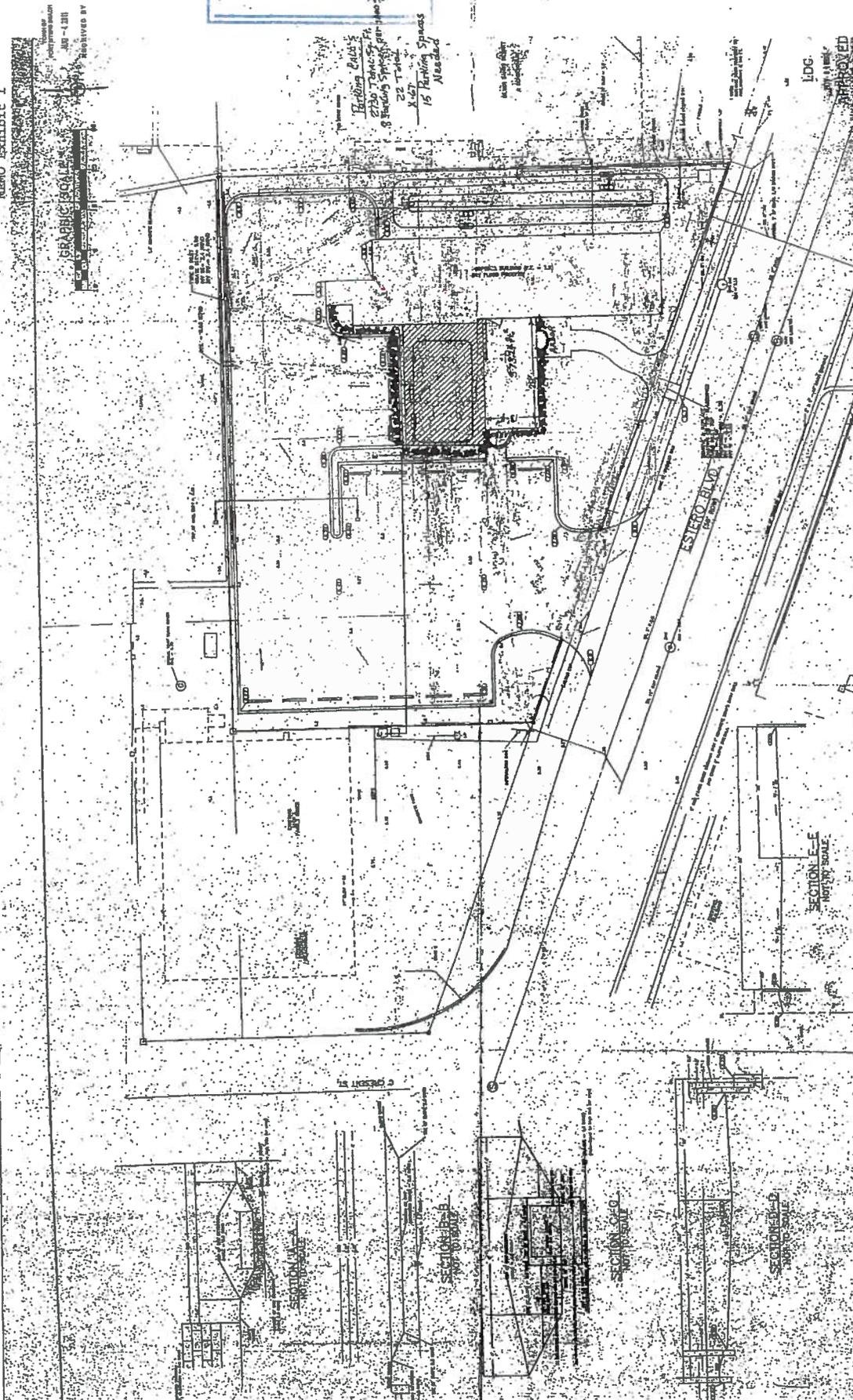
NCV 1 6 2015

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RESUBMITTAL

EXHIBIT (B)

MEMO Exhibit 1



GRAPHIC SCALE

Parking Area  
 2750 sq. ft.  
 8 Spaces  
 22 Total  
 15 Parking Spaces  
 Allocated

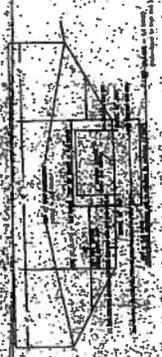
PROJECT  
 1101 PINEAPPLE BLVD  
 33404-4600  
 PAV. GRAD. UTIL. & DRAINAGE

CLIENT  
 NORTHLAKE F ODS  
 3414 PEGGERTREE RD. SUITE 300  
 ATLANTA, GA 30326  
 404-537-5600

CONSULTANT  
 CONSULT-TECH ENGINEERING, INC.  
 Consulting Engineers  
 3000 S. W. 11th St., Suite 113  
 Boca Raton, Florida 33433  
 Phone (561) 997-0228 Fax (561) 997-0113  
 E-mail: tech@consult-tech.com



DATE: 11/11/11  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]



SECTION E-E  
NOT TO SCALE



# 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: SEZ 2015-0003 DATE: 9-4-2015

Site Address: 1167 ESTERO BLVD. FORT MYERS BEACH, FL 33931

STRAP Number: 19-46-24-W4-0150E.001A

Applicant: RONALD YANKE Phone: 815-228-4663

Contact Name: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Email: petem@maastricht-eng.com Fax: N/A

Current Zoning District: DOWNTOWN

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

FLUM Density Range: \_\_\_\_\_ 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\***: RONALD YANKE Phone: 815-228-4663

*\*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: 1167 ESTERO BLVD. FORT MYERS, FL. 33931

Email: DEEPDISHDOUGH@GMAIL.COM Fax: 815-224-4462

Contact Name: RONALD YANKE Phone: 815-228-4663

B. **Relationship of Applicant to subject property:**

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

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

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

Name: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Address: 7370 COLLEGE PARKWAY, SUITE 211 FORT MYERS, FL. 33907

Email: petem@maastricht-eng.com Fax: N/A

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

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

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

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

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

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

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

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

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

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

**PART II – Nature of Request**

Requested Action (each request requires a separate application)

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

**PART III – Waivers**

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

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

**PART IV – Property Ownership**

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

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: 19-46-24-W4-0150E.001A

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

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

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

Name, Address and Office	Percentage of Stock
RONALD YANKE, OWNER	50%
328 BUCKLIN ST.	_____
LASALLE, IL 61301	_____
MERRY NOONAN	50%
1510 SYCAMORE ST.	_____
PERU, IL 61301	_____

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: \_\_\_\_\_



**PART V – Property Information**

**A. Legal Description:**

STRAP: 19-46-24-W4-0150E.00A

Property Address: 1167 ESTERO BLVD. FORT MYERS BEACH, FL 33931

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

Yes. Property identified in subdivision: CRESCENT PARK ADD

Book: 4 Page: 46 Unit: \_\_\_\_\_ Block: E Lot(s): 1

**B. Boundary Survey:**

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

**C. Property Dimensions:**

Width (please provide an average width if irregular in shape) +/- 116.49' feet

Depth (please provide an average width if irregular in shape) +/- 141.98' feet

Frontage on street: 146.45 feet. Frontage on waterbody: 98 feet

Total land area: .32  acres  square feet

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

APPROXIMATELY 8.3 MILES SOUTH ON ESTERO BLVD. FROM BIG CARLOS PASS BRIDGE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach Area Location Map as Exhibit 5-3

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

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

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

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

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

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

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

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

H. Zoning (see official Zoning Map):

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

**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, PETER M. MAASTRICHT, P.E. (name), as AUTHORIZED REPRESENTATIVE (title) of DEEP DISH DOUGH LLC (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.

DEEP DISH DOUGH LLC

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

Signature

PETER M. MAASTRICHT, P.E.

Typed or Printed Name

AUTHORIZED REPRESENTATIVE

Title

9-2-15

Date

STATE OF FLORIDA)  
COUNTY OF LEE)

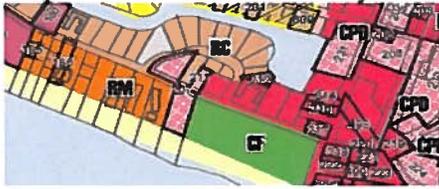
The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9/2/15 (date) by Peter Maastricht (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



Margaret Sheehan  
Signature

Margaret Sheehan  
Printed Name

**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.

<b>Project Name:</b> THE FISH BOWL RESTAURANT
<b>Authorized Applicant:</b> RON YANKE
<b>LeePA STRAP Number(s):</b> 19-46-24-W4-0150E.001A

<b>Current Property Status:</b>
<b>Current Zoning:</b> DOWNTOWN
<b>Future Land Use Map (FLUM) Category:</b> PEDESTRIAN COMMERCIAL
<b>Platted Overlay?</b> <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <b>FLUM Density Range:</b>

**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:
SPECIAL EXCEPTION TO THE EXISTING COP







# 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:** 7/28/2015 9:15:33 AM  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 69  
**Subject Parcels:** 19-46-24-W4-0150E.001A

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00006.0000 1133 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	2
SHREE SOMNATH LLC 4246 EVANS AVE FORT MYERS, FL 33901	24-46-23-W3-00009.0000 1160 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 OF SE 1/4 SEC 24 TWP 46 RGE 23 DESC IN OR 1305 PG 0806	3
ESTERO BEACH HOLDINGS LLC 1429 COLONIAL BLVD STE 201 FORT MYERS, FL 33907	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	4
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #S 201000023675 + 201000023676	5
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	6
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00206.0060 1150-1180 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	7
VAN BURGESS ROBERT PO BOX 2717 FORT MYERS BEACH, FL 33932	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	8
PARILLA DAVID R 1335 SANTOS RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	9
CONNER CHARLES R + GAIL D 53 POMPANO ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	10
PARILLA DAVID R 1335 SANTOS RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060A.0370 1321 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 37	11
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	12
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	13
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	14
7-ELEVEN INC TAX DEPT 10319 2711 N HASKELL AVE DALLAS, TX 75204	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETAIN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	15

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
DACRE ALBERT J 130 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	16
MURAC JULIA A 201 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0150 201 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOTS 15 + 16	17
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE, KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	18
LUMP THOMAS F + ANN C 145 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOT 18	19
S + K SLOMSKI LLC 24265 TURNBERRY CT NAPERVILLE, IL 60564	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	20
RILEY CHRISTOPHER M + SUSAN K 180 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0180 180 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 18	21
RILEY SUSAN K TR 180 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0190 170 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOTS 19	22
BAILEY JAMES P + LANA C 162 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0200 162 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LT 20	23
140 PRIMO LLC 5450 PARK RD # 3 FORT MYERS, FL 33908	19-46-24-W4-0060H.0230 140 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 23	24
GRIFFIN MICHAEL J + SANDRA 1065 WEEPING WILLOW WAY HOLLYWOOD, FL 33019	19-46-24-W4-0060H.0240 136 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 24	25
HIGHLEY JAY E + MARY B 124 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0250 124 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 25	26
MILLER JOHN T + MARTA R 122 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0260 122 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOT 26	27
KWSH RE LLC 2601 MULBERRY AVE MUSCATINE, IA 52761	19-46-24-W4-0060H.026A 120 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOTS 26 31 32	28
ALEXANDER JAMES M TR 18 RIVERVIEW RD MONMOUTH BEACH, NJ 07750	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOT 27	29
DOLID PETER M + JILL B 1429 JAMAICA DR SANIBEL, FL 33957	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	30
ESTERO BLVD 1263 ISABEL DR SANIBEL, FL 33957	19-46-24-W4-0060H.0300 1249 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32 + PT LT 29 OR2414/2433	31
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0070D.0020 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLKS D + E + VAC R/W DESC OR 1293 PG 1208	32
COLORADO EAST LLC GRETA CORAZZA 2023 BRECKENRIDGE DR MOUNT JULIET, TN 37122	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3	33
GIL JUAN C 936 STAMFORD SUGAR GROVE, IL 60554	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	34
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT, CT 06606	19-46-24-W4-0140A.0010 1240 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK PB 4 PG 39 BLK A LOTS 1 + 2 + 8 + 9	35

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
GRAND RESORT-FTMYERS BEACH LLC 4805 TAMIAMI TRAIL N NAPLES, FL 34103	19-46-24-W4-0140A.0030 1204/1206 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK A PB 4 PG 39 LOTS 3 THRU 7	36
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0010 1188/1190 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 1	37
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0020 1172/1174 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOTS 2 + 3 + 6	38
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0040 231 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 4	39
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0050 221 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 5	40
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0070 211 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PG 4 PG 39 LTS 7 THRU 9 + LAND DESC IN OR 1305 PG 0796	41
BISCHOFF JAMES A + JEAN B TR 21570 MADERA RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0060 141 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 6 + VAC R/W + LAND ADJ CANAL	42
GREENE JEFFREY W + 6040 BAYVIEW RD SAINT LEONARD, MD 20685	19-46-24-W4-0150D.0070 143 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 7 + VAC R/W + LAND ADJ CANAL	43
PATTON THOMAS D + CHRISTINE M 153 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0080 153 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 8 + VAC R/W + LAND ADJ CANAL	44
WHIPPLE MARGARET ALTA 163 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0090 163 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 9 + VAC R/W + LAND ADJ CANAL	45
BRIODY HUGH T + SUSAN S 167 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	46
TOWNLEY ARTHUR JAMES III PO BOX 2452 FORT MYERS BEACH, FL 33932	19-46-24-W4-0150D.0110 171 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 11 + VAC R/W + LAND ADJ CANAL	47
TOWNLEY ARTHUR J III PO BOX 2452 FORT MYERS BEACH, FL 33932	19-46-24-W4-0150D.0120 191 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 12 + VAC R/W + LAND ADJ CANAL	48
MALLOUS JAMES + 309 DOOLITTLE ST ORLANDO, FL 32839	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LESR/W 2353/3036	49
BRIDGE GEORGE E + KIM ANN 15831 BRIARCLIFF LN FORT MYERS, FL 33912	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	50
CRESCENT STREET PROPERTIES INC 6330 BRIARCLIFF RD FORT MYERS, FL 33912	19-46-24-W4-0150E.0060 150 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LTS 6 + 7 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	51
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 8 + VAC R/W+ LAND ADJ LESR/WOR2353/3036	52
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	53
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	54
INVESTMENTS OF FMB LLC 5710 DEWEY ST HOLLYWOOD, FL 33023	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	55
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH, FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445	56

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

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
TOWNLEY MARK A PO BOX 2442 FORT MYERS BEACH, FL 33932	19-46-24-W4-0060H.0220 150 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 21 + 22	57
ESTERO SILVER SANDS LLC 1207 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0050 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 1 THRU 5	58
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT, CT 06606	19-46-24-W4-0140A.001A 200 CANAL ST FORT MYERS BEACH FL	CRESCENT PARK PB 4 PG 39 BLK C LOT 3 LESS E 2.5 FT	59
AF BEACH PROPERTIES INC 9017 LIGON CT FORT MYERS, FL 33908	19-46-24-W4-0150E.005B 140 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 40 FT OF LOT 5 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	60
SHELLS COM LLC MICHAEL LEE 12771 AVIANO DR NAPLES, FL 34105	19-46-24-W4-02600.1010 1300 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNITS 101 102 + 103	61
CZAPLA MIKE J 1300 ESTERO BLVD UNIT 104 FORT MYERS BEACH, FL 33931	19-46-24-W4-02600.1040 1300 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 104	61
ANDRESEN PATRICIA + EDWIN 7960 PRESERVATION DR INDIANAPOLIS, IN 46278	19-46-24-W4-02600.1050 1300 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 105	61
BOCCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE, NJ 08081	19-46-24-W4-02600.1060 1300 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 106	61
JOHNSON APARTMENTS LLC 9 NANCY LN FORT MYERS BEACH, FL 33931	19-46-24-W4-02600.2010 1300 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 201	61
HECK LLC 17483 OLD HARMONY DR APT 202 FORT MYERS, FL 33908	19-46-24-W4-02600.2020 1300 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 202	61
CONANT DONNA K 8122 S FOREST HILL CIR FRANKLIN, WI 53132	19-46-24-W4-02600.2030 1300 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 203	61
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO, MN 56001	19-46-24-W4-02600.2040 1300 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 204	61
LANDOLFI STEVEN J 22 VETO ST PROVIDENCE, RI 02908	19-46-24-W4-02600.2050 1300 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 205	61
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO, MN 56001	19-46-24-W4-02600.2060 1300 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 206	61







**TRANSMITTAL LETTER**

**TO:** Community Development Department  
 Town of Fort Myers Beach  
 2525 Estero Blvd.  
 Ft Myers, FL 33931

**PROJECT #:** 14-140  
  
**PROJECT:** Fish Bowl Restaurant  
 1167 Estero Blvd.  
 Fort Myers Beach, FL 33931

**FROM:** Peter M. Maastricht, P.E.

**DATE:** September 2, 2015

**WE ARE SENDING YOU THE FOLLOWING ITEMS:**

- Attached Via     **HAND DELIVERED**    
 Under Separate Cover Via \_\_\_\_\_  
 Plans/Prints     Shop Drawings     Specifications     Contract     Disc  
 Permit Applications     Other

NO. OF COPIES	DESCRIPTION
1	Public Hearing Special Exception Application Fee of \$4000.00 to Town of Fort Myers Beach
14	Application for Public Hearing – Special Exception
14	Affidavit of Authorization
14	Disclosure of Ownership Interest Form
14	Letter of Intent
14	Signed & Sealed Site Plans (1 Original)
14	Supplement PH-A for Special Exception Public Hearing Application
14	Boundary Survey
14	List of Surrounding Property Owners within 500 feet - Exhibit 5-6
14	Map Showing the Surrounding Property Owners - Exhibit 5-7
2	Two (2) Sets of Surrounding Property Owner Mailing Labels
1	Electronic Copy of Required Documents

**THIS DATA IS TRANSMITTED AS CHECKED BELOW:**

- as requested     for approval     for signature     for review & comment  
 for your use/files/information     for your distribution     to be returned

**REMARKS:**



September 2, 2015

Community Development Department  
Town of Fort Myers Beach  
2525 Estero Blvd.  
Ft. Myers. FL 33931

**RE: The Fish Bowl Restaurant – Special Exception to Existing COP  
Public Hearing Special Exception Application**

To Whom It May Concern:

It is the intent of the property owner, Ron Yanke – Deep Dish Dough, LLC to expand the existing building, modify the storm drainage, expand the outdoor seating area. The Owner is filing this application for a Public Hearing Request for Special Exception to expand the C.O.P. approvals.

We trust this information is sufficient for you to complete your review. Please feel free to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Maastricht".

---

Peter M. Maastricht, P.E.  
President  
MAASTRICHT ENGINEERING, INC.





# 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: SEZ 2015-0003 DATE: 9-4-2015

Site Address: 1167 ESTERO BLVD. FORT MYERS BEACH, FL 33931

STRAP Number: 19-46-24-W4-0150E.001A

Applicant: RONALD YANKE Phone: 815-228-4663

Contact Name: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Email: petem@maastricht-eng.com Fax: N/A

Current Zoning District: DOWNTOWN

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

FLUM Density Range: \_\_\_\_\_ 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\*: RONALD YANKE Phone: 815-228-4663

*\*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: 1167 ESTERO BLVD. FORT MYERS, FL. 33931

Email: DEEPDISHDOUGH@GMAIL.COM Fax: 815-224-4462

Contact Name: RONALD YANKE Phone: 815-228-4663

B. Relationship of Applicant to subject property:

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

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

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

Name: PETER M. MAASTRICHT, P.E. Phone: 239-362-1605

Address: 7370 COLLEGE PARKWAY, SUITE 211 FORT MYERS, FL. 33907

Email: petem@maastricht-eng.com Fax: N/A

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

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

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

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

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

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

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

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

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

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

**PART II - Nature of Request**

Requested Action (each request requires a separate application)

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

**PART III - Waivers**

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

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

**PART IV - Property Ownership**

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

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: 19-46-24-W4-0150E.001A

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

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

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

Name, Address and Office	Percentage of Stock
RONALD YANKE, OWNER	50%
328 BUCKLIN ST.	_____
LASALLE, IL 61301	_____
MERRY NOONAN	50%
1510 SYCAMORE ST.	_____
PERU, IL 61301	_____

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: \_\_\_\_\_



**PART V – Property Information**

**A. Legal Description:**

STRAP: 19-46-24-W4-0150E.00A

Property Address: 1167 ESTERO BLVD. FORT MYERS BEACH, FL 33931

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

Yes. Property identified in subdivision: CRESCENT PARK ADD

Book: 4 Page: 46 Unit: \_\_\_\_\_ Block: E Lot(s): 1

**B. Boundary Survey:**

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

**C. Property Dimensions:**

Width (please provide an average width if irregular in shape) +/- 116.49' feet

Depth (please provide an average width if irregular in shape) +/- 141.98' feet

Frontage on street: 146.45 feet. Frontage on waterbody: 98 feet

Total land area: .32  acres  square feet

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

APPROXIMATELY 8.3 MILES SOUTH ON ESTERO BLVD. FROM BIG CARLOS PASS BRIDGE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach Area Location Map as Exhibit 5-3

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

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

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

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

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

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

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

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

H. Zoning (see official Zoning Map):

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

**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, PETER M. MAASTRICHT, P.E. (name), as AUTHORIZED REPRESENTATIVE (title) of DEEP DISH DOUGH LLC (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.

DEEP DISH DOUGH LLC

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

*Peter M. Mastricht*  
Signature

PETER M. MAASTRICHT, P.E.

Typed or Printed Name

AUTHORIZED REPRESENTATIVE

Title

9-2-15

Date

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9/2/15 (date) by Peter Mastricht (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.



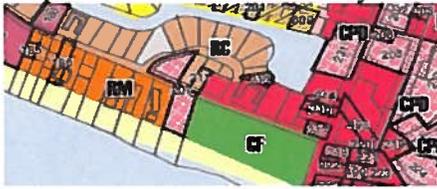
*Margaret Sheehan*  
Signature

Margaret Sheehan  
Printed Name

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.

