

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2010-\_\_\_\_  
FMBSEZ2010-0001 (Fort Myers Beach Hooters Resolution)

WHEREAS applicant Mauhi Enterprises, Inc. and Waterfront Concepts, Inc., by and through Paul Lynch, authorized corporate officer (collectively "applicant") have requested a special exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages, to include beer, wine and liquor, in a restaurant providing an outdoor seating area that is within 500 feet of a dwelling unit under separate ownership; and

WHEREAS the subject property is located at 1600 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS the applicant has indicated that the STRAP for the subject property is 19-46-24-W4-02300.00CE and the legal description of the subject property is TROPICAL CENTER, a Condominium recorded in Official Record Book 1123, Page 323, Public Records of Lee County, Florida, Lots 2, 3, and 6, Block B, CRESCENT BEACH SUBDIVISION, as recorded in Plat Book 4, Page 45, Public Records of Lee County, Florida; and

WHEREAS a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on March \_\_\_\_, 2010; 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.

IT IS HEREBY RESOLVED BY THE LPA 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 and the standards for granting special exceptions, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **APPROVE/DENY** the applicant's request for a special exception to permit consumption on premises of beer, wine and liquor in the DOWNTOWN zoning district, ***with such approval subject to the following conditions*** (*italicized language to be modified based on recommendation of approval or denial by LPA*)

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. *The area of the subject establishment used for consumption on premises must be confined entirely to the building areas shown on the floor plan attached hereto and incorporated herein by reference as **Exhibit B**, including the interior of the building, and the two porch areas.*
  
2. *Music and other audible entertainment are prohibited in outdoor seating areas and must comply at all times with applicable ordinances.*

3. Sales, service, and consumption of alcoholic beverages must not begin earlier than 7:00 AM and must end no later than 2:00 AM during each day.

4. The use must comply at all times with the provisions of LDC Section 34-1264(k), as may be amended from time to time, and must at all times be licensed as a permanent public food service establishment with seating, in accordance with Chapter 509, Florida Statutes, and applicable state agency rules.

5. The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles provided in LDC chapter 14, article II.

6. The special exception approved by Town Council in Resolution 02-04, and the special permit granted by the Lee County Hearing Examiner in case 94-09-29-SP-04, including any and all specific conditions attached thereto, are hereby declared null and void.

### **RECOMMENDED 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 LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. Changed or changing conditions **exist/do not exist** that make the requested approval, as conditioned, appropriate **OR** This consideration is **not applicable** to this request:

*The location of the request was approved in 2002 for consumption of alcoholic beverages on the premises, including the same indoor and outdoor seating areas, in conjunction with a restaurant. The Comprehensive Plan and Land Development Code do not distinguish classes of restaurants that (in addition to non-alcoholic beverages and food) serve beer only, beer and wine only, or beer, wine, and liquor. The applicant's request does not implicate a change in use except insofar as the approved use was limited by special conditions attached to a prior special exception approval.*

2. The requested special exception, as conditioned, **is/is not** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan:

*The subject property is in the Pedestrian Commercial FLUM category, near Estero Boulevard and the Lani Kai resort. Comp Plan **Policy 4-B-6**, regarding the Pedestrian Commercial FLUM, states that commercial activities must contribute to the pedestrian-oriented public realm. The beach and streets northward from the Diamondhead and Lani Kai to Lynn Hall Park are heavily traveled by pedestrian beachgoers. The existing restaurant is oriented toward this foot traffic, and also has its own parking areas for patrons arriving by automobile. The outdoor seating areas are located on raised porches separated by railings and elevation from the sidewalks and parking areas.*

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

*A restaurant is a use permitted by right in the Downtown zoning district. Because dwelling units under separate ownership are located within 500 feet of the subject property, a special exception is necessary in order to allow an outdoor seating area.*

*Performance and locational standards for the restaurant use, site development, and remodeling to the building, were already addressed through the development order process for prior alterations to the building, and the requested use meets the applicable parking requirements under LDC Chapter 34, Article IV, Division 19. There are no specific performance or locational standards in Town regulations for a restaurant with outdoor seating areas that serves beer, wine, and liquor, that differ from the standards that apply to a restaurant with outdoor seating that serves beer and wine only.*

4. The requested special exception, as conditioned, **will/will not** protect, conserve, or preserve environmentally critical areas and natural resources:

*Construction of additional structures in environmentally critical areas has not been requested or permitted. As conditioned, the use will be required to comply with current sea turtle protection standards.*