<b>Project Name:</b> THE FISH BOWL RESTAURANT
<b>Authorized Applicant:</b> RON YANKE
<b>LeePA STRAP Number(s):</b> 19-46-24-W4-0150E.001A

<b>Current Property Status:</b>
<b>Current Zoning:</b> DOWNTOWN
<b>Future Land Use Map (FLUM) Category:</b> PEDESTRIAN COMMERCIAL
<b>Platted Overlay?</b> <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <b>FLUM Density Range:</b>

**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:
SPECIAL EXCEPTION TO THE EXISTING COP







# 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:** 7/28/2015 9:15:33 AM  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 69  
**Subject Parcels:** 19-46-24-W4-0150E.001A

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00006.0000 1133 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	2
SHREE SOMNATH LLC 4246 EVANS AVE FORT MYERS, FL 33901	24-46-23-W3-00009.0000 1160 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 OF SE 1/4 SEC 24 TWP 46 RGE 23 DESC IN OR 1305 PG 0806	3
ESTERO BEACH HOLDINGS LLC 1429 COLONIAL BLVD STE 201 FORT MYERS, FL 33907	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	4
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWP 46 R 23 S OF ESTERO BLVD AS DESC IN INST #S 201000023675 + 201000023676	5
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	6
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00206.0060 1150-1180 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	7
VAN BURGESS ROBERT PO BOX 2717 FORT MYERS BEACH, FL 33932	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	8
PARILLA DAVID R 1335 SANTOS RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	9
CONNER CHARLES R + GAIL D 53 POMPANO ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	10
PARILLA DAVID R 1335 SANTOS RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060A.0370 1321 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 37	11
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	12
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	13
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	14
7-ELEVEN INC TAX DEPT 10319 2711 N HASKELL AVE DALLAS, TX 75204	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETAIN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	15

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
DACRE ALBERT J 130 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	16
MURAC JULIA A 201 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0150 201 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOTS 15 + 16	17
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE, KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	18
LUMP THOMAS F + ANN C 145 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOT 18	19
S + K SLOMSKI LLC 24265 TURNBERRY CT NAPERVILLE, IL 60564	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	20
RILEY CHRISTOPHER M + SUSAN K 180 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0180 180 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 18	21
RILEY SUSAN K TR 180 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0190 170 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOTS 19	22
BAILEY JAMES P + LANA C 162 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0200 162 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LT 20	23
140 PRIMO LLC 5450 PARK RD # 3 FORT MYERS, FL 33908	19-46-24-W4-0060H.0230 140 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 23	24
GRIFFIN MICHAEL J + SANDRA 1065 WEEPING WILLOW WAY HOLLYWOOD, FL 33019	19-46-24-W4-0060H.0240 136 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 24	25
HIGHLEY JAY E + MARY B 124 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0250 124 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 25	26
MILLER JOHN T + MARTA R 122 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0260 122 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOT 26	27
KWSH RE LLC 2601 MULBERRY AVE MUSCATINE, IA 52761	19-46-24-W4-0060H.026A 120 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOTS 26 31 32	28
ALEXANDER JAMES M TR 18 RIVERVIEW RD MONMOUTH BEACH, NJ 07750	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOT 27	29
DOLID PETER M + JILL B 1429 JAMAICA DR SANIBEL, FL 33957	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	30
ESTERO BLVD 1263 ISABEL DR SANIBEL, FL 33957	19-46-24-W4-0060H.0300 1249 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32 + PT LT 29 OR2414/2433	31
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0070D.0020 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLKS D + E + VAC R/W DESC OR 1293 PG 1208	32
COLORADO EAST LLC GRETA CORAZZA 2023 BRECKENRIDGE DR MOUNT JULIET, TN 37122	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3	33
GIL JUAN C 936 STAMFORD SUGAR GROVE, IL 60554	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	34
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT, CT 06606	19-46-24-W4-0140A.0010 1240 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK PB 4 PG 39 BLK A LOTS 1 + 2 + 8 + 9	35

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
GRAND RESORT-FTMYERS BEACH LLC 4805 TAMIAMI TRAIL N NAPLES, FL 34103	19-46-24-W4-0140A.0030 1204/1206 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK A PB 4 PG 39 LOTS 3 THRU 7	36
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0010 1188/1190 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 1	37
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0020 1172/1174 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOTS 2 + 3 + 6	38
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0040 231 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 4	39
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0050 221 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 5	40
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0070 211 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PG 4 PG 39 LTS 7 THRU 9 + LAND DESC IN OR 1305 PG 0796	41
BISCHOFF JAMES A + JEAN B TR 21570 MADERA RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0060 141 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 6 + VAC R/W + LAND ADJ CANAL	42
GREENE JEFFREY W + 6040 BAYVIEW RD SAINT LEONARD, MD 20685	19-46-24-W4-0150D.0070 143 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 7 + VAC R/W + LAND ADJ CANAL	43
PATTON THOMAS D + CHRISTINE M 153 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0080 153 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 8 + VAC R/W + LAND ADJ CANAL	44
WHIPPLE MARGARET ALTA 163 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0090 163 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 9 + VAC R/W + LAND ADJ CANAL	45
BRIODY HUGH T + SUSAN S 167 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	46
TOWNLEY ARTHUR JAMES III PO BOX 2452 FORT MYERS BEACH, FL 33932	19-46-24-W4-0150D.0110 171 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 11 + VAC R/W + LAND ADJ CANAL	47
TOWNLEY ARTHUR J III PO BOX 2452 FORT MYERS BEACH, FL 33932	19-46-24-W4-0150D.0120 191 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 12 + VAC R/W + LAND ADJ CANAL	48
MALLOUS JAMES + 309 DOOLITTLE ST ORLANDO, FL 32839	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LESR/W 2353/3036	49
BRIDGE GEORGE E + KIM ANN 15831 BRIARCLIFF LN FORT MYERS, FL 33912	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	50
CRESCENT STREET PROPERTIES INC 6330 BRIARCLIFF RD FORT MYERS, FL 33912	19-46-24-W4-0150E.0060 150 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LTS 6 + 7 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	51
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 8 + VAC R/W+ LAND ADJ LESR/WOR2353/3036	52
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	53
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	54
INVESTMENTS OF FMB LLC 5710 DEWEY ST HOLLYWOOD, FL 33023	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	55
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH, FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445	56

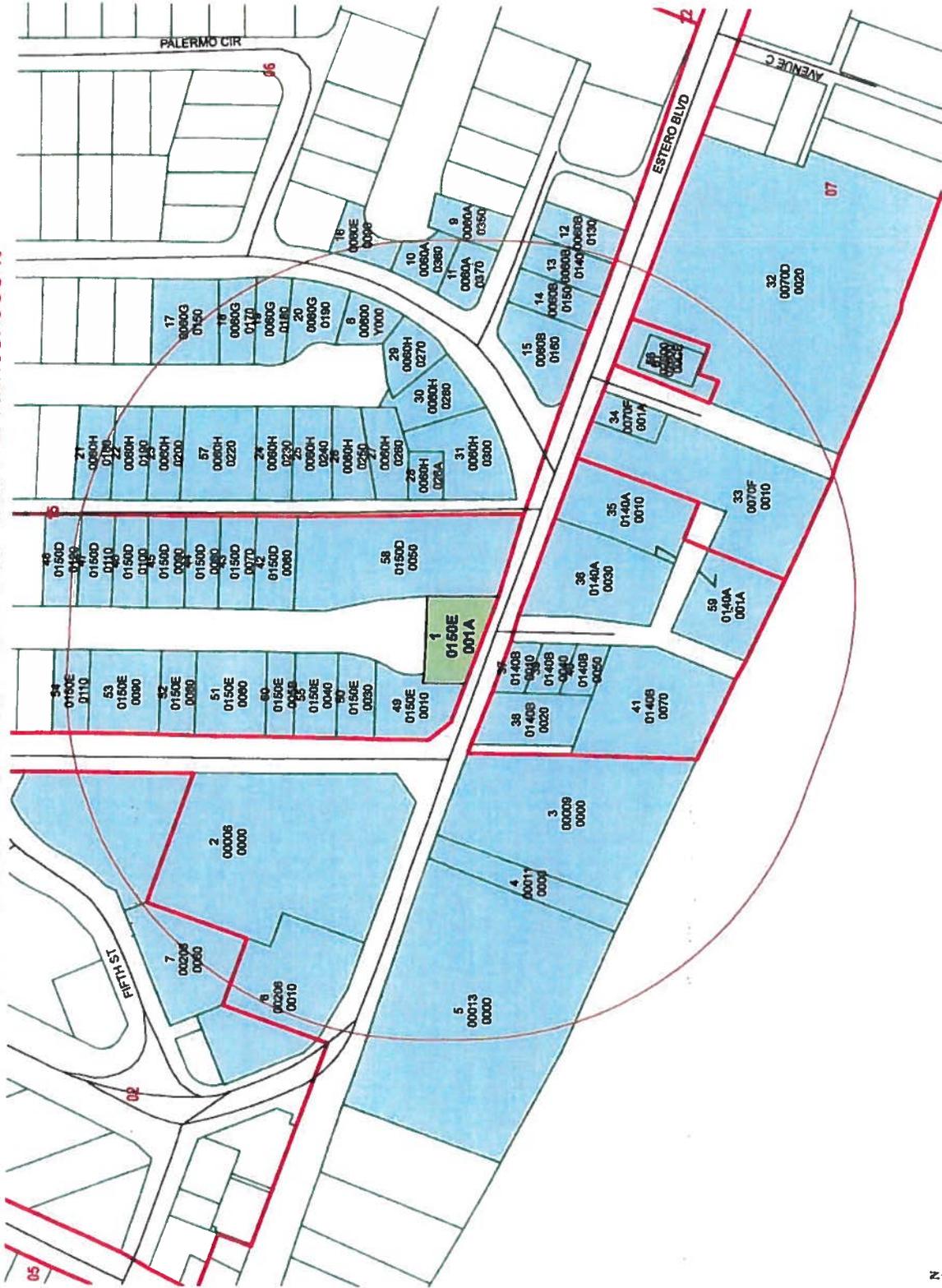
All data is current at time of printing and subject to change without notice.  
THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071  
(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>MAP INDEX</b>
TOWNLEY MARK A PO BOX 2442 FORT MYERS BEACH, FL 33932	19-46-24-W4-0060H.0220 150 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 21 + 22	57
ESTERO SILVER SANDS LLC 1207 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0050 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 1 THRU 5	58
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT, CT 06606	19-46-24-W4-0140A.001A 200 CANAL ST FORT MYERS BEACH FL	CRESCENT PARK PB 4 PG 39 BLK C LOT 3 LESS E 2.5 FT	59
AF BEACH PROPERTIES INC 9017 LIGON CT FORT MYERS, FL 33908	19-46-24-W4-0150E.005B 140 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 40 FT OF LOT 5 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	60
SHELLS COM LLC MICHAEL LEE 12771 AVIANO DR NAPLES, FL 34105	19-46-24-W4-02600.1010 1300 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNITS 101 102 + 103	61
CZAPLA MIKE J 1300 ESTERO BLVD UNIT 104 FORT MYERS BEACH, FL 33931	19-46-24-W4-02600.1040 1300 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 104	61
ANDRESEN PATRICIA + EDWIN 7960 PRESERVATION DR INDIANAPOLIS, IN 46278	19-46-24-W4-02600.1050 1300 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 105	61
BOCCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE, NJ 08081	19-46-24-W4-02600.1060 1300 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 106	61
JOHNSON APARTMENTS LLC 9 NANCY LN FORT MYERS BEACH, FL 33931	19-46-24-W4-02600.2010 1300 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 201	61
HECK LLC 17483 OLD HARMONY DR APT 202 FORT MYERS, FL 33908	19-46-24-W4-02600.2020 1300 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 202	61
CONANT DONNA K 8122 S FOREST HILL CIR FRANKLIN, WI 53132	19-46-24-W4-02600.2030 1300 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 203	61
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO, MN 56001	19-46-24-W4-02600.2040 1300 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 204	61
LANDOLFI STEVEN J 22 VETO ST PROVIDENCE, RI 02908	19-46-24-W4-02600.2050 1300 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 205	61
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO, MN 56001	19-46-24-W4-02600.2060 1300 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 206	61

7/28/2015

# VARIANCE REPORT

Subject Parcels: 1 Affected Parcels: 69 Buffer Distance: 500 ft



19-46-24-W4-0150E:001A



240 180 120 60 0 240 Feet

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 118.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).





**TRANSMITTAL LETTER**

**TO:** Community Development Department  
 Town of Fort Myers Beach  
 2525 Estero Blvd.  
 Ft Myers, FL 33931

**PROJECT #:** 14-140  
  
**PROJECT:** Fish Bowl Restaurant  
 1167 Estero Blvd.  
 Fort Myers Beach, FL 33931

**FROM:** Peter M. Maastricht, P.E.

**DATE:** September 2, 2015

**WE ARE SENDING YOU THE FOLLOWING ITEMS:**

- Attached Via     **HAND DELIVERED**    
 Under Separate Cover Via \_\_\_\_\_  
 Plans/Prints       Shop Drawings       Specifications       Contract       Disc  
 Permit Applications       Other

NO. OF COPIES	DESCRIPTION
1	Public Hearing Special Exception Application Fee of \$4000.00 to Town of Fort Myers Beach
14	Application for Public Hearing – Special Exception
14	Affidavit of Authorization
14	Disclosure of Ownership Interest Form
14	Letter of Intent
14	Signed & Sealed Site Plans (1 Original)
14	Supplement PH-A for Special Exception Public Hearing Application
14	Boundary Survey
14	List of Surrounding Property Owners within 500 feet - Exhibit 5-6
14	Map Showing the Surrounding Property Owners - Exhibit 5-7
2	Two (2) Sets of Surrounding Property Owner Mailing Labels
1	Electronic Copy of Required Documents

**THIS DATA IS TRANSMITTED AS CHECKED BELOW:**

- as requested       for approval       for signature       for review & comment  
 for your use/files/information       for your distribution       to be returned

**REMARKS:**



September 2, 2015

Community Development Department  
Town of Fort Myers Beach  
2525 Estero Blvd.  
Ft. Myers. FL 33931

**RE: The Fish Bowl Restaurant – Special Exception to Existing COP  
Public Hearing Special Exception Application**

To Whom It May Concern:

It is the intent of the property owner, Ron Yanke – Deep Dish Dough, LLC to expand the existing building, modify the storm drainage, expand the outdoor seating area. The Owner is filing this application for a Public Hearing Request for Special Exception to expand the C.O.P. approvals.

We trust this information is sufficient for you to complete your review. Please feel free to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Maastricht".

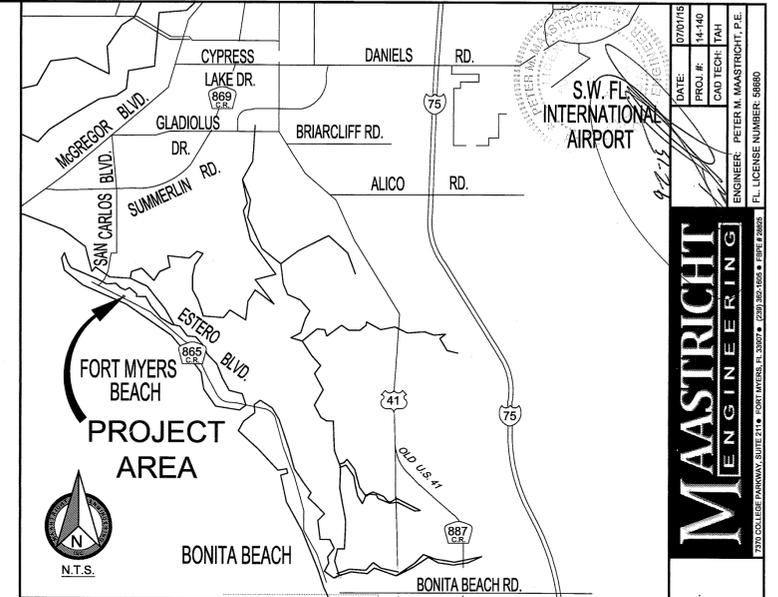
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Peter M. Maastricht, P.E.  
President  
MAASTRICHT ENGINEERING, INC.



NOTE:  
THESE PLANS MAY HAVE BEEN REDUCED OR INCREASED IN SIZE BY REPRODUCTION(S). THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

# SITE CONSTRUCTION PLANS FOR FISH BOWL RESTAURANT FORT MYERS BEACH SECTION 19, TOWNSHIP 46S, RANGE 24E (PART OF LOT 7, BLOCK "E" OF CRESCENT PARK) 1167 ESTERO BOULEVARD, FORT MYERS BEACH, LEE COUNTY, FLORIDA



**UTILITY COMPANIES:**

**ELECTRIC:**  
FLORIDA POWER & LIGHTING COMPANY  
4840 BALLARD ROAD  
FORT MYERS, FL 33905-4300  
(239) 332-9137

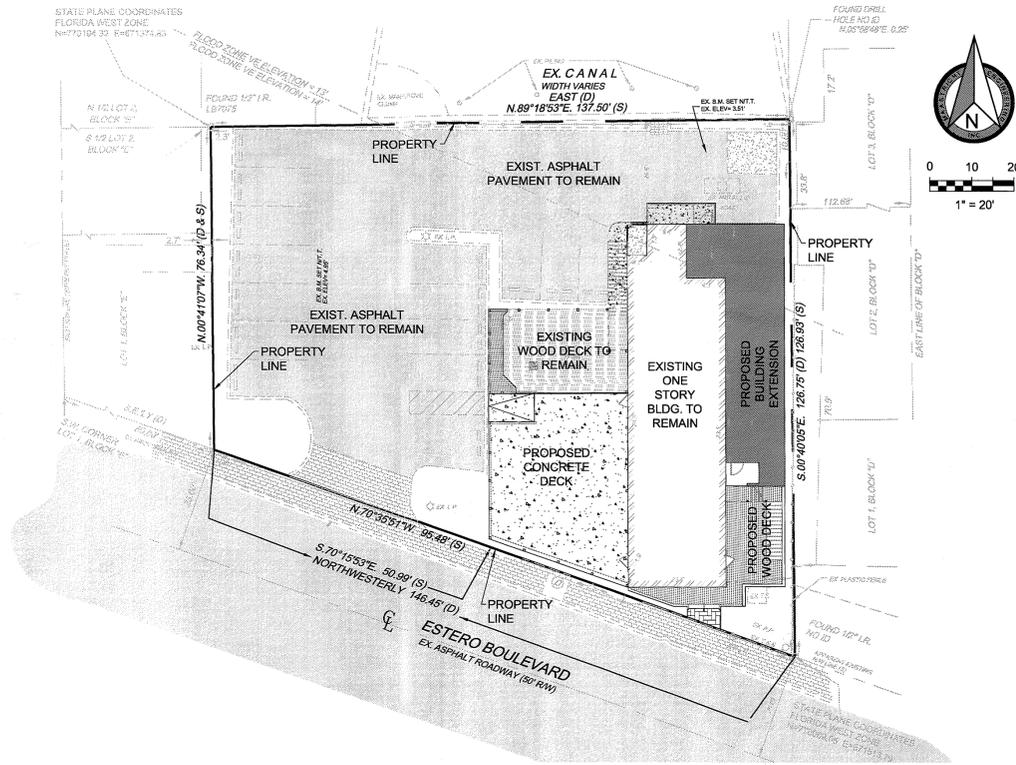
**WASTEWATER:**  
LEE COUNTY UTILITIES  
7391 COLLEGE PARKWAY  
FORT MYERS, FL. 33907  
(239) 533-8845

**POTABLE WATER:**  
BEACH WATER UTILITIES  
2801 C ESTERO BLVD.  
FORT MYERS BEACH, FL. 33931  
(239) 340-3531

**CABLE:**  
COMCAST CABLE  
12641 CORPORATE LAKES DR.  
FORT MYERS, FL 33913  
(239) 432-9277

**NATURAL GAS:**  
TECO / PEOPLE GAS  
5901 ENTERPRISE PARKWAY  
FT. MYERS, FL 33905  
(239) 690-5507  
ATTN. GEORGE ROSANDE

**TELEPHONE:**  
CENTURYLINK TELEPHONE  
8441 LITTLETON ROAD  
NORTH FT. MYERS, FL 33903  
(239) 336-2031 ATTN. JERRY SMITH



**VICINITY MAP**

**SITE DATA TABLE**

<b>SITE ADDRESS</b>	1167, ESTERO BOULEVARD FORT MYERS BEACH, FL. 33931
<b>SITE AREA:</b>	±13,959 S.F. (±0.32 AC.)
<b>ZONING DESIGNATION:</b>	DOWNTOWN DISTRICT
<b>DEVELOPMENT TYPE:</b>	COMMERCIAL
<b>BUILDING USE:</b>	RESTAURANT
<b>CONSTRUCTION TYPE:</b>	VB
<b>STRAP NUMBER:</b>	19-46-24-W4-0150E.001A
<b>FEMA FLOOD ZONE:</b>	VE - EL. 13.00 FT. (N.A.V.D.) (1.38%) VE - EL. 14.00 FT. (N.A.V.D.) (98.62%)
<b>EXIST. BLDG. F.F.E.</b>	6.17 FT. (N.A.V.D.) FEMA FLOOD PANELS
<b>PROP. BLDG. F.F.E.</b>	6.17 FT. (N.A.V.D.) FEMA FLOOD PANELS
<b>FLUCCS CODE:</b>	1410
<b>SOILS</b>	59 (URBAN LAND)

**PARKING REQUIREMENTS**

<b>RESTAURANT</b>	<b>TOTAL BAR AREA: 204 SF.</b>
EXISTING BUILDING: 1,848 SF.	204 SF. / 1,000 SF. = 0.204
BUILDING ADDITION: 943 SF.	.204 SF. x 5 SPACES = 1.02 SPACES
OUTDOOR SEATING: 2,104 SF.	
<b>TOTAL: 4,895 SF.</b>	<b>TOTAL SPACES REQUIRED = 40</b>
4,895 SF. / 1000 = 4.89	(33% REDUCTION FOR DOWNTOWN DISTRICT)
4.89 x 8 SPACES = 39 SPACES	(40 SPACES x .67) = 27 SPACES REQUIRED

<b>PARKING SPACES PROVIDED:</b>	
STANDARD PARKING SPACES	= 16 SPACES
(3) 4-BIKE BICYCLE RACKS	= 3 SPACES
(2) MOTORCYCLE PARKING SPACES PROVIDED	= 2 SPACES
(6) BOAT SLIPS FOR 6 PARKING SPACES	= 6 SPACES
<b>TOTAL SPACES REQUIRED</b>	<b>= 27</b>
<b>TOTAL SPACES PROVIDED</b>	<b>= 27</b>

**INDEX OF SHEETS**

1. COVER SHEET
2. GENERAL NOTES
3. EXIST. COND., DEMOLITION & EROSION CONTROL PLAN
4. SITE DIMENSION PLAN
5. GRADING, PAVING, DRAINAGE & UTILITY PLAN
6. GRADING, PAVING & DRAINAGE DETAILS
7. STORMTECH UNDER DRAINAGE DETAILS
8. GRADING, PAVING & DRAINAGE CROSS SECTIONS
9. UTILITY DETAILS
10. LANDSCAPE PLAN

**MAASTRICHT ENGINEERING**

DATE: 07/07/15  
PROJ. #: 14-140  
CAD TECH: JAH  
ENGINEER: PETER M. MAASTRICHT, P.E.  
FL. LICENSE NUMBER: 58980

DEVELOPER:  
DEEP DISH DOUGLAS LLC  
328 BUCKLIN STREET  
LA SALLE, IL 61301

REVISION DESCRIPTION

DATE	BY	DESCRIPTION

**FISH BOWL RESTAURANT**  
SECTION 19, TOWNSHIP 46S, RANGE 24E  
PART OF LOT 7, BLOCK "E" OF CRESCENT PARK  
FORT MYERS BEACH, LEE COUNTY, FLORIDA

**COVER SHEET**

**SHEET 1 OF 10**

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NOTE:  
THESE PLANS MAY HAVE BEEN REDUCED OR INCREASED IN SIZE BY REPRODUCTION(S). THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

**GENERAL CONSTRUCTION NOTES:**

- REFER TO CONTRACT DOCUMENTS AND TECHNICAL SPECIFICATIONS FOR ADDITIONAL INFORMATION, CONTRACTOR'S RESPONSIBILITIES AND DETAILS.
- THE CONTRACTOR SHALL BE REQUIRED TO MEET ALL "MAINTENANCE OF TRAFFIC" REQUIREMENTS AS PRESCRIBED IN THE CURRENT FDOT "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", F.H.W.A. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, PART VI, CURRENT EDITION, AND ALL APPLICABLE SECTIONS OF THE ROAD AND TRAFFIC DESIGN STANDARDS, FLORIDA DEPARTMENT OF TRANSPORTATION, CURRENT EDITION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITIES IN THE AREA OF CONSTRUCTION PRIOR TO BEGINNING CONSTRUCTION. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ANY UTILITY RELOCATION WITH THE APPLICABLE UTILITY COMPANY. NO COMPENSATION OR TIME EXTENSION WILL BE ISSUED TO THE CONTRACTOR FOR DELAYS CAUSED BY UTILITIES.
- THE CONTRACTOR SHALL COMPLY WITH CURRENT FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SPECIFICATIONS, SPECIFICALLY IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE "SPECIFICATIONS FOR ROAD BRIDGE CONSTRUCTION" AND THE "ROAD AND TRAFFIC DESIGN STANDARDS", UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION. ANY DISCREPANCY NOT CALLED TO THE ENGINEER'S ATTENTION PRIOR TO THE ACCOMPLISHMENT OF THE WORK SHALL BE CORRECTED BY AND AT THE CONTRACTOR'S EXPENSE.
- THERE ARE NO KNOWN WELLS LOCATED ON THIS JOB SITE. IN ADDITION TO THE WELL SHOWN ON THE SITE PLAN, IF ANY OTHER WELLS ARE LOCATED DURING CONSTRUCTION THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE ENGINEER.
- ALL PRACTICABLE AND NECESSARY EFFORTS SHALL BE TAKEN DURING CONSTRUCTION TO CONTROL AND PREVENT EROSION AND TRANSPORT OF SEDIMENT TO SURFACE DRAINS, SWALES AND OUTFALLS. (REFER TO EROSION CONTROL PLAN)
- WHERE THE NEW PAVEMENT IS DISCONTINUED IT SHALL BE FLUSH WITH OR HAVE A SMOOTH TRANSITION WITH ADJACENT PAVEMENT.
- ALL INVERT ELEVATIONS NOTED FOR DRAINAGE STRUCTURES ARE FLOW LINE ELEVATIONS.
- ALL ELEVATIONS, PROPOSED AND EXISTING, REFERENCE THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988.**
- AT THE CONTRACTOR'S EXPENSE, ALL FRAMES, COVERS, VALVE BOXES, METER BOXES AND MANHOLES SHALL BE ADJUSTED TO FINISHED GRADE UPON COMPLETION OF PAVING OR RELATED CONSTRUCTION.
- ANY SURPLUS MATERIAL WILL REMAIN THE PROPERTY OF THE OWNER; AND THE CONTRACTOR, AT HIS EXPENSE SHALL STOCKPILE THE SURPLUS MATERIAL AS DIRECTED BY OWNER.
- THE LIMITS OF CONSTRUCTION SHALL MATCH THE LIMITS OF CLEARING & GRUBBING UNLESS OTHERWISE NOTED ON PLANS.
- ALL UTILITY WORKMANSHIP AND MATERIALS FOR THIS PROJECT SHALL BE IN STRICT ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP), THE STATE OF FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES (HRS).
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND VERIFY THE SIZE, DEPTH AND LOCATION OF ALL UTILITIES IN THE FIELD WITHIN THE PROJECT LIMITS PRIOR TO CONSTRUCTION. ANY UTILITIES THAT ARE DISTURBED OR DAMAGED BY THE CONTRACTOR SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE. ANY DISCREPANCY NOT CALLED TO THE ENGINEER'S ATTENTION PRIOR TO THE ACCOMPLISHMENT OF THE WORK SHALL BE CORRECTED AT THE CONTRACTOR'S EXPENSE. THE ENGINEER AND/OR OWNER WILL NOT GUARANTEE ANY LOCATIONS AS SHOWN ON THESE PLANS OR THOSE OMITTED FROM THE SAME.
- ALL DISTURBED AREAS WITHIN PROJECT SITE SHALL BE REGRADED TO MATCH EXISTING GRADES AND RESTORED TO PRE-CONSTRUCTION CONDITIONS.
- CONCRETE SIDEWALK: USE CLASS I, 3000 PSI (MINIMUM) CONCRETE. APPLY A BROOM FINISH AND MAKE VERTICAL SAW CUTS AT 5' ON CENTER AT A DEPTH OF 1/4 OF THE SLAB THICKNESS. PROVIDE PRE-FORMED EXPANSION JOINTS AT 100' ON CENTER.
- ALL HANDICAP SPACES, RAMPS, AND ACCESS AREA'S SHALL COMPLY IN STRICT ACCORDANCE WITH THE "AMERICAN DISABILITY ACT" (ADA) (28 CFR PART 36), AND "ACCESSIBILITY BY HANDICAPPED PERSONS" CHAPTER 553, PART V, FLORIDA STATUTES. ANY DISCREPANCY SHALL BE CALLED TO THE ENGINEER'S ATTENTION PRIOR TO CONSTRUCTION.
- CONCRETE CURB & GUTTER AND STRAIGHT CURB: USE CLASS I, 3000 PSI (MINIMUM) CONCRETE. MAKE VERTICAL SAW CUTS EVERY 10' ON CENTER WITH PRE-MOLDED EXPANSION JOINTS EVERY 100' ON CENTER.
- PAVEMENT MARKINGS AND SIGNS SHALL BE IN STRICT ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) FOR STREETS AND HIGHWAYS" AND FDOT STANDARD INDEX #17346.
- STORM DRAIN (SD) SHALL BE REINFORCED CONCRETE PIPE, ADS N-12, ALUMINUM, PVC SDR-35, A-2000 PVC, OR AS SHOWN ON PLANS. NO STEEL PIPE, NON REINFORCED CONCRETE PIPE, OR FIBER REINFORCED PIPE.
- THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER SHOP DRAWINGS OF ANY AND ALL MATERIALS, STRUCTURES, PIPING, VALVES, VALVE BOXES, ETC., TO BE USED ON SITE PRIOR TO ORDERING OR INSTALLING, INCLUDING MFG. OF SAME.

**DEMOLITION NOTES:**

- ALL ELEVATIONS, PROPOSED AND EXISTING, REFERENCE THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988.**
- CONTRACTOR SHALL LOCATE AND VERIFY THE SIZE, LOCATION, AND DEPTH OF ALL EXISTING UTILITIES IN THE FIELD AND SHALL NOTIFY THE UTILITY COMPANIES IN THE AREA BEFORE BEGINNING CONSTRUCTION. ANY UTILITIES THAT ARE DISTURBED OR DAMAGED BY THE CONTRACTOR SHALL BE IMMEDIATELY REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS EXPENSE. ANY DISCREPANCY NOT CALLED TO THE ENGINEER'S ATTENTION PRIOR TO ACCOMPLISHMENT OF THE WORK SHALL BE CORRECTED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DEMOLITION OF ANY EXISTING STRUCTURES WITHIN THE PROJECT LIMITS. ALL DEBRIS GENERATED SHALL BE REMOVED FROM THE SITE AND HAULED TO A COUNTY APPROVED OFF-SITE DUMP. THE CONTRACTOR SHALL ACQUIRE ALL NECESSARY PERMITS FOR THESE OPERATIONS.
- RELOCATION OR REMOVAL OF EXISTING LANDSCAPE MATERIAL SHALL BE COORDINATED WITH THE OWNER AND/OR LANDSCAPE ARCHITECT.
- THE CONTRACTOR, AT HIS OWN EXPENSE AND IN CONFORMANCE WITH ANY APPLICABLE GOVERNMENTAL REGULATION, SHALL DURING THE COURSE OF AND AFTER COMPLETION OF CONSTRUCTION, REMOVE FROM THE JOB SITE AND DISPOSE OF, IN AN AUTHORIZED GARBAGE OR RUBBISH DISPOSAL SITE, ALL RUBBISH, SCRAP, AND DEBRIS ACCUMULATED IN CONNECTION WITH HIS WORK AND SHALL DELIVER THE WORK IN A NEAT AND WORKMANLIKE MANNER.
- DURING USE OF STREETS AND HIGHWAYS FOR WORK TO BE DONE UNDER THIS CONTRACT, DETERMINE AND CONFORM TO ALL STATE, COUNTY, AND LOCAL LAWS AND REGULATIONS. THE CONTRACTOR SHALL PROVIDE, ERECT, AND MAINTAIN EFFECTIVE BARRICADES, WARNING SIGNALS AND SIGNS ON ALL AFFECTED STREETS OR HIGHWAYS FOR PROTECTION OF COMPLETED WORK AND TO ENSURE THE SAFETY OF THE PUBLIC. ALL BARRICADES OR OBSTRUCTIONS WHICH ENCRONCH ON, OR ARE ADJACENT TO, PUBLIC RIGHTS-OF-WAYS SHALL BE PROVIDED WITH LIGHTS WHICH SHALL BE KEPT ILLUMINATED AT ALL TIMES BETWEEN SUNSET AND SUNRISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM ANY NEGLIGENCE OR FAILURE TO MEET THESE REQUIREMENTS.
- THE CONTRACTOR SHALL ARRANGE WORK TO MINIMIZE AMOUNT OF DISTURBANCE TO NORMAL PEDESTRIAN AND VEHICULAR TRAFFIC AND PROVIDE ADEQUATE MEANS OF ACCESS TO ALL PUBLIC AND PRIVATE PROPERTIES DURING CONSTRUCTION. IF CONSTRUCTION WORK SHOULD REQUIRE REPAIRS, CHANGES, OR MODIFICATIONS OF OTHER UTILITIES, THE CONTRACTOR SHALL PROVIDE FOR MAINTENANCE OF CONTINUOUS WATER, ELECTRIC, TELEPHONE, GAS, SEWAGE, AND OTHER UTILITY SERVICES TO ALL CONNECTED CUSTOMERS OF SUCH UTILITIES UNLESS APPROVAL IN WRITING IS OBTAINED FROM UTILITY COMPANY OR OWNER FOR INTERRUPTION OF SUCH SERVICES.
- CONTRACTOR SHALL CLEAN OR REPAIR ANY EXISTING INLETS & S.D. PIPES, WITHIN SITE THAT WHERE DAMAGED OR DISTURBED DURING CONSTRUCTION.
- EXISTING AREA LIGHTING REMOVAL AND/OR RELOCATION SHALL BE COORDINATED W/ OWNER AND APPROVED SITE LIGHTING PLAN. UNDERGROUND ELECTRIC AND TRANSFORMER RELOCATION SHALL BE COORDINATED W/OWNER AND L.C.E.C. OR FPL.
- EXISTING LANDSCAPING TO BE REMOVED AND/OR RELOCATED SHALL BE COORDINATED WITH OWNER AND/OR OWNER REPRESENTATIVE. SEE LANDSCAPE PLAN (PROVIDED BY OTHERS).
- SURROUNDING FACILITIES SHALL STAY OPERATIONAL AT ALL TIMES OF CONSTRUCTION.

**LCU STANDARD PLAN NOTES:**

- ALL WORK SHALL CONFORM TO LATEST REVISION OF THE LEE COUNTY UTILITIES OPERATIONAL MANUAL WHICH IS ON FILE AT THE DIVISION OF LEE COUNTY UTILITIES OFFICE (1500 MONROE STREET, P.O. BOX 398, FORT MYERS, FLORIDA 33902).
- ANY QUANTITIES SHOWN ON PLANS ARE NOT VERIFIED BY LCU.
- AT THE SITE KEEP AND MAINTAIN ONE RECORD COPY OF ALL CONTRACT DOCUMENTS, REFERENCE DOCUMENTS AND ALL TECHNICAL DOCUMENTS SUBMITTED IN GOOD ORDER, AS THE WORK PROGRESSES THE ENGINEER OR HIS DESIGNATED REPRESENTATIVE SHALL RECORD ON ONE SET OF REPRODUCIBLE DRAWINGS ALL CHANGES AND DEVIATIONS FROM THE ORIGINAL PLANS. HE SHALL RECORD THE EXACT LOCATION OF ALL CHANGES IN VERTICAL AND HORIZONTAL ALIGNMENT BY OFFSETS AND TIES AT EACH; SEWER, WATER, ELECTRIC, GAS, COMMUNICATION AND OTHER SERVICES BY OFF-SET DISTANCE TO PERMANENT IMPROVEMENTS SUCH AS BUILDING AND CURBS.  
  
THESE RECORD DRAWINGS MUST BE CERTIFIED BY THE FLORIDA REGISTERED PROFESSIONAL ENGINEER, WHO PREPARED THE PLANS AND SIGNS AND SEALS THESE PLANS. THE RECORD DRAWINGS SHALL INCLUDE VERTICAL AND HORIZONTAL ALIGNMENT OF ALL WATER, SEWER, AND EFFLUENT REUSE LINES, VALVES, TEES, BENDS, REDUCERS, HYDRANTS, PUMP STATIONS, SERVICE CONNECTIONS, METER BOXES AND/OR PADS, AND OTHER PERTINENT STRUCTURES, PIPELINE RUNS IN EXCESS OF 152.4M, (500'), WITHOUT FITTINGS SHALL INCLUDE VERTICAL ALIGNMENT INFORMATION AT 152.4M, (500') INTERVALS. SAID ALIGNMENT SHALL BE TIED TO PERMANENT IMPROVEMENTS, SUCH AS ROADWAY AND/OR RAILROAD CENTERLINES AND RIGHTS-OF-WAY, BUILDING AND PROPERTY CORNERS, AND SHALL BE CERTIFIED BY A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF FLORIDA. THE PROFESSIONAL LAND SURVEYOR CAN COORDINATE WITH THE CONTRACTOR TO INSTALL THE NECESSARY APPURTENANCES ON BURIED UTILITIES TO FACILITATE THE SURVEY AFTER CONSTRUCTION IS COMPLETED. IN ADDITION, PROPERTY STRAP NUMBERS AND STREET NAMES SHALL BE SHOWN ON THE PLAN.  
  
ON A CASE BY CASE BASIS, LEE COUNTY UTILITIES MAY WAIVE THE REQUIREMENT FOR CERTIFICATION BY A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF FLORIDA. HOWEVER, PRIOR CONSENT MUST FIRST BE OBTAINED FROM LEE COUNTY UTILITIES. THE COUNTY SHALL WITHHOLD FINAL ACCEPTANCE OF THE PROJECT UNTIL THE REQUIREMENT FOR RECORD DRAWINGS AND RELATED RECORDS HAS BEEN MET. RECORD DRAWINGS WITHOUT DETAILED FIELD VERIFIED HORIZONTAL AND VERTICAL LOCATIONS OF ALL FACILITIES SHOWN WILL BE REJECTED.
- A PRE-CONSTRUCTION MEETING IS REQUIRED BEFORE WORK MAY BEGIN. LEE COUNTY UTILITIES SHALL BE NOTIFIED 48 HOURS PRIOR TO PROJECT MOBILIZATION.
- ALL WORK AND MATERIALS, WHICH DO NOT CONFORM TO LCU SPECIFICATIONS, ARE SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
- ANY WORK PERFORMED WITHOUT THE KNOWLEDGE OF LCU IS SUBJECT TO RE-EXCAVATION, REMOVAL AND REPLACEMENT OF SAME TO BE DONE AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL PROVIDE SUFFICIENT PERSONNEL AND EQUIPMENT ON THE JOB AT ALL TIMES DURING CONSTRUCTION TO SATISFY THE SPECIFICATIONS AND TO COMPLETE WORK.
- LCU INSPECTION STAFF MAY OBSERVE PROJECT CONSTRUCTION.
- THE CONTRACTOR IS TO UNCOVER ALL EXISTING LINES BEING TIED INTO AND VERIFY GRADES BEFORE BEGINNING CONSTRUCTION.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND TAKE ALL POSSIBLE PRECAUTIONS TO AVOID ANY DAMAGE TO ALL UNDERGROUND PIPELINES, TELEPHONE, CABLE TV, ELECTRIC LINES/CONDUITS AND STRUCTURES IN ADVANCE OF ANY CONSTRUCTION. LCU WILL NOT GUARANTEE ANY LOCATIONS AS SHOWN ON THESE PLANS OR THOSE OMITTED FROM THESE PLANS. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY OCCUR BY HIS FAILURE TO EXACTLY LOCATE AND PROTECT EXISTING UTILITIES AND STRUCTURES.
- CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THE PLANS. IF ANY DISCREPANCIES IN QUANTITIES ARE FOUND, THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER AND LCU.
- ALL REGULATORY AND PERMITTING AGENCIES' REQUIREMENTS SHALL BE COMPLIED WITH.
- APPROPRIATE TURBIDITY CONTROL DEVICES (E.G. SILT FENCES, HAY BALS) WILL BE UTILIZED DURING ALL PHASES OF INSTALLATION AND GRADING. CONTRACTOR IS RESPONSIBLE FOR SUBMITTING THE NOTICE OF INTENT AND NOTICE OF TERMINATION TO THE EPA IN COMPLIANCE WITH LEE COUNTY'S NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING AN EFFECTIVE STORM WATER POLLUTION PREVENTION PLAN.
- IN THE EVENT THAT HARD LIMESTONE FORMATION IS ENCOUNTERED, MAKING IT IMPOSSIBLE TO EXCAVATE TO THE DEPTH REQUIRED UNDER THIS CONTRACT, THE CONTRACTOR MAY BE ALLOWED TO REDUCE THE PIPE COVER TO NOT LESS THAN TWO (2) FEET WHILE MAINTAINING THE LCU REQUIRED THICKNESS OF BEDDING UNDER THE PIPE. SUCH DEVIATION FROM THE PLANS MUST BE FIRST BE APPROVED BY LCU AND THE ENGINEER PRIOR TO THE PIPE LAYING. IF TWO FEET OF COVER OR MORE CAN NOT BE ATTAINED, THE CONTRACTOR SHALL PROVIDE OTHER METHOD OF CONSTRUCTION OR PIPE PROTECTION WHICH SHALL FIRST BE APPROVED BY LCU AND THE ENGINEER, AT NO ADDITIONAL COST TO THE COUNTY.
- LOCATIONS, ELEVATIONS, AND DIMENSIONS OF EXISTING UTILITIES, STRUCTURES AND OTHER FEATURES ARE SHOWN ACCORDING TO THE BEST INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS, BUT DO NOT PURPORT TO BE ABSOLUTELY CORRECT. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY AND BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES, STRUCTURES, AND OTHER FEATURES AFFECTING HIS WORK. ANYTHING NOT SHOWN ON THESE DRAWINGS SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND SHALL NOT CONSTITUTE AN EXTRA, UNLESS APPROVED BY THE ENGINEER.
- THE CONTRACTOR SHALL CONTACT THE ENGINEER AND LCU IMMEDIATELY CONCERNING ANY CONFLICTS WITH LCU UTILITIES' STRUCTURES ARISING DURING CONSTRUCTION OF ANY FACILITIES SHOWN ON THESE DRAWINGS.
- TRAFFIC MUST BE MAINTAINED AT ALL TIMES AS PER LEE COUNTY DEPARTMENT OF TRANSPORTATION (LCDOT) AND PER FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- THE CONTRACTOR SHALL VERIFY ALL UTILITIES AND PROVIDE AT LEAST 48 HOURS NOTICE TO THE INDIVIDUAL UTILITY COMPANIES AND FDOT AND LCDOT PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL REPLACE ALL PAVEMENT, CURBS, DRIVEWAYS, SIDEWALKS, FENCES, ETC., WITH THE SAME TYPE OF MATERIAL THAT WAS REMOVED DURING CONSTRUCTION OR AS DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL RESTORE ALL AREAS AFFECTED BY THE CONSTRUCTION TO ITS ORIGINAL CONDITION, OR BETTER. TRAFFIC MUST BE MAINTAINED AT ALL TIMES AS PER LEE COUNTY DEPARTMENT OF TRANSPORTATION (LCDOT) AND PER FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- WITHIN THE FDOT AND LCDOT RIGHT-OF-WAY, ALL DISTURBED AREAS SHALL RECEIVE GRASSING (SEEDING) OR SODDING MATERIALS IN ACCORDANCE WITH FDOT SPECIFICATIONS. THOSE AREAS THAT ARE CLASSIFIED AS DRAINAGE DITCHES SHALL RECEIVE FULL SOLID SOIL.
- THE INFORMATION PROVIDED IN THESE PLANS IS SOLELY TO ASSIST THE CONTRACTOR IN ASSESSING THE NATURE AND EXTENT OF CONDITIONS WHICH MAY BE ENCOUNTERED DURING THE COURSE OF WORK. ALL CONTRACTORS ARE DIRECTED, PRIOR TO BIDDING, TO CONDUCT WHATEVER INVESTIGATIONS THEY MAY DEEM NECESSARY TO ARRIVE AT THEIR OWN CONCLUSION REGARDING THE ACTUAL CONDITIONS THAT WILL BE ENCOUNTERED, AND UPON WHICH THEIR BIDS WILL BE BASED.
- ALL FRAMES, COVERS VALVE BOXES, METER BOXES AND MANHOLES SHALL BE ADJUSTED TO FINISHED GRADE UPON COMPLETION OF PAVING OR RELATED CONSTRUCTION. ALL VALVE PADS SHALL BE POURED IN PLACE. NO PRE-FORMED VALVE PADS ALLOWED.

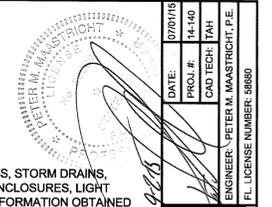
**MISCELLANEOUS NOTES:**

- THE SIZES AND LOCATIONS OF THE UNDERGROUND PRESSURE MAINS, STORM DRAINS, GRAVITY MAINS, ELECTRIC CONDUITS, SLEEVES, TRANSFORMERS, ENCLOSURES, LIGHT POLES AND OTHER APPURTENANCES ARE BASED UPON THE BEST INFORMATION OBTAINED BY THE ENGINEER AT THE TIME OF DESIGN. THE CONTRACTOR SHALL VERIFY ACTUAL LOCATION, SIZE AND DEPTH OF ALL UTILITIES DESCRIBED ABOVE PRIOR TO INSTALLATION OF THEIR FACILITIES.
- FINAL ALIGNMENTS, MATERIALS, COLORS, FINISHES, FOR PEDESTRIAN HARDSCAPE AREAS MAY BE ADJUSTED ON SITE BY OWNER OR OWNER REPRESENTATIVE.

**LEGEND**

-  MANHOLE I.D.
-  PROPOSED FORCE MAIN
-  PROPOSED FIRE HYDRANT ASSEMBLY W/PIPE BOLLARDS (TYP)
-  PROPOSED WATER MAIN & G.V. (DI) DUCTILE IRON UNDER PAVEMENT)
-  PROPOSED SANITARY SEWER MAIN (SDR 26 PVC) W/MANHOLE
-  PROPOSED 6" SEWER LATERAL W/CLEAN-OUT
-  TRANSFORMER PAD (BY OTHERS)
-  BERM/DETENTION AREAS
-  ROCK BOULDER RIP-RAP OVER FILTER FABRIC
-  EX. ASPHALT PAVEMENT AREAS (SEE PAVEMENT SECTIONS)
-  PROP. ASPHALT PAVEMENT AREAS (SEE PAVEMENT SECTIONS)
-  LIGHT POLE (BY OTHERS)
-  EXIST. STORM DRAIN & INLET
-  INLET STRUCTURE I.D. \*
-  PROP. STORM DRAIN & INLET
-  PROPOSED CONTOUR ELEVATION
-  PROPOSED ELEVATION (N.A.V.D) 1988
-  DESIGN ELEVATIONS (N.A.V.D.) 1988\*
-  EXISTING ELEVATION (N.A.V.D.) 1988
-  DRAINAGE FLOW ARROW

\* SEE INLET STRUCTURE TABLE



**MAASTRICHT ENGINEERING**  
2202 COLLEGE PARKWAY, SUITE 201 • FORT MYERS, FL 33907 • (239) 332-1000 • (888) 457-4200  
FL LICENSE NUMBER: 98860

DEVELOPER:  
DEEP DISH DOUGLAS LLC  
328 BUCKLIN STREET  
LA SALLE, IL 61301

DATE	BY	REVISION DESCRIPTION

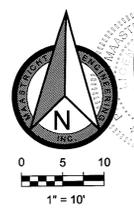
**FISH BOWL RESTAURANT**  
SECTION 19, TOWNSHIP 06S RANGE 24E  
PART OF LOT 1, BLOCK "E" OF CRESCENT PARK  
FORT MYERS BEACH, LEE COUNTY, FLORIDA

**GENERAL NOTES**

\\MAASTRICHT\NAS\Maasricht\Engineering\MAASTRICHT ENGINEERING\CAD\2014\14-140\PLT01\_02\_06\_07\_COVER.dwg Tuesday, August 25, 2015 10:12:43 AM



NOTE: DIMENSIONS MAY HAVE BEEN REDUCED OR INCREASED IN THESE PLANS DUE TO THE SIZE OF THESE PLANS. THESE PLANS MUST BE CONSIDERED WHEN OBTAINING REAL DATA.



DATE: 07/07/16  
 PROJ. #: 14-140  
 CAD TECH: JAH  
 ENGINEER: PETER M. MAASRICHT, P.E.  
 FL. LICENSE NUMBER: 58960

**MAASRICHT**  
**ENGINEERING**

DEVELOPER:  
 DEEP DISH DOUGLAS LLC  
 328 BUCKLIN STREET  
 LA SALLE, IL 61301

DATE	BY	REVISION DESCRIPTION

**FISH BOWL RESTAURANT**  
 SECTION 19, TOWNSHIP 48S, RANGE 24E  
 PART OF LOT 1, BLOCK "E" OF CRESCENT PARK  
 FORT MYERS BEACH, LEE COUNTY, FLORIDA

**SITE DIMENSION PLAN**

**SHEET 4 OF 10**

STATE PLANE COORDINATES  
 FLORIDA WEST ZONE  
 N=770194.82 E=671374.83

FLOOD ZONE VE ELEVATION = 13'  
 FLOOD ZONE VE ELEVATION = 14'

FOUND 1/2" I.R.  
 LB7075

EX. CANAL  
 WIDTH VARIES  
 EAST (D)  
 N.89°18'53"E. 137.50' (S)

EX. B.M. SET N.T.T.  
 EX. ELEV.= 3.51'

FOUND DRILL HOLE NO ID  
 N.05°58'48"E. 0.25'

N 1/2 LOT 2  
 BLOCK "E"

S 1/2 LOT 2  
 BLOCK "E"

EAST RW LINE CRESCENT STREET

LOT 1, BLOCK "E"

N 00°41'07"W. 76.34' (D & S)

S.E. LY (D)  
 80.00'

S.W. CORNER  
 LOT 1, BLOCK "E"

EX. B.M. SET N.T.T.  
 EX. ELEV.= 4.50'

PROPOSED WOOD DECK ADDITION  
 PROPOSED CONCRETE RAMP

RELOCATED EXISTING  
 12 BIKE BICYCLE RACK

N.70°35'51"W. 95.48' (S)  
 S.70°15'53"E. 50.99' (S)  
 NORTHWESTERLY 148.45' (D)

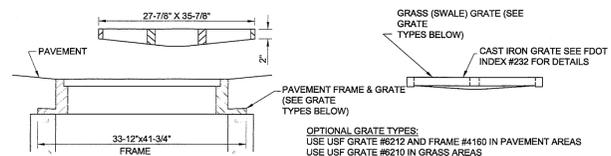
**ESTERO BOULEVARD**  
 EX. ASPHALT ROADWAY (50' R/W)

STATE PLANE COORDINATES  
 FLORIDA WEST ZONE  
 N=770089.05 E=671513.79

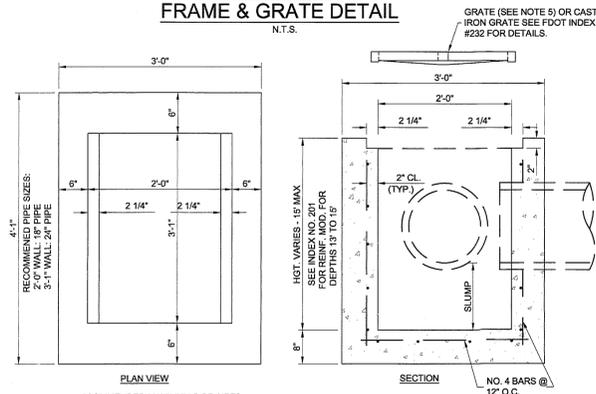
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**INLET TYPE C  
FRAME & GRATE DETAIL**  
N.T.S.

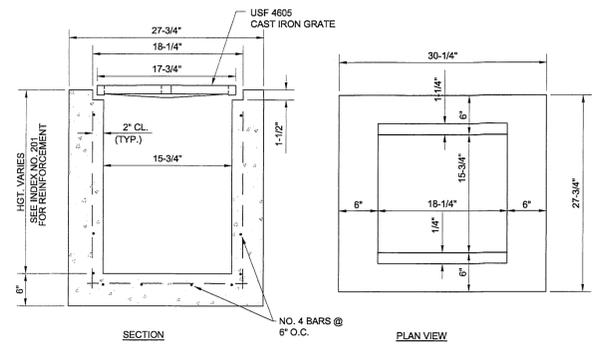


RECOMMENDED PIPE SIZES:  
2'-0\"/>

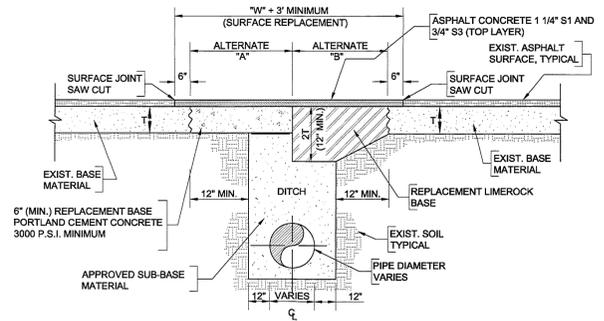
**INLET NOTES:**  
1. REFER TO FDOT STANDARD INDEX NO. 200, 201, AND 232 FOR ADDITIONAL AND SUPPLEMENTARY DETAILS.  
2. STRUCTURES MAY BE CAST IN PLACE OR PRE CAST WITH CLASS 1 (MIN 3000 PSI) CONCRETE PER FDOT SECTION 425. CONCRETE AS SPECIFIED BY ASTM C-478 (MIN 4000 PSI) MAY BE USED IN PRE CAST ITEMS MANUFACTURED IN PLANTS AS SPECIFIED IN FDOT STANDARD INDEX NO. 201.  
3. R.C.P. SHALL BE REINFORCED CONCRETE PIPE CONFORMING TO F.D.O.T. SEC. 941.

4. PLACE SOD 4' ON ALL SIDES OF INLET IN GREEN AREAS UNLESS OTHERWISE NOTED.  
5. FOR 'C' INLETS USE USF GRATE #6212 AND FRAME #4160 FOR PAVEMENT AREAS. USE USF GRATE #6210 OR #6209 (LONG SPAN) FOR GRASSED AREAS.  
6. ALL INLET GRATES SHALL BE COVERED WITH FILTER FABRIC DURING CONSTRUCTION.  
\*AT INLETS INDICATED WITH SUMP, SEE PLANS.

**TYPE 'C' INLET**  
N.T.S.

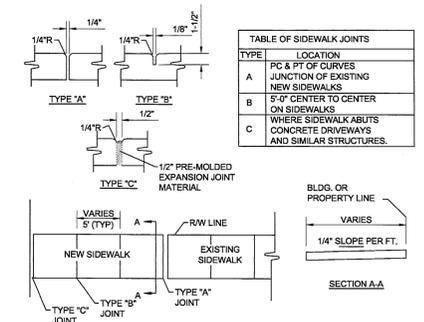


**TYPE 'X' INLET**  
N.T.S.



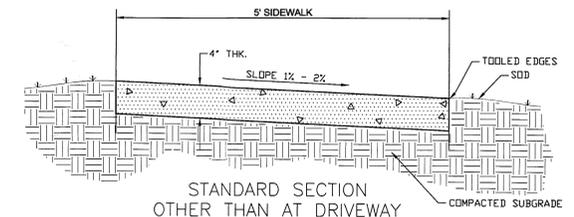
**NOTES:**  
1. LIMEROCK MATERIAL (MIN. LBR 100) SHALL BE COMPACTED TO 98% DENSITY, AASHTO T-180.  
2. APPROVED SUB-BASE MATERIAL (MIN. LBR 40) SHALL BE COMPACTED IN 6\"/>

**PAVEMENT REPAIR DETAIL**  
N.T.S.

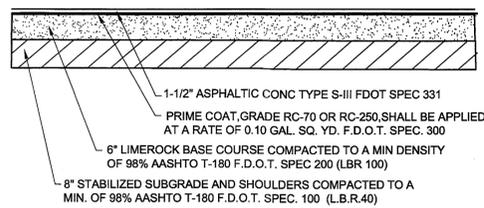


TYPE	LOCATION
A	PC & PT OF CURVES JUNCTION OF EXISTING NEW SIDEWALKS
B	5'-0\"/>
C	WHERE SIDEWALK ABUTS CONCRETE DRIVEWAYS AND SIMILAR STRUCTURES.

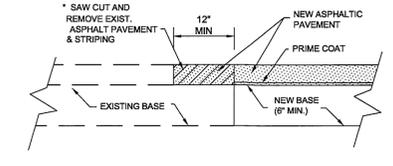
**SIDEWALK JOINTS DETAIL**  
N.T.S.



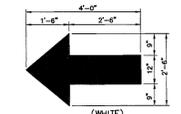
**SIDEWALK DETAIL**  
N.T.S.



**TYPICAL PAVEMENT SECTION**  
N.T.S.



**ASPHALTIC PAVEMENT JOINT DETAIL**  
N.T.S.



**TYPICAL DIRECTIONAL ARROW**

MAASTRICHT ENGINEERING  
PETER M. MAASTRICHT, P.E.  
FL LICENSE NUMBER: 68880

**MAASTRICHT  
ENGINEERING**

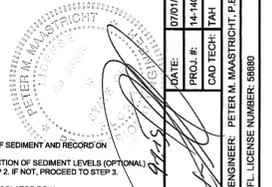
DEVELOPER:  
DEEP DISH DOUGLAS LLC  
328 BUCKLEY STREET  
LA SALLE, IL 61301

REVISION DESCRIPTION  
DATE BY

**FISH BOWL  
RESTAURANT**  
SECTION 10.0 - CONCRETE AND RANGE 2/A  
PART OF LOT 1, BLOCK 'E' OF CRESCENT PARK  
FORT MYERS BEACH - LEE COUNTY, FLORIDA

**GRADING, PAVING &  
DRAINAGE DETAILS**

**SHEET  
6 OF 10**



**MAASTRICHT ENGINEERING**  
 2700 COLLEGE PARKWAY, SUITE 211 • FORT MYERS, FL 33907 • (239) 332-1000 • FAX (239) 332-1001

DEVELOPER:  
 DEEP DISH DOUGLAS LLC  
 328 BUCKLIN STREET  
 LA SALLE, IL 61301

DATE	BY	REVISION DESCRIPTION

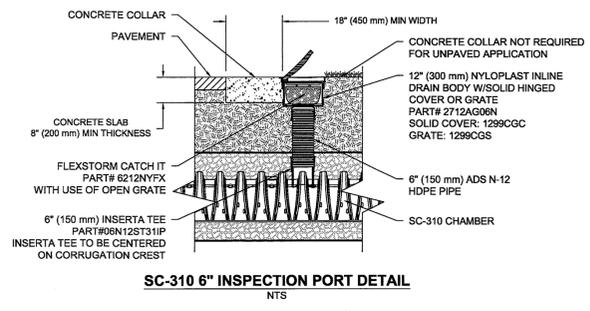
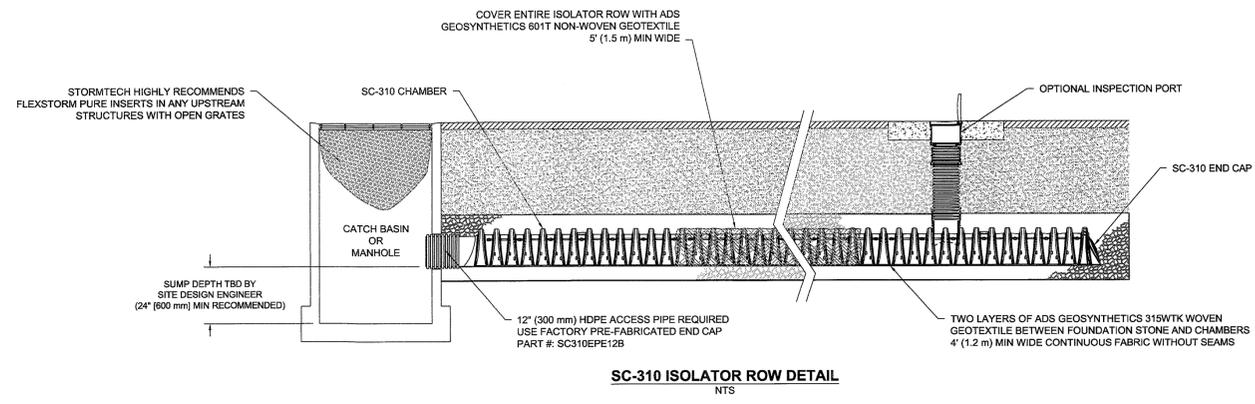
**FISH BOWL RESTAURANT**  
 SECTION FOR STORMWATER COLLECTION  
 PART OF LOT 1, BLOCK "E" OF CRESCENT PARK  
 FORT MYERS BEACH - LEE COUNTY, FLORIDA

**STORMTECH UNDER DRAINAGE DETAILS**

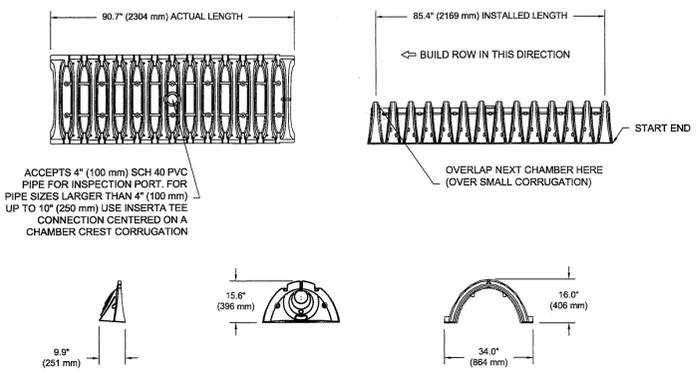
**SHEET 7 OF 10**

**INSPECTION & MAINTENANCE**

- STEP 1) INSPECT ISOLATOR ROW FOR SEDIMENT
- A. INSPECTION PORTS (IF PRESENT)
    - A.1. REMOVE/OPEN LID ON NYLOPLAST INLINE DRAIN
    - A.2. REMOVE AND CLEAN FLEXSTORM FILTER IF INSTALLED
    - A.3. USING A FLASHLIGHT AND STADIA ROD, MEASURE DEPTH OF SEDIMENT AND RECORD ON MAINTENANCE LOG
    - A.4. LOWER A CAMERA INTO ISOLATOR ROW FOR VISUAL INSPECTION OF SEDIMENT LEVELS (OPTIONAL)
    - A.5. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.
  - B. ALL ISOLATOR ROWS
    - B.1. REMOVE COVER FROM STRUCTURE AT UPSTREAM END OF ISOLATOR ROW
    - B.2. USING A FLASHLIGHT, INSPECT DOWN THE ISOLATOR ROW THROUGH OUTLET PIPE
      - i) MIRRORS ON POLES OR CAMERAS MAY BE USED TO AVOID A CONFINED SPACE ENTRY
      - ii) FOLLOW OSHA REGULATIONS FOR CONFINED SPACE ENTRY IF ENTERING MANHOLE
    - B.3. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.
- STEP 2) CLEAN OUT ISOLATOR ROW USING THE JETVAC PROCESS
- A. A FIXED ORVERT CLEANING NOZZLE WITH REAR FACING SPRAY OF 45° (1.1 m) OR MORE IS PREFERRED
  - B. APPLY MULTIPLE PASSES OF JETVAC UNTIL BACKFLUSH WATER IS CLEAN
  - C. VACUUM STRUCTURE SUMP AS REQUIRED
- STEP 3) REPLACE ALL COVERS, GRATES, FILTERS, AND LIDS; RECORD OBSERVATIONS AND ACTIONS.
- STEP 4) INSPECT AND CLEAN BASINS AND MANHOLES UPSTREAM OF THE STORMTECH SYSTEM.
- NOTES**
- INSPECT EVERY 6 MONTHS DURING THE FIRST YEAR OF OPERATION. ADJUST THE INSPECTION INTERVAL BASED ON PREVIOUS OBSERVATIONS OF SEDIMENT ACCUMULATION AND HIGH WATER ELEVATIONS.
  - CONDUCT JETTING AND VACTORING ANNUALLY OR WHEN INSPECTION SHOWS THAT MAINTENANCE IS NECESSARY.



**SC-310 TECHNICAL SPECIFICATION**  
 NTS



**NOMINAL CHAMBER SPECIFICATIONS**

SIZE (W X H X INSTALLED LENGTH)	34.0" X 16.0" X 85.4"	(864 mm X 406 mm X 2169 mm)
CHAMBER STORAGE	14.7 CUBIC FEET	(0.42 m³)
MINIMUM INSTALLED STORAGE*	31.0 CUBIC FEET	(0.88 m³)
WEIGHT	35.0 lbs.	(15.9 kg)

\*ASSUMES 6" (152 mm) ABOVE, BELOW, AND BETWEEN CHAMBERS

PRE-FAB STUBS AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"  
 PRE-FAB STUBS AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"  
 PRE-CORED END CAPS END WITH "PC"

PART #	STUB	A	B	C
SC310EP06T / SC310EP06TPC	6" (150 mm)	9.6" (244 mm)	5.8" (147 mm)	---
SC310EP06B / SC310EP06BPC	---	---	---	0.5" (13 mm)
SC310EP08T / SC310EP08TPC	8" (200 mm)	11.9" (302 mm)	3.5" (89 mm)	---
SC310EP08B / SC310EP08BPC	---	---	---	0.6" (15 mm)
SC310EP10T / SC310EP10TPC	10" (250 mm)	12.7" (323 mm)	1.4" (36 mm)	---
SC310EP10B / SC310EP10BPC	---	---	---	0.7" (18 mm)
SC310EP12B	12" (300 mm)	13.5" (343 mm)	---	0.9" (23 mm)

ALL STUBS, EXCEPT FOR THE SC310EP12B ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2694.

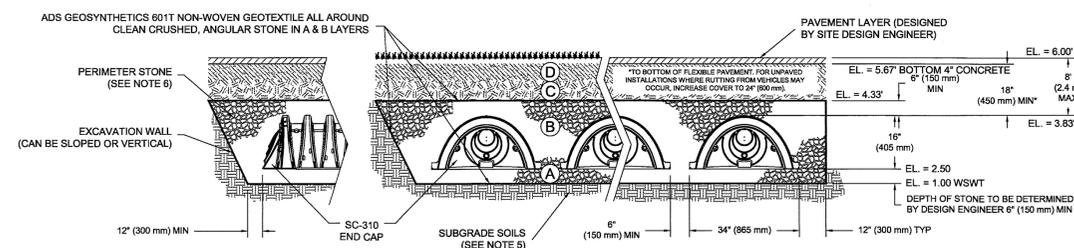
\* FOR THE SC310EP12B THE 12" (300 mm) STUB LIES BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 0.25" (6 mm). BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SITS LEVEL.

NOTE: ALL DIMENSIONS ARE NOMINAL

**ACCEPTABLE FILL MATERIALS: STORMTECH SC-310 CHAMBER SYSTEMS**

MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	FINAL FILL: FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C	INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	AASHTO M145 <sup>1</sup> A-1, A-2-4, A-3 OR AASHTO M43 <sup>2</sup> 3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10	BEGIN COMPACTIONS AFTER 12" (300 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 lbs (53 kN). DYNAMIC FORCE NOT TO EXCEED 20,000 lbs (89 kN).
B	EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE.	AASHTO M43 <sup>2</sup> 3, 357, 4, 467, 5, 56, 57	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	AASHTO M43 <sup>2</sup> 3, 357, 4, 467, 5, 56, 57	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. <sup>3</sup>

- PLEASE NOTE:
- THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
  - STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
  - WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.

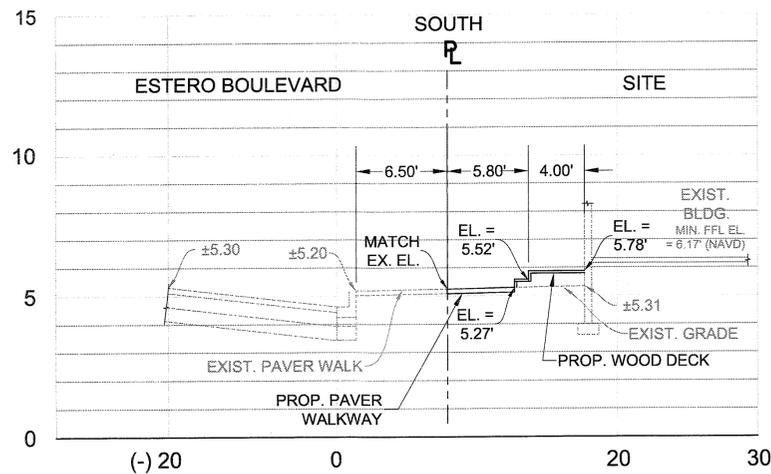


**NOTES:**

- SC-310 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- SC-310 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.
- THE "SITE DESIGN ENGINEER" REFERS TO THE ENGINEER RESPONSIBLE FOR THE DESIGN AND LAYOUT OF THE STORMTECH CHAMBERS FOR THIS PROJECT.
- THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- ONCE LAYER 'C' IS PLACED, ANY SOIL MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.

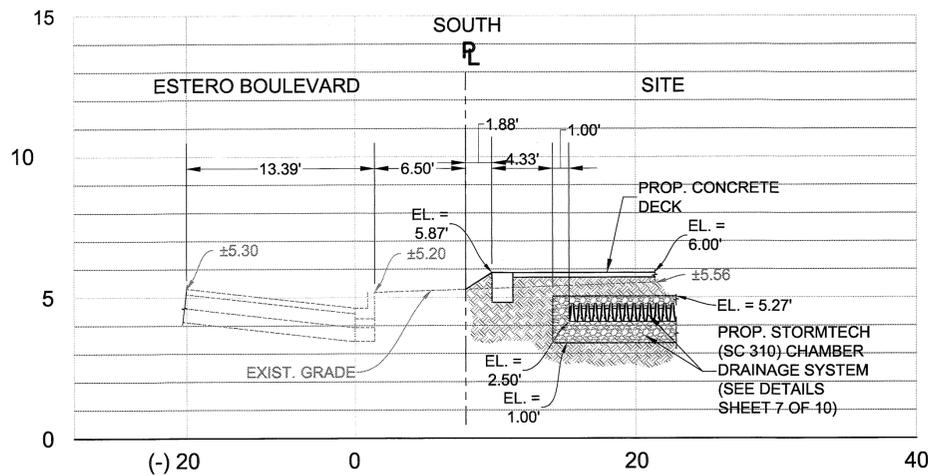
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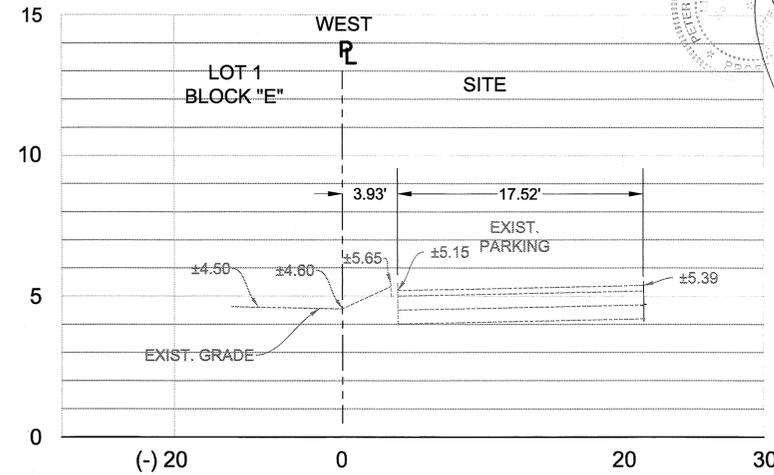
### SECTION "A"

Scales: 1" = 6' (HORIZ.)  
1" = 3' (VERT.)



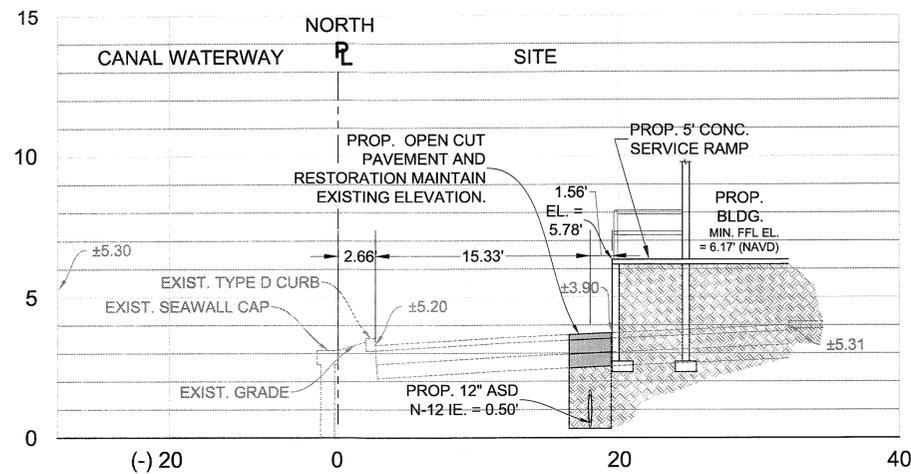
### SECTION "B"

Scales: 1" = 6' (HORIZ.)  
1" = 3' (VERT.)



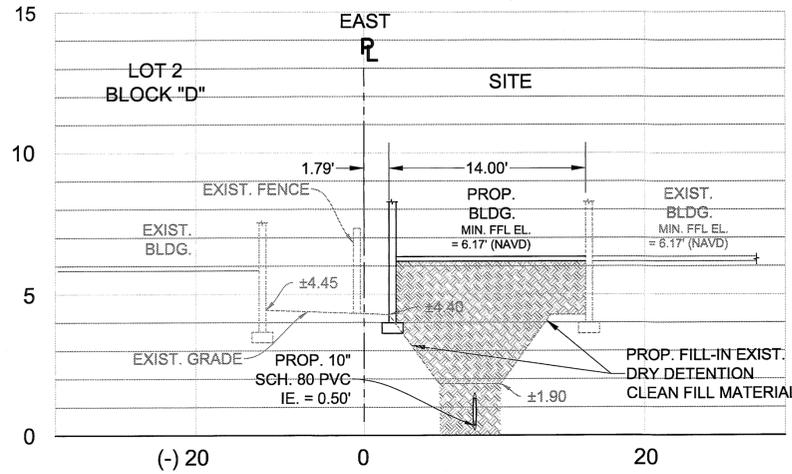
### SECTION "C"

Scales: 1" = 6' (HORIZ.)  
1" = 3' (VERT.)



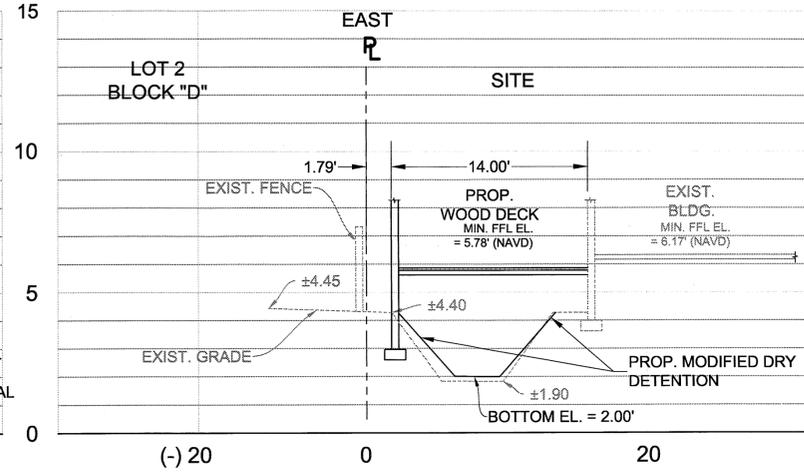
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1" = 3' (VERT.)



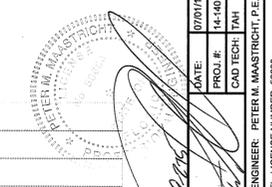
### SECTION "E"

Scales: 1" = 6' (HORIZ.)  
1" = 3' (VERT.)



### SECTION "F"

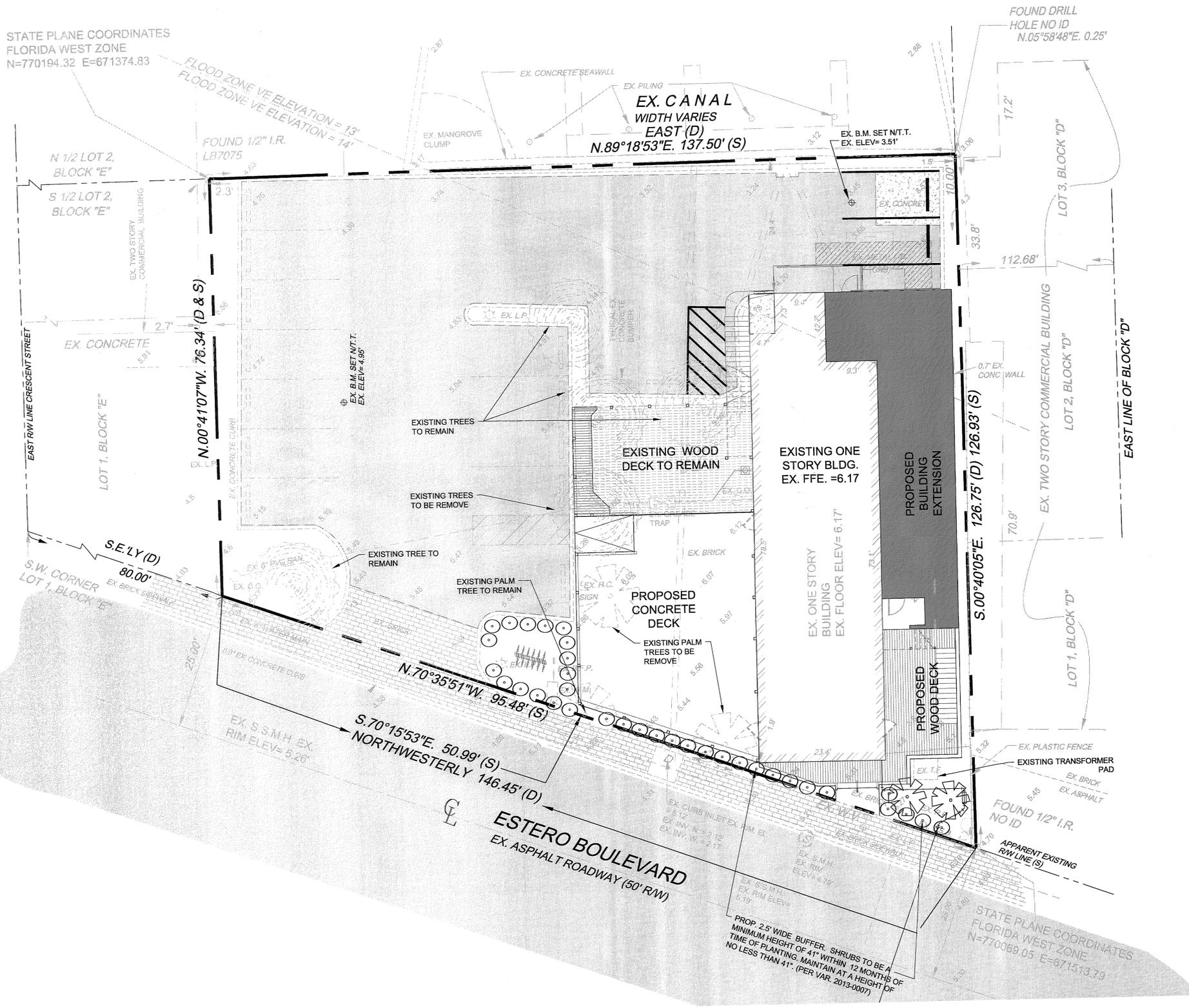
Scales: 1" = 6' (HORIZ.)  
1" = 3' (VERT.)



DATE: 07/01/15		PROJ. #: 14-040
DRAWN BY: P.M.		CAD TECH: PAH
CHECKED BY: P.M.		ENGINEER: PETER M. MAASTRICHT, P.E.
FL. LICENSE NUMBER: 56860		
<b>MAASTRICHT ENGINEERING</b>		
FOR COLLEGE PARKWAY, SUITE 2114, FORT MYERS, FL 33907 • (888) 333-3333 • (813) 937-2025		
DEVELOPER: FISH BOWL RESTAURANT, LLC 328 BUCKLEBUSH STREET LA SALLE, IL 61301		
REVISION DESCRIPTION	BY	DATE
<b>FISH BOWL RESTAURANT</b>		
SECTION 19, TOWNSHIP 46S, RANGE 24E PART OF LOT 1, BLOCK "E" OF CRESCENT PARK FORT MYERS BEACH - LEE COUNTY, FLORIDA		
<b>GRADING, PAVING &amp; DRAINAGE CROSS SECTION</b>		
<b>SHEET 8 OF 10</b>		



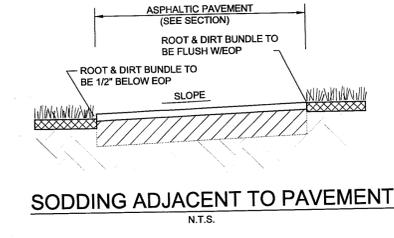
NOTE:  
THESE PLANS MAY HAVE BEEN REDUCED OR INCREASED IN SIZE BY REPRODUCTION(S). THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.



**NOTES:**  
A 2" MINIMUM LAYER OF WOOD OR BARR MULCH OR OTHER RECYCLED VEGETATION MUST BE PLACED & MAINTAINED AROUND ALL NEW INSTALLED TREES, SHRUBS & GROUND COVER PLANTINGS. EACH TREE MUST HAVE A RING OF 24" BEYOND ITS TRUNK IN ALL DIRECTIONS. CYPRESS MULCH IS PROHIBITED.

**LEGEND**  
○ SHRUBS (Cocoplum) - See Notes (Or as approved by owner as consistent with Town of Fort Myers Beach requirements.)

**LANDSCAPING REQUIREMENTS**  
2.5' MIN. LANDSCAPE BUFFER REQ'D PER (VAR. 2013-007); 2.5' PROVIDED (ADJACENT TO R.O.W.)  
(80 LF - (1) 20 LF DRIVE = 60 LF RW)  
REQUIRED SHRUBS: 20 SHRUBS  
PROVIDED SHRUBS: 36 SHRUBS  
1 SHRUB PER 3 LF



DATE	12/14
PROJ. #	14-10
CAD TECH	ESS
ENGINEER	PETER M. MAASTRICHT, P.E.
FL LICENSE NUMBER	98890
DEVELOPER	DEEP DISH DOUGLAS LLC 328 RUCKLIN STREET LA SALLE, IL 61301
REVISION DESCRIPTION	
DATE	BY
<b>FISH BOWL RESTAURANT</b>	
SECTION 19, BLOCK "E" OF CRESCENT PARK FORT MYERS BEACH - LEE COUNTY, FLORIDA	
LANDSCAPE	PLAN
<b>SHEET 10 OF 10</b>	

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NO.	REVISIONS

ASSEMBLY PERMITTED ONLY  
 FLOOR PLAN PARTIAL

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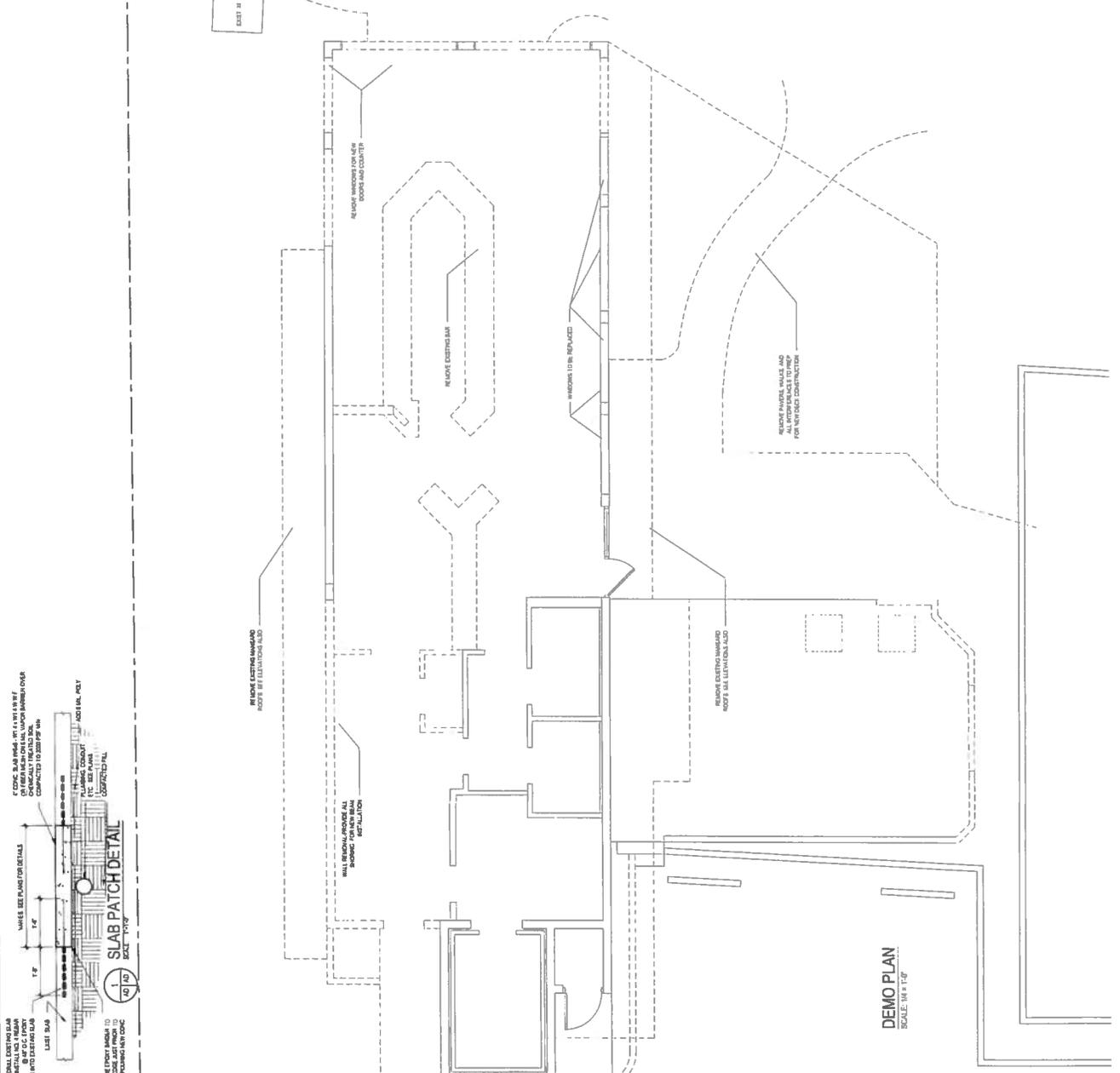
**CONCRETE NOTES**

- FOOTINGS SHALL BEAR UPON UNDISTURBED TREATED SOIL OR SOIL COMPACTED TO AT LEAST 90% OF STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D1557) FOR A DEPTH OF AT LEAST THREE (3) FEET BELOW THE BOTTOM OF THE FOOTING.
- REINFORCING STEEL SHALL BE ASTM-A618 GRADE 60 REINFORMED NEW BULLET STEEL CONFORMING TO FACTORY ACR31. CORNERS OF REINFORCING STEEL SHALL BE 135 DEGREE BENDS. MINIMUM LAP SPICE SHALL BE 48 BAR DIAMETERS UNLESS NOTED OTHERWISE.
- ALL CONCRETE VERTICAL AND HORIZONTAL REINFORCING STEEL, REINFORCING BEAMS, AND COLUMNS SHALL BE SPUN TO A MINIMUM OF 48 BAR DIAMETERS OF 30# WHENEVER GREATER.
- CONCRETE JOINTS OF REINFORCING STEEL SHALL BE AS FOLLOWS:  
 4.1 FOOTING: 2' BOTTOM AND 3" TOP  
 4.2 BEAMS: 1'-4" BOTTOM, 3" AND 3" TOP  
 4.3 COLUMN: 1" TOP  
 4.4 COLUMN: 1" TOP  
 4.5 OTHERS PER A/C
- FOUNDATION: 3000 PSI @ 28 DAYS, TYPE II CONCRETE, 8" BAG
- FLOOR SLAB: 3000 PSI @ 28 DAYS (IF CONCRETE OF 8" MINIMUM THICKNESS) OR POLYMER CONCRETE (IF 4" MINIMUM THICKNESS) WITH 48# REINFORCING STEEL @ 18" ON CENTER  
 6.1 PROVIDE CONSTRUCTION JOINTS @ 40' MAX. IN BEAMS  
 6.2 PROVIDE CONSTRUCTION JOINTS @ 40' MAX. IN BEAMS
- WALLS: 3000 PSI @ 28 DAYS, TYPE II CONCRETE, 8" BAG WITH AIR ENTRAINMENT
- ALL CONCRETE BEAMS OR GRADE SHALL BE THE THICKNESS INDICATED ON THE DRAWINGS. OVER A 1/2" VAPOR BARRIER SHALL BE INSTALLED UNDER ALL CONCRETE. ALL CONCRETE SHALL BE VIBRATED WITH 1/2" VIBRATOR PADDLES AT 12" SPACES AND TOPS OF THEIR RESPECTIVE CONCRETE.
- FULL CURE CONCRETE SLABS SHALL BE CLEAN AND FREE OF OILING AND FREE OF OILING AND OTHER HAZARDOUS MATERIAL. FULL CURE CONCRETE SHALL BE COMPACTED TO A DENSITY OF AT LEAST 90% OF STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D1557).
- WELDED WIRE MESH SHALL CONFORM TO ASTM A185, TYPE 30, GAUGE 18, AND SHALL BE PLACED IN ACCORDANCE WITH THE TYPICAL PLACE DETAILS OF AS STANDARDS AND SPECIFICATIONS. MINIMUM LAP SHALL BE ONE (1) BAR PLUS TWO (2) INCHES.
- WHERE SHOWN, CORNERS OF BLOCK MASONRY SHALL BE FILLED WITH GROUT OF PRO GRADE CONCRETE WITH COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS AND REINFORCING STEEL AS INDICATED ON THE DRAWINGS.

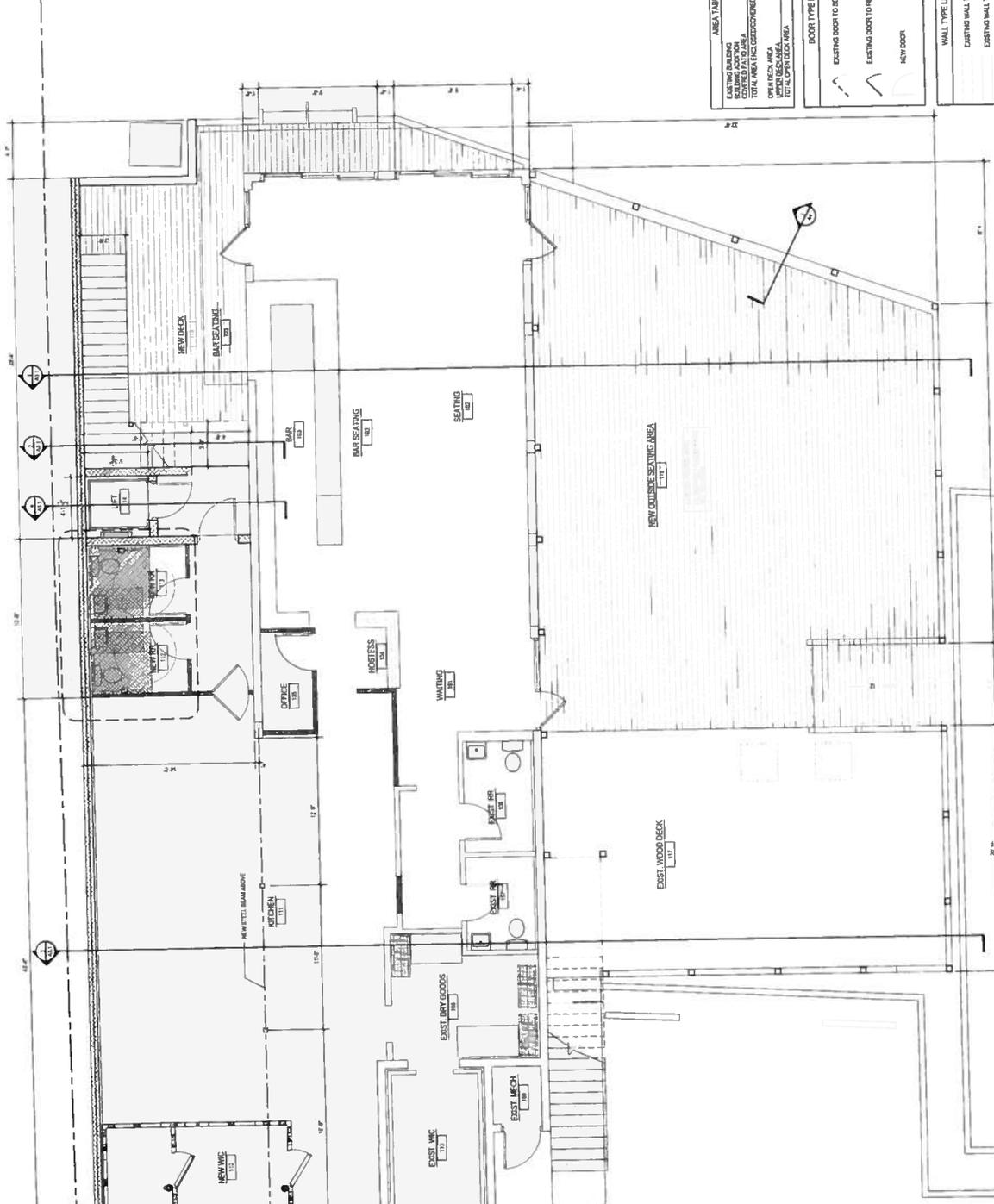
**RESUBMITTAL**  
 DATE: 04/13/2015  
 REVISION: 01

**DEMOLITION NOTES**

- ALL LOCAL, STATE, FEDERAL, AND REGULATIONS AND ALL STATE AND LOCAL CODES ARE PART OF THIS WORK AND SHALL BE OBSERVED BY ALL CONTRACTORS THROUGHOUT THE PROJECT.
- CONTRACTOR AT SITE: GENERAL CONTRACTOR AND HIS SUB CONTRACTORS ARE EXPECTED TO VISIT THE SITE AND EXAMINE THE EXISTING PLAN, RECORD ALL EXISTING CONDITIONS AS TO CONTRACTOR AND EXISTING OF WORK WITHIN THE SCOPE OF THE PROJECT.
- SCOPE: COMPLETE ALL DEMOLITION WORK AS SHOWN ON THE DRAWINGS AND AS REQUIRED TO PREPARE THE BUILDING FOR OTHER WORK. EXISTING DOORS TO REMAIN ARE SHOWN IN RED. SEE DOOR SCHEDULE FOR WORK TO BE DONE TO THESE DOORS.
- DEMOLITION: ALL DEMOLITIONS ARE TO BE FIELD VERIFIED PRIOR TO BEGINNING WORK.
- SAFETY: PROTECT ALL EXISTING UTILITIES AND STRUCTURES. VERIFY ALL UTILITIES, WELLS AND GAS LINES BEFORE ANY DEMOLITION. TAKE PRECAUTIONS TO AVOID COLLISIONS WITH EXISTING UTILITIES, WELLS AND GAS LINES. TAKE PRECAUTIONS TO AVOID COLLISIONS WITH EXISTING UTILITIES, WELLS AND GAS LINES. TAKE PRECAUTIONS TO AVOID COLLISIONS WITH EXISTING UTILITIES, WELLS AND GAS LINES. TAKE PRECAUTIONS TO AVOID COLLISIONS WITH EXISTING UTILITIES, WELLS AND GAS LINES.
- WORK SPACE: KEEP ALL TRAFFIC LANE CLEAR AND CLEAR AT ALL TIMES. GENERAL CONTRACTOR SHALL COORDINATE WITH OWNER ON SPECIFIC ARRANGEMENTS FOR TRAFFIC AND SUPPLY DELIVERY. IF NECESSARY TO THE OTHER CONTRACTORS, GENERAL CONTRACTOR SHALL PROVIDE ACCESS TO ALL AREAS OF THE PROJECT. GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY ALL AFFECTED PARTIES AND PROVIDE ACCESS TO ALL AREAS OF THE PROJECT. GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY ALL AFFECTED PARTIES AND PROVIDE ACCESS TO ALL AREAS OF THE PROJECT. GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY ALL AFFECTED PARTIES AND PROVIDE ACCESS TO ALL AREAS OF THE PROJECT.
- SERVICE INTERRUPTIONS: GENERAL CONTRACTORS SHALL TAKE ALL NECESSARY PRECAUTIONS TO MAINTAIN BUILDING UTILITIES AND SERVICES UNLESS OTHERWISE NOTED TO THE CONTRARY. WHICH, HVAC, TELECOMMUNICATIONS, SECURITY, FIRE ALARMS, AND OTHER SERVICES SHALL BE MAINTAINED THROUGHOUT THE PROJECT. GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY ALL AFFECTED PARTIES AND PROVIDE ACCESS TO ALL AREAS OF THE PROJECT.
- PERMITS: OBTAIN ALL NECESSARY PERMITS AS REQUIRED BEFORE REMOVAL OF EXISTING TREES, SHRUBBERY AND ALSO BEFORE OPERATION OF HEAVY DUTY EQUIPMENT AS WELL AS CHANGES, EXCAVATIONS, LOADING AS REGULATED BY GOVERNING CODES. PROVIDE GENERAL CONTRACTOR WITH COPIES OF OBTAINED PERMITS.
- STRUCTURAL SET-UP: CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL TEMPORARY AND PERMANENT SHORING BEFORE REMOVAL OF ANY BEARING ELEMENTS AND SUPPORTS.
- DEMOLITION: EXECUTE ALL DEMOLITION WORK IN AN ORDERLY AND CAREFUL MANNER WITH DUE CONSIDERATION FOR ANY EXISTING STRUCTURES INCLUDING ANY PARTS OF THE SURROUNDING AREAS WHICH ARE TO REMAIN. BARRICADE AND COVER EXISTING UTILITIES AND SERVICES AS SHOWN AND INDICATED BY THE DRAWINGS. PROTECT ALL EXISTING UTILITIES, WELLS AND GAS LINES TO REMAIN. PROTECT ALL EXISTING UTILITIES, WELLS AND GAS LINES TO REMAIN. PROTECT ALL EXISTING UTILITIES, WELLS AND GAS LINES TO REMAIN.
- CUTTING AND PATCHING: ANY NECESSARY CUTTING AND PATCHING OF SLABS, WALLS, ROOFING, ETC. IS TO BE PERFORMED BY THE APPROPRIATE SUB CONTRACTOR (OVERSIGHT IS TO BE PROVIDED BY THE GENERAL CONTRACTOR).
- REMOVE EXISTING PLUMBING UTILITIES AS SHOWN AND ASSOCIATED WATER SUPPLY, WASTE & VENT PIPING. CAP ALL OPEN ENDS OF EXISTING PLUMBING UTILITIES AS SHOWN AND ASSOCIATED WATER SUPPLY, WASTE & VENT PIPING. CAP ALL OPEN ENDS OF EXISTING PLUMBING UTILITIES AS SHOWN AND ASSOCIATED WATER SUPPLY, WASTE & VENT PIPING. CAP ALL OPEN ENDS OF EXISTING PLUMBING UTILITIES AS SHOWN AND ASSOCIATED WATER SUPPLY, WASTE & VENT PIPING.
- REMOVE EXISTING HVAC UTILITIES AND DUCT WORK AS INDICATED AND REMOVE SUPPLY DUCT WORK AS INDICATED ON NEW CONSTRUCTION PLAN.
- REMOVE EXISTING ELECTRICAL UTILITIES AND WIRING SYSTEMS. FIELD VERIFY ALL CIRCUITS ARE PROPERLY CAPPED AND IDENTIFIED.
- REMOVE EXISTING MATERIAL SUBJECT TO THE SAFETY CONTRACTOR'S RESPONSIBILITY FOR THE MATERIAL. TO BE REMOVED. WHERE SPECIFICALLY NOTED ON DRAWINGS, MATERIAL SHALL BE CAREFULLY REMOVED, PROTECTED AND STORED FOR REUSE OR THIS PROJECT OR RETURNED TO OWNER. EXTREME CARE SHALL BE EXERCISED TO PREVENT CHIPPING, BREAKAGE, OR DAMAGE TO EXISTING MATERIALS TO BE REUSED. WORKS TO BE DONE IN ACCORDANCE WITH APPROPRIATE LAWS AND REGULATIONS REGARDING HAZARDOUS MATERIALS TO BE REUSED.
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- REMOVE EXISTING MATERIAL SUBJECT TO THE SAFETY CONTRACTOR'S RESPONSIBILITY FOR THE MATERIAL. TO BE REMOVED. WHERE SPECIFICALLY NOTED ON DRAWINGS, MATERIAL SHALL BE CAREFULLY REMOVED, PROTECTED AND STORED FOR REUSE OR THIS PROJECT OR RETURNED TO OWNER. EXTREME CARE SHALL BE EXERCISED TO PREVENT CHIPPING, BREAKAGE, OR DAMAGE TO EXISTING MATERIALS TO BE REUSED. WORKS TO BE DONE IN ACCORDANCE WITH APPROPRIATE LAWS AND REGULATIONS REGARDING HAZARDOUS MATERIALS TO BE REUSED.
- CLEANUP: AT THE COMPLETION OF DEMOLITION WORK, THE GENERAL CONTRACTOR SHALL LEAVE THE JOB SITE AND ADJACENT AREAS IN A CLEAN AND SAFE CONDITION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL REMAINING UTILITIES, FURNITURE, APPLIANCES, ETC. SHALL BE PROPERLY PROTECTED FROM WEATHER, DAMAGE AND OUST AT ALL TIMES.
- GENERAL:
- REMOVE EXISTING MATERIAL SUBJECT TO THE SAFETY CONTRACTOR'S RESPONSIBILITY FOR THE MATERIAL. TO BE REMOVED. WHERE SPECIFICALLY NOTED ON DRAWINGS, MATERIAL SHALL BE CAREFULLY REMOVED, PROTECTED AND STORED FOR REUSE OR THIS PROJECT OR RETURNED TO OWNER. EXTREME CARE SHALL BE EXERCISED TO PREVENT CHIPPING, BREAKAGE, OR DAMAGE TO EXISTING MATERIALS TO BE REUSED. WORKS TO BE DONE IN ACCORDANCE WITH APPROPRIATE LAWS AND REGULATIONS REGARDING HAZARDOUS MATERIALS TO BE REUSED.
- REMOVE EXISTING MATERIAL SUBJECT TO THE SAFETY CONTRACTOR'S RESPONSIBILITY FOR THE MATERIAL. TO BE REMOVED. WHERE SPECIFICALLY NOTED ON DRAWINGS, MATERIAL SHALL BE CAREFULLY REMOVED, PROTECTED AND STORED FOR REUSE OR THIS PROJECT OR RETURNED TO OWNER. EXTREME CARE SHALL BE EXERCISED TO PREVENT CHIPPING, BREAKAGE, OR DAMAGE TO EXISTING MATERIALS TO BE REUSED. WORKS TO BE DONE IN ACCORDANCE WITH APPROPRIATE LAWS AND REGULATIONS REGARDING HAZARDOUS MATERIALS TO BE REUSED.
- REMOVE EXISTING MATERIAL SUBJECT TO THE SAFETY CONTRACTOR'S RESPONSIBILITY FOR THE MATERIAL. TO BE REMOVED. WHERE SPECIFICALLY NOTED ON DRAWINGS, MATERIAL SHALL BE CAREFULLY REMOVED, PROTECTED AND STORED FOR REUSE OR THIS PROJECT OR RETURNED TO OWNER. EXTREME CARE SHALL BE EXERCISED TO PREVENT CHIPPING, BREAKAGE, OR DAMAGE TO EXISTING MATERIALS TO BE REUSED. WORKS TO BE DONE IN ACCORDANCE WITH APPROPRIATE LAWS AND REGULATIONS REGARDING HAZARDOUS MATERIALS TO BE REUSED.



**DEMO PLAN**  
 SCALE: 1/8\"/>



AREA TABULATION

EXISTING BUILDING	34,100.00 FT <sup>2</sup>
NEW ADDITION	14,100.00 FT <sup>2</sup>
COVERED PATIO AREA	4,711.84 FT <sup>2</sup>
TOTAL AREA INCLUDING COVERED	52,911.84 FT <sup>2</sup>
OPEN DECK AREA	21,100.00 FT <sup>2</sup>
TOTAL OPEN DECK AREA	25,500.00 FT <sup>2</sup>

DOOR TYPE LEGEND

	EXISTING DOOR TO BE REMOVED
	EXISTING DOOR TO REMAIN
	NEW DOOR

WALL TYPE LEGEND

	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO REMAIN
	MASONRY WALL
	FR. FIRE RATING
	NEW WALL HEIGHT METAL STUD FRAMED WALL

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

CHECK AND VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH THE WORK.

14-004

PROPOSED ALTERATION AND ADDITION FOR  
 "FISH BOWL" RESTAURANT  
 1167 ESTERO BLVD.  
 FORT MYERS BEACH, FL

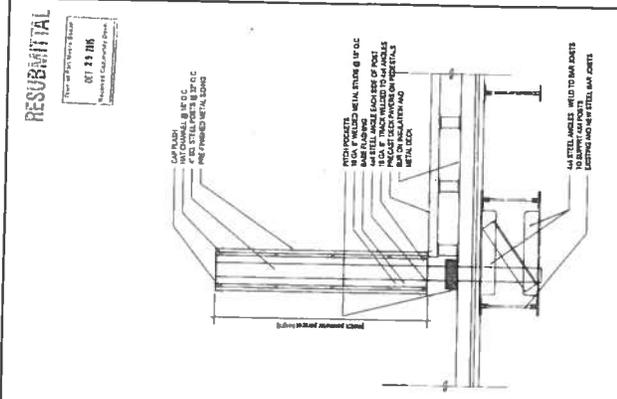
**PDS ARCHITECTURE INC.**  
 12800 UNIVERSITY DR. SUITE 402  
 FT MYERS, FL 33907  
 FL LICENSE # AA2802474  
 P: 239.437.8090  
 F: 855.856.2733  
 INFO@PDSarchitecture.com



DATE	4-14-15
TITLE	UPPER LEVEL PLAN
REVISIONS	

REVISIONS

SHEET NO. **A2**

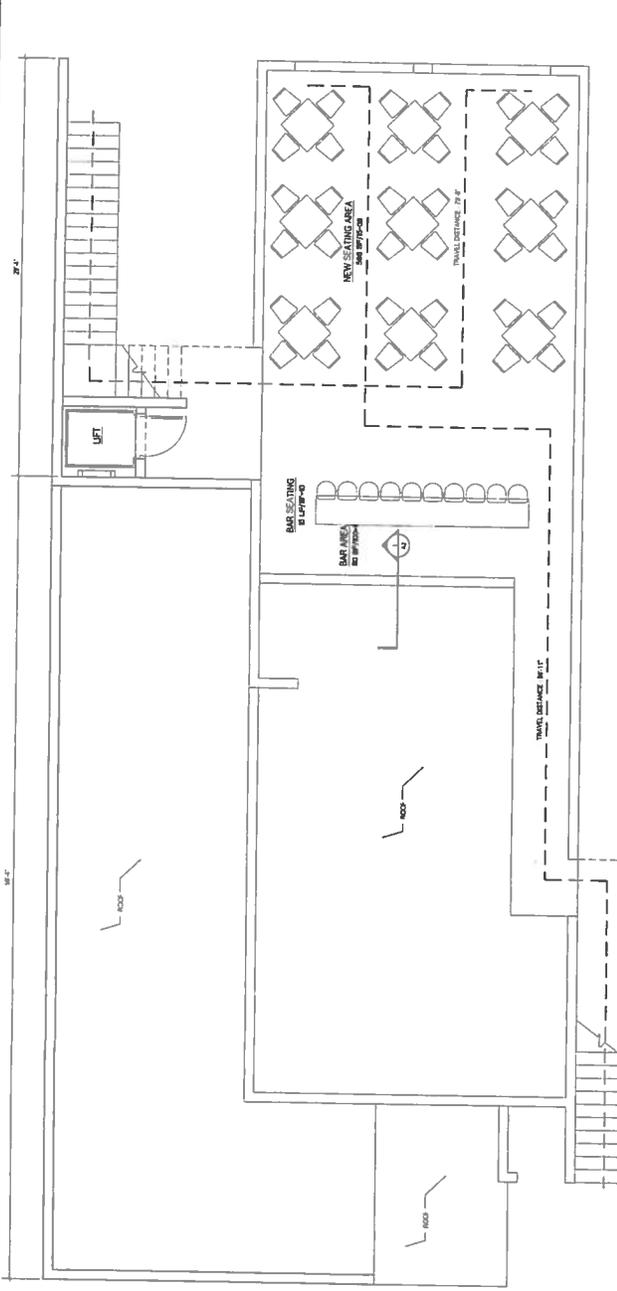


**SECTION @ BACK BAR WALL**  
 SCALE: 1/4" = 1'-0"

AREA / INFLATION	
EXISTING BAR AREA	1,848 SQ. FT.
BAR AREA ADDED	143 SQ. FT.
TOTAL BAR AREA	1,991 SQ. FT.
TOTAL AREA UNCOVERED	4,772 SQ. FT.
EXISTING DOOR AREA	441 SQ. FT.
NEW DOOR AREA	778 SQ. FT.
TOTAL DOOR AREA	1,219 SQ. FT.

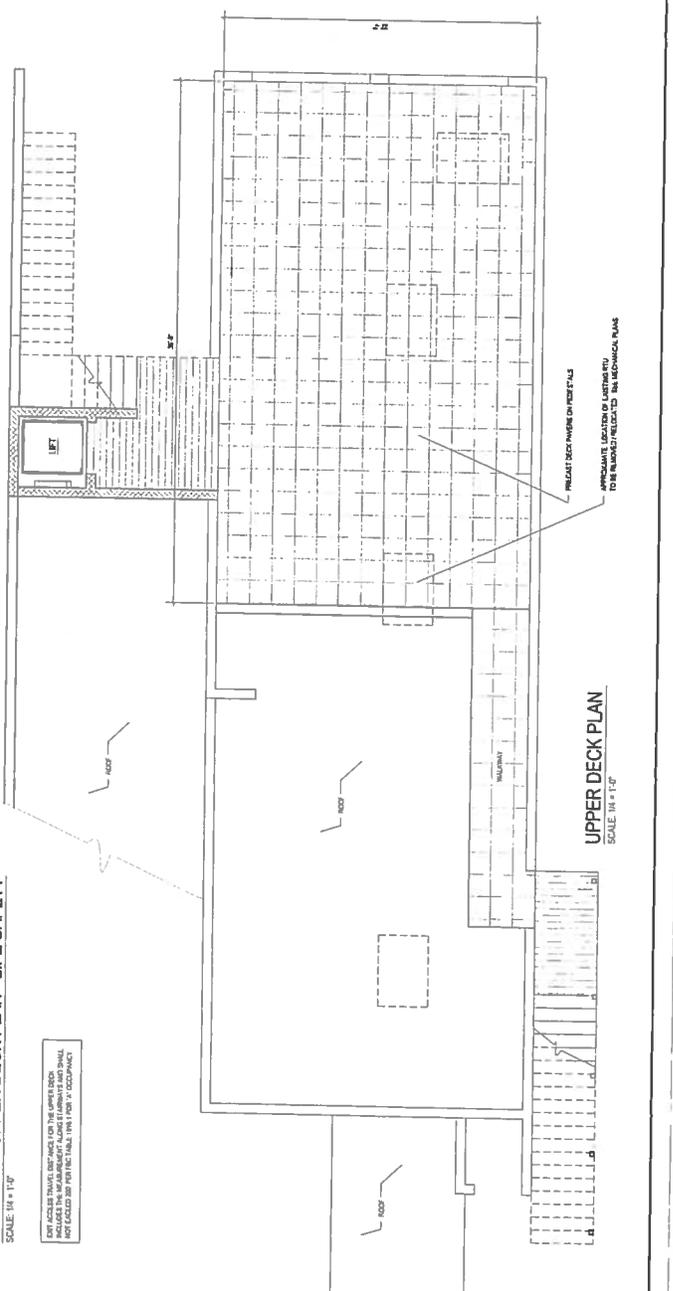
DOOR TYPE LEGEND	
	EXISTING DOOR TO BE REMOVED
	EXISTING DOOR TO REMAIN
	NEW DOOR

WALL TYPE LEGEND	
	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO REMAIN
	METAL DECK METAL STUD FRAMED WALL



**PROPOSED UPPER DECK PLAN - LIFE SAFETY**  
 SCALE: 1/4" = 1'-0"

THIS PLAN SHOWS THE PROPOSED LIFE SAFETY PLAN FOR THE UPPER DECK. IT INCLUDES THE RECOMMENDED LIFE SAFETY PLAN FOR THE UPPER DECK. THE LIFE SAFETY PLAN SHALL NOT EXCEED 200 PERCENT (200%) OF THE LIFE SAFETY PLAN OCCUPANCY.



**UPPER DECK PLAN**  
 SCALE: 1/4" = 1'-0"

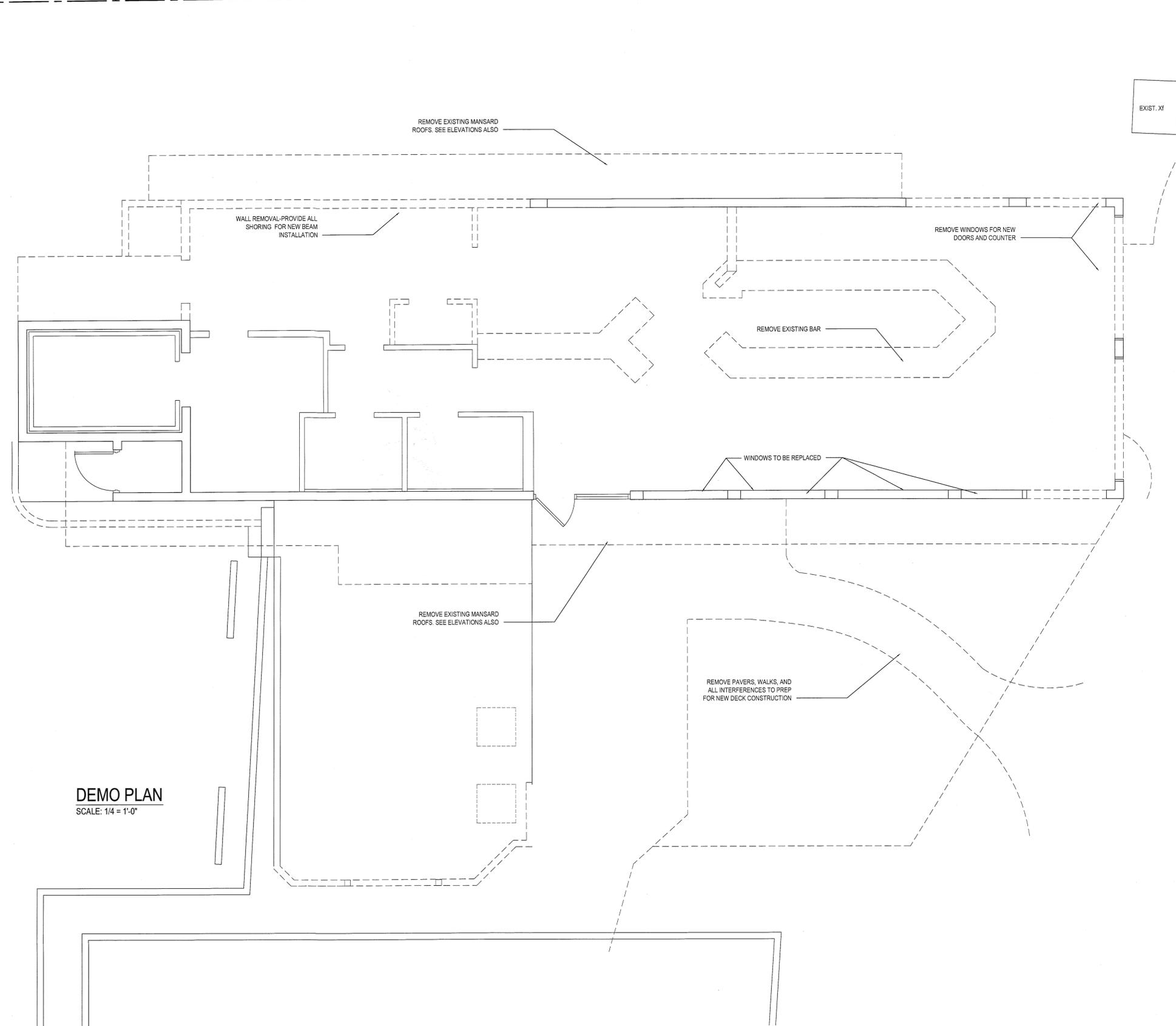
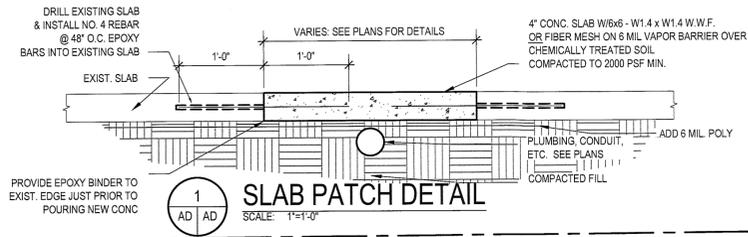
RELATED DECK FLOOR PLAN SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR APPROVAL. APPROVALS LOCATED ON LAYOUTS FOR THE BUILDING DEPARTMENT SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT.

RESUBMITTAL

REVISED 01/13/15  
 1167 ESTERO BLVD  
 FORT MYERS BEACH, FL 33907







**CONCRETE NOTES**

- FOOTINGS SHALL BEAR UPON UNDISTURBED TREATED SOIL OR SOIL COMPACTED TO AT LEAST 95% OF STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D1557) FOR A DEPTH OF AT LEAST THREE (3) FEET BELOW THE BOTTOM OF THE FOOTING.
- REINFORCING STEEL SHALL BE ASTM-A-615 GRADE 60 DEFORMED NEW BULLET STEEL CONFORMING TO ACC1301, ACI315, ACI318, AND CRSI MANUAL OF STANDARD PRACTICE LATEST EDITIONS. MINIMUM LAP SLICE SHALL BE 48 BAR DIAMETERS UNLESS NOTED OTHERWISE.
- ALL CONTINUOUS VERTICAL AND HORIZONTAL REINFORCING STEEL IN FOOTINGS, BEAMS, AND COLUMNS SHALL BE SPICED A MINIMUM OF 48 BAR DIAMETERS OR 30", WHICHEVER IS GREATER.
- CONCRETE COVER OF REINFORCING STEEL SHALL BE AS FOLLOWS:
  - FOOTINGS: 3" BOTTOM AND SIDES, 2" TOP
  - BEAMS: 1-1/2" BOTTOM, SIDES AND TOP
  - COLUMNS: 1-1/2"
  - SLABS ON GRADE: 2" BOTTOM, 1" TOP
  - OTHERS: PER ACI
- FOUNDATION: 3000 PSI @ 28 DAYS, TYPE II CONCRETE, 6 BAG
- FLOOR SLABS: 3000 PSI @ 28 DAYS (4" CONCRETE ON 6 MIL POLYETHYLENE VAPOR BARRIER ON 4" SAND FILL) MAX. SLUMP = 4", TYPE II CONCRETE, 6 BAG
  - PROVIDE CONSTRUCTION JOINTS @ 400 SQ. FT. MAX. IN SLABS.
- WALKS & DRIVES: 3000 PSI @ 28 DAYS, TYPE II CONCRETE, 6 BAG WITH AIR ENTRAINMENT.
- ALL CONCRETE SLABS ON GRADE SHALL BE THE THICKNESS INDICATED ON THE DRAWINGS, OVER A 15 MIL VAPOR BARRIER CONFORMING TO ACI 302.2R-06. SUCH SLABS SHALL BE REINFORCED WITH 6"x6" #10/10 WWM LAPPED 8" AT EDGES AND ENDS OR FIBER REINFORCED CONCRETE.
- FILL UNDER CONCRETE SLABS SHALL BE CLEAN SAND OR ROCK AND FREE OF DEBRIS AND OTHER DELETERIOUS MATERIAL. FILL SHALL BE COMPACTED TO A DENSITY OF AT LEAST 95% OF STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D1557)
- WELDED WIRE MESH SHALL CONFORM TO ASTM-A-185, FREE FROM OIL, SCALE, AND RUST AND PLACED IN ACCORDANCE WITH THE TYPICAL PLACE DETAILS OF ACI STANDARDS AND SPECIFICATIONS. MINIMUM LAP SHALL BE ONE SPACE PLUS TWO (2) INCHES.
- WHERE SHOWN, CORES OF BLOCK MASONRY SHALL BE FILLED WITH GROUT OF PEA GRAVEL CONCRETE WITH COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS AND REINFORCING STEEL AS INDICATED ON THE DRAWINGS.

**RESUBMITTAL**

Town of Fort Myers Beach  
**OCT 29 2015**  
Received Community Devel

**DEMOLITION NOTES**

- LAWS: ALL O.S.H.A. GOVERNING GUIDELINES AND REGULATIONS AND ALL STATE AND LOCAL CODES ARE PART OF THIS WORK AND SHALL BE OBSERVED BY ALL CONTRACTORS UNDER PENALTY OF LAW.
- CONDITIONS AT SITE: GENERAL CONTRACTOR AND HIS SUB CONTRACTORS ARE EXPECTED TO VISIT THE SITE AND EXAMINE THE EXISTING SPACE, NOTING ALL EXISTING CONDITIONS AS TO CHARACTER AND EXTENT OF WORK INVOLVED.
- SCOPE: COMPLETE ALL DEMOLITION WORK AS SHOWN ON THE DRAWINGS AND AS REQUIRED TO PREPARE THE BUILDING FOR NEW CONSTRUCTION. DASHED LINES REPRESENT WALLS, DOORS, ETC. THAT ARE TO BE DEMOLISHED, UNLESS NOTED OTHERWISE. EXISTING DOORS TO REMAIN ARE SHOWN AT 45° ANGLE. SEE DOOR SCHEDULE FOR WORK TO BE DONE TO THESE DOORS.
- DIMENSIONS: ALL DIMENSIONS ARE EXISTING, FIELD VERIFY PRIOR TO BEGINNING WORK.
- ADJACENT PROPERTIES AND TENANTS: AVOID ANY ENCROACHMENT ON ADJACENT PROPERTIES. REPAIR AND MAKE GOOD ANY DAMAGE TO ADJOINING PROPERTIES CAUSED BY OPERATIONS, INCLUDING ANY DAMAGE OR LOSS TO ADJOINING OWNERS, WHETHER TO BUILDING, STOCKS OF MERCHANDISE, TRADE FIXTURES OR THE LIKE.
- WORK SPACE: KEEP ALL TRAFFIC LANES CLEAN AND CLEAR AT ALL TIMES. GENERAL CONTRACTOR SHALL COORDINATE WITH OWNER ON SPECIFIC ARRANGEMENTS FOR DEBRIS REMOVAL AND SUPPLY DELIVERY. IF INCONVENIENCE TO THE OTHER BUILDING TENANTS AND BUSINESSES IS LIKELY, G.C. SHALL INFORM OWNER AND OBTAIN PERMISSION FOR THE PROPOSED WORK. OWNER SHALL BE RESPONSIBLE TO NOTIFY BUILDING TENANTS. PROVIDE ALL BARRICADES AS NEEDED. ADJACENT AREAS TO THE SCOPE OF DEMOLITION SHALL BE PROPERLY PROTECTED WITH TEMPORARY DUST PROOF BARRIERS. ANY DAMAGE TO THOSE AREAS, THEIR CONTENTS AND FINISHES WILL BE THE RESPONSIBILITY OF DEMOLITION CONTRACTOR.
- SERVICE INTERRUPTIONS: GENERAL CONTRACTORS SHALL TAKE ALL NECESSARY PRECAUTIONS TO MAINTAIN BUILDING SYSTEMS AND SERVICES INCLUDING BUT NOT LIMITED TO ELECTRICITY, WATER, HVAC, TELECOMMUNICATIONS, SECURITY, FIRE ALARM AND FIRE SPRINKLERS. SERVICE INTERRUPTIONS WILL BE SCHEDULED AFTER NORMAL BUSINESS HOURS AND MUST BE CLEARED WITH OWNER AND WHERE APPROPRIATE, EMERGENCY AND SECURITY SERVICES.
- PERMITS: OBTAIN PROPER PERMITS AS REQUIRED, BEFORE REMOVAL OF EXISTING TREES, SHRUBBERY AND ALSO BEFORE OPERATION OF HEAVY DUTY EQUIPMENT AS WELL I.E. CRANES, EXCAVATORS, LOADERS AS REGULATED BY GOVERNING CODES. PROVIDE GENERAL CONTRACTOR/OWNER WITH COPIES OF OBTAINED PERMITS.
- STRUCTURAL SET-UP: CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL TEMPORARY AND PERMANENT SHORING BEFORE REMOVAL OF ANY BEARING ELEMENTS AND SUPPORTS.
- DEMOLITION: EXECUTE ALL DEMOLITION WORK IN AN ORDERLY AND CAREFUL MANNER WITH DUE CONSIDERATION FOR ANY EXISTING STRUCTURES, INCLUDING ANY PARTS OF THE SURROUNDING AREAS WHICH ARE TO REMAIN. BARRICADE AND COVER AS NECESSARY TO PROTECT PEDESTRIANS, BUILDING OCCUPANTS, WORKMEN, AND ADJACENT PROPERTIES. PERIODICALLY SPRINKLE TO ALLAY DUST. PROTECT ANY EXISTING ACTIVE LINES, INDICATED OR NOT.
- CUTTING AND PATCHING: ANY NECESSARY CUTTING AND PATCHING OF SLABS, WALLS, ROOFING, ETC. IS TO BE PERFORMED BY THE APPROPRIATE SUB-CONTRACTOR OVERSIGHT IS TO BE PROVIDED BY THE GENERAL CONTRACTOR.
  - REMOVE EXISTING PLUMBING FIXTURES AS SHOWN AND ASSOCIATED WATER SUPPLY, WASTE & VENT PIPING. CAP ALL UNUSED EXISTING PLUMBING LINES.
  - REMOVE EXISTING HVAC FIXTURES AND DUCT WORK AS NEEDED AND MODIFY SUPPLY DUCT WORK AS INDICATED ON NEW CONSTRUCTION PLAN
  - REMOVE EXISTING ELECTRICAL FIXTURES AND WIRING SYSTEMS. FIELD VERIFY ALL CIRCUITS ARE PROPERLY CAPPED AND TERMINATED.
- SALVAGED MATERIAL: ARCHITECT WILL NOTIFY CONTRACTOR PRIOR TO DEMOLITION OF ANY MATERIAL TO BE SALVAGED. WHERE SPECIFICALLY NOTED ON DRAWINGS, MATERIAL SHALL BE CAREFULLY REMOVED, PROTECTED AND STORED FOR REUSE IN THIS PROJECT OR RETURNED TO OWNER. EXTREME CARE SHALL BE EXERCISED TO PREVENT CHIPPING, BREAKAGE, BENDING, AND MISHANDLING OF MATERIALS TO BE SALVAGED. GENERAL CONTRACTOR SHALL CONSULT WITH OWNER REGARDING MATERIALS TO BE SALVAGED. WORK IS TO BE DONE IN ACCORDANCE WITH APPROPRIATE LAWS AND REGULATIONS.
- DISPOSITION OF REMOVED MATERIAL: ALL MATERIAL REMOVED UNDER THIS CONTRACT WHICH IS NOT SALVAGED OR REUSED, SHALL BECOME THE PROPERTY OF THE GENERAL CONTRACTOR AND SHALL BE PROMPTLY REMOVED FROM THIS SITE. UTILIZE COVERED DEBRIS CARTS TO MOVE MATERIAL THROUGH THE BUILDING. DO NOT STORE OR ALLOW DEBRIS TO ACCUMULATE ON SITE.
- CLEANUP: AT THE COMPLETION OF DEMOLITION WORK, THE GENERAL CONTRACTOR SHALL LEAVE THE JOB SITE AND ADJACENT AREAS "CONSTRUCTION CLEAN" TO THE SATISFACTION OF THE OWNER, LOCAL AUTHORITIES, AND PETERSEN DESIGN STUDIO PRIOR TO PROCEEDING WITH NEW WORK. GENERAL CLEANING SHOULD ALSO BE PERFORMED AT THE END OF EACH DAY TO PREVENT BUILDUP OF TRASH OR DEBRIS.
- PROTECTION: ALL REMAINING FINISHES, FURNITURE, APPLIANCES, ETC. SHALL BE PROPERLY PROTECTED FROM WEATHER, DAMAGE, AND DUST AT ALL TIMES.
- GENERAL:
  - ALIGN FINISH FACE OF NEW WALLS WITH FINISH FACE OF EXISTING WALLS.
  - PATCH ALL HOLES IN WALLS AND FLOORS IN ALL EXPOSED AND/OR FIRE RATED AREAS BEFORE PROCEEDING WITH NEW WORK. ANY MODIFICATIONS TO EXISTING FIRE RATED ASSEMBLIES MUST BE INSPECTED PRIOR TO PROCEEDING WITH CONSTRUCTION.
  - CONTRACTOR SHALL COORDINATE WITH PETERSEN DESIGN STUDIO OR OWNER FOR ALL FINISHES. PREPARE ALL EXISTING SURFACES AS REQUIRED WHERE NEW FINISHES WILL BE INSTALLED. INSTALLER ACCEPTS CONDITION AND FINISH OF EXISTING SURFACES BY THE APPLICATION OR THEIR PRODUCT.

PROPOSED ALTERATION AND ADDITION FOR:  
**"FISH BOWL" RESTAURANT**  
1167 ESTERO BLVD.  
FORT MYERS BEACH, FL

**PDS ARCHITECTURE INC.**  
PH: 239.437.8090  
FX: 855.835.2733  
INFO@PDSinc.com  
12800 UNIVERSITY DR. SUITE 402  
FT MYERS, FL 33907  
FL LICENSE # AA26002474



DATE: 4-14-15  
TITLE: DEMO PLAN

REVISIONS	

KENNETH P. SCHOENFELD  
FLORIDA REG. # AR97143

SHEET NO.  
**AD**

Town of Fort Myers Beach  
 OCT 29 2015  
 Received Community Devel  
**RESUBMITTAL**

PROPOSED ALTERATION AND ADDITION FOR:  
**"FISH BOWL" RESTAURANT**  
 1167 ESTERO BLVD.  
 FORT MYERS BEACH, FL

**PDS ARCHITECTURE INC.**  
 12800 UNIVERSITY DR, SUITE 402  
 FT MYERS, FL 33907  
 PH: 239.437.8090  
 FX: 855.835.2733  
 INFO@PDSinonline.com  
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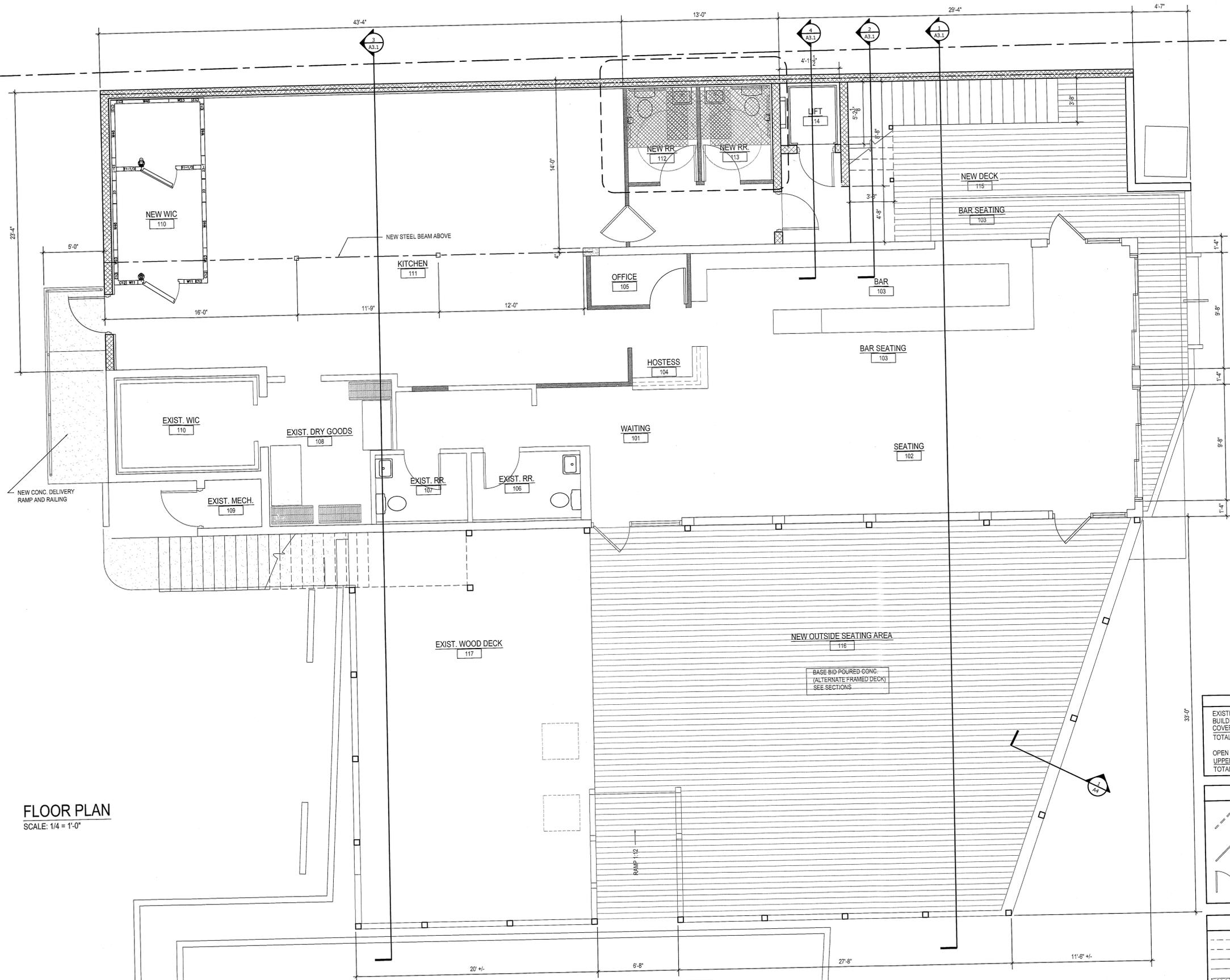


DATE: 4-14-15  
 TITLE: FLOOR PLAN

REVISIONS	

KENNETH P SCHOENFELD  
 FLORIDA REG. # AR97143

SHEET NO.  
**A1.1**



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

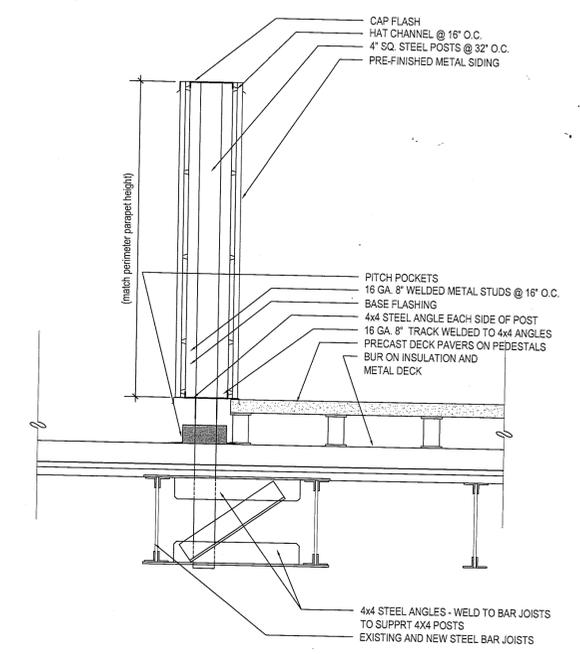
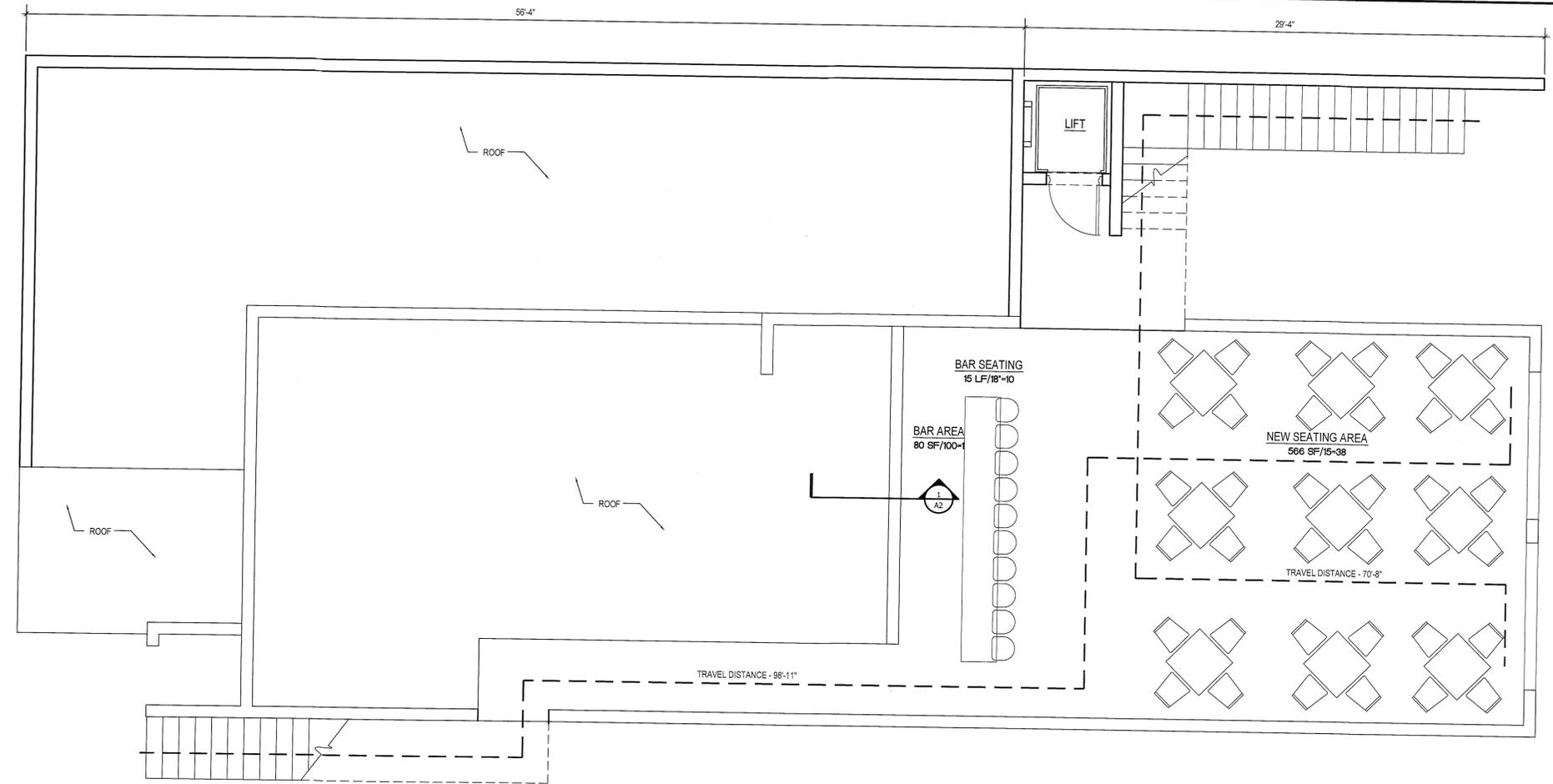
AREA TABULATION	
EXISTING BUILDING	1,848 SQ. FT.
BUILDING ADDITION	943 SQ. FT.
COVERED PATIO AREA	1,940 SQ. FT.
TOTAL AREA ENCLOSED/COVERED	4,731 SQ. FT.
OPEN DECK AREA	441 SQ. FT.
UPPER DECK AREA	779 SQ. FT.
TOTAL OPEN DECK AREA	1,220 SQ. FT.

DOOR TYPE LEGEND	
	EXISTING DOOR TO BE REMOVED
	EXISTING DOOR TO REMAIN
	NEW DOOR

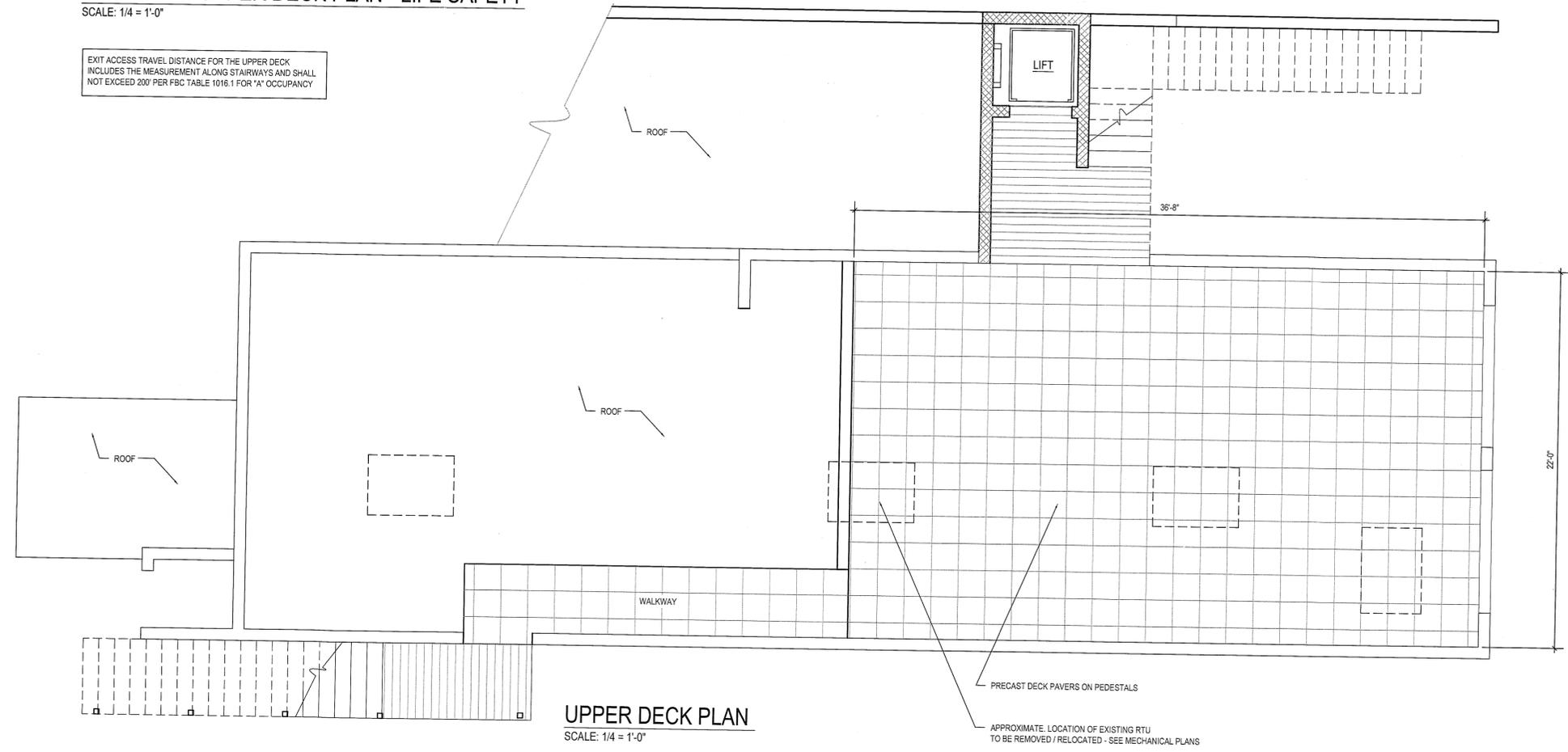
WALL TYPE LEGEND	
	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO REMAIN
	MASONRY WALL - 1 HR. FIRE RATING
	NEW FULL HEIGHT METAL STUD FRAMED WALL

CHECK AND VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH THE WORK.

**RESUBMITAL**  
 Town of Fort Myers Beach  
**OCT 29 2015**  
 Received Community Devel



EXIT ACCESS TRAVEL DISTANCE FOR THE UPPER DECK INCLUDES THE MEASUREMENT ALONG STAIRWAYS AND SHALL NOT EXCEED 200' PER FBC TABLE 1016.1 FOR "A" OCCUPANCY



AREA TABULATION	
EXISTING BUILDING	1,848 SQ. FT.
BUILDING ADDITION	943 SQ. FT.
COVERED PATIO AREA	1,940 SQ. FT.
TOTAL AREA ENCLOSED/COVERED	4,731 SQ. FT.
OPEN DECK AREA	441 SQ. FT.
UPPER DECK AREA	779 SQ. FT.
TOTAL OPEN DECK AREA	1,220 SQ. FT.

DOOR TYPE LEGEND	
	EXISTING DOOR TO BE REMOVED
	EXISTING DOOR TO REMAIN
	NEW DOOR

WALL TYPE LEGEND	
	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO REMAIN
	MASONRY WALL - 1 HR. FIRE RATING
	NEW FULL HEIGHT METAL STUD FRAMED WALL

PROPOSED ALTERATION AND ADDITION FOR:  
**"FISH BOWL" RESTAURANT**  
 1167 ESTERO BLVD.  
 FORT MYERS BEACH, FL

**PDS ARCHITECTURE INC.**  
 12800 UNIVERSITY DR. SUITE 402  
 FT MYERS, FL 33907  
 PH: 239.437.8090  
 FX: 855.835.2733  
 INFO@PDSinc.com  
 FL LICENSE # AA26002474



DATE: 4-14-15  
 TITLE: UPPER LEVEL PLAN

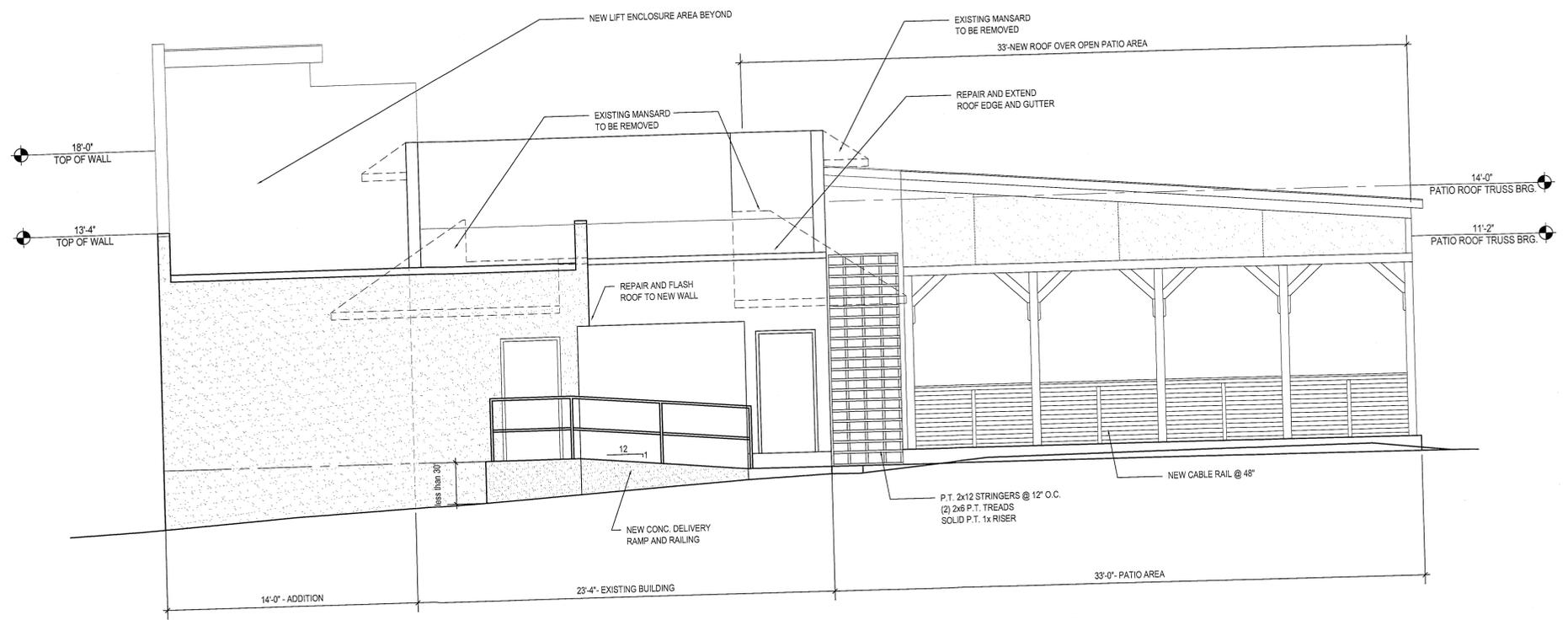
REVISIONS	

KENNETH P. SCHOENFELD  
 FLORIDA REG. # AR97143

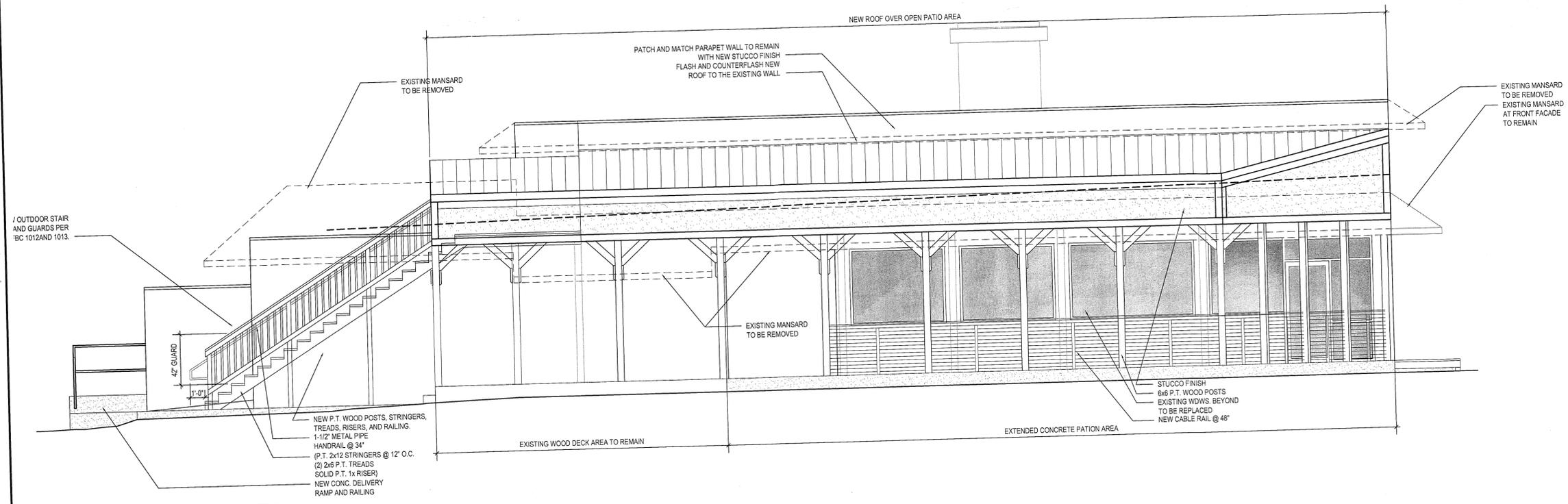
SHEET NO.  
**A2**

**RESUBMITTAL**

Town of Fort Myers Beach  
 OCT 29 2015  
 Received Community Development



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



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

PROPOSED ALTERATION AND ADDITION FOR:  
**"FISH BOWL" RESTAURANT**  
 1167 ESTERO BLVD.  
 FORT MYERS BEACH, FL

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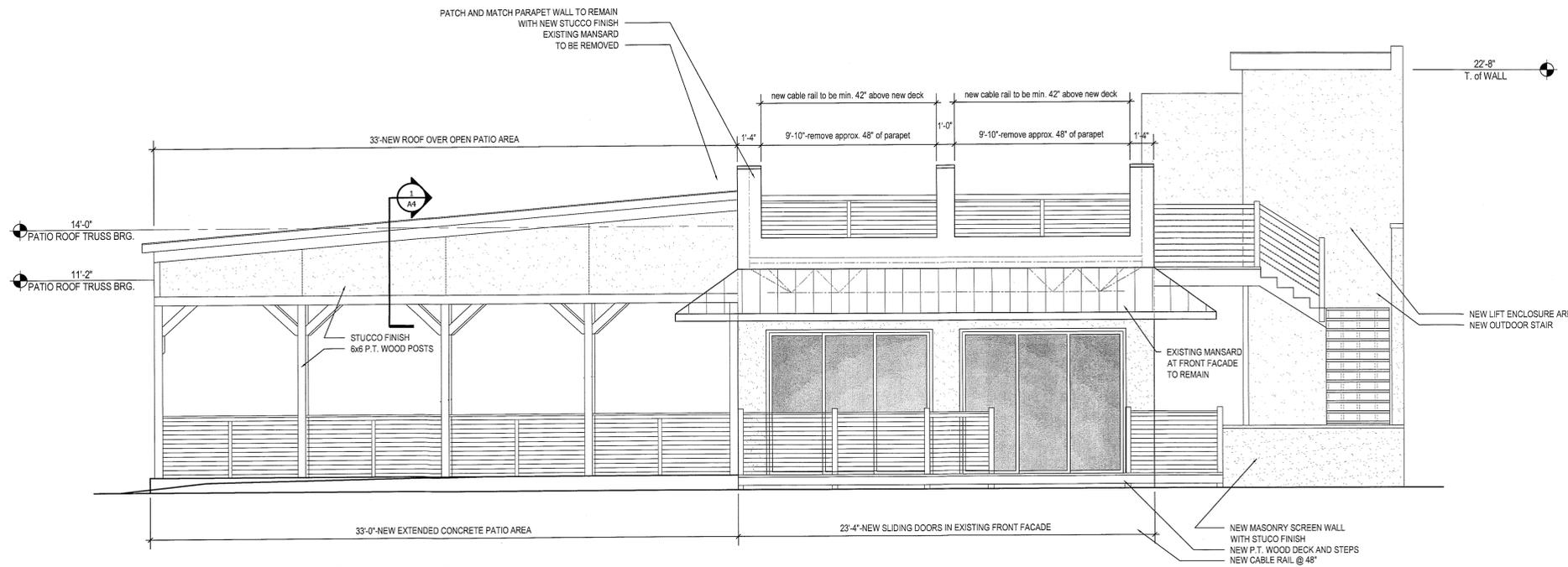
DATE: 4-14-15  
 TITLE: ELEVATIONS

REVISIONS	

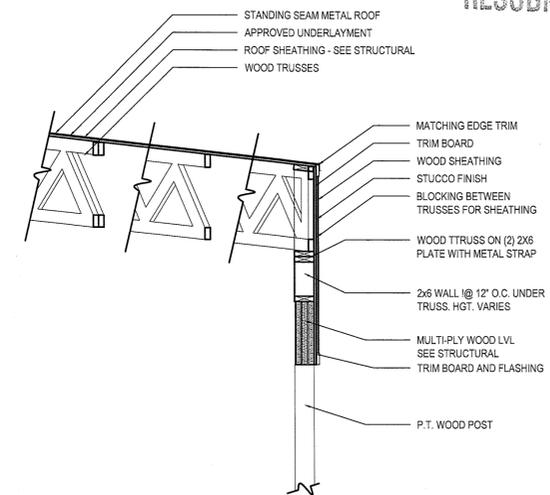
KENNETH P. SCHOENFELD  
 FLORIDA REG. # AR97143

SHEET NO.  
**A4.1**

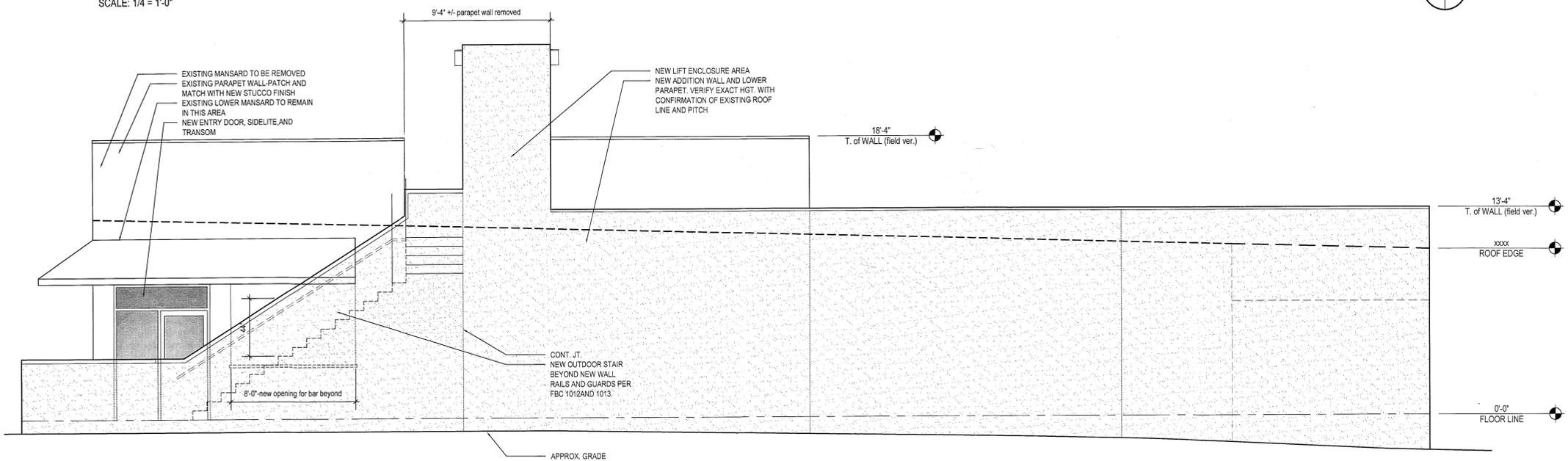
Town of Fort Myers Beach  
 OCT 29 2015  
 Received Community Devel  
**RESUBMITTAL**



**FRONT (SOUTH) ELEVATION**  
 SCALE: 1/4 = 1'-0"



**SECTION DETAIL**  
 SCALE: 1/4" = 1'-0"



**RIGHT SIDE ELEVATION**  
 SCALE: 1/4 = 1'-0"

PROPOSED ALTERATION AND ADDITION for:  
**"FISH BOWL" RESTAURANT**  
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DATE: 4-14-15  
 TITLE: ELEVATIONS

REVISIONS	

KENNETH P. SCHOENFELD  
 FLORIDA REG. # AR97143

SHEET NO.  
**A4**