5. The requested special exception, as conditioned, **will/will not** be compatible with existing or planned uses and **will/will not** cause damage, hazard, nuisance or other detriment to persons or property:

*The existing surrounding uses include dwelling units, a resort hotel, a large multi-family building, a seasonal parking lot, a convenience food and beverage store with fuel pumps, a shopping center, and some small retail stores. Within the Pedestrian Commercial Future Land Use Map category, adjacent dwelling units and vacant lots could potentially be redeveloped with commercial or mixed use buildings in accord with the regulations of the DOWNTOWN zoning district or through planned development rezoning. The recommended conditions clearly restrict the use to specific areas of the floor plan and prohibit its expansion to the grounds of the site or the parking areas. .*

6. The requested special exception, as conditioned, **will/will not** be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34:

*The existing restaurant use has already been required to comply with parking, lighting, and other similar requirements set forth in LDC Chapter 34. The consumption on premises of alcoholic beverages use, as conditioned, will be required to comply with the applicable standards in LDC Chapter 34, Article IV, Division 5, for consumption on premises in a restaurant regardless of the type or series of state license. The appropriate limitations on an outdoor seating area for consumption on premises that is allowed by special exception are for Town Council to determine through the hearing process, during which process they should find that the conditions are reasonably related to the special exception requested*

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member \_\_\_\_\_ and second by LPA Member \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Joanne Shamp, Chair  
Carleton Ryffel, Member  
Chuck Moorefield, Member

Bill Van Duzer, Vice Chair  
Rochelle Kay, Member  
John Kakatsch, Member

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of March, 2010.

LPA of the Town of Fort Myers Beach

By: \_\_\_\_\_  
Joanne Champ, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: \_\_\_\_\_ By: \_\_\_\_\_  
Anne Dalton, Esquire Michelle Mayher, Town Clerk  
LPA Attorney

**FORT MYERS BEACH, FLORIDA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
ZONING STAFF REPORT**

**TYPE OF CASE:** Special Exception

**CASE NUMBER:** FMBSEZ2010-0001 (Fort Myers Beach Hooters)

**LPA HEARING DATE:** March 23, 2010

**LPA Hearing Time:** 9:00 AM

**I. APPLICATION SUMMARY:**

Applicant: Mauhi Enterprises, Inc. and Waterfront Concepts, Inc.

Request: Special Exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area that is within 500 feet of a dwelling unit under separate ownership; to include beer, wine, and liquor.

Subject property:

TROPICAL CENTER, a Condominium recorded in Official Record Book 1123, Page 323, Public Records of Lee County, Florida. (Lots 2, 3, and 6, Block B, CRESCENT BEACH SUBDIVISION, as recorded in Plat Book 4, Page 45, Public Records of Lee County, Florida)

Physical Address: 1600 Estero Boulevard, Fort Myers Beach, FL 33931

STRAP #: 19-46-24-W4-02300.00CE

Future Land Use designation: Pedestrian Commercial

Zoning: DOWNTOWN

Current use(s): Restaurant with 2COP beverage license and outdoor seating. Other units are used for storage and for a barber/beauty shop.

Adjacent zoning and land uses:

Adjacent properties are designated as Pedestrian Commercial Future Land Use Map (FLUM) category

- North: Multi-family building (Batiki West Condominium), zoned DOWNTOWN; Shopping center (Key Estero Shops), zoned DOWNTOWN
- South: A mix of dwelling units including single-family homes and duplexes, zoned DOWNTOWN
- East: Retail store, then motel with accessory retail store, zoned DOWNTOWN
- West: Parking lot, then convenience food and beverage store with fuel pumps, zoned DOWNTOWN.

## **II. BACKGROUND AND ANALYSIS**

### **Introduction and Background:**

Paul Lynch, authorized corporate officer of Mauhi Enterprises Inc. and Waterfront Concepts Inc., has requested a special exception to allow consumption-on-premises of alcoholic beverages in a restaurant providing an outdoor seating area that is within 500 feet of a dwelling unit under separate ownership. The subject property is a condominium that consists of five units (designated A, B, C, D, and E) within a building, and a common element that includes the building and land. The condominium association has not joined in the application, but the applicants own all five units so it is very unlikely that rights of nonparticipating unit owners could be affected by the application. The subject property was granted a special permit for consumption-on-premises of alcoholic beverages ("COP") in a restaurant with outdoor seating by Town Council Resolution 02-44 on December 9, 2002. However, the special permit granted in Resolution 02-44 contained conditions that the applicant now asks be removed by the issuance of a new zoning approval for the COP use. To allow COP, a special exception is required under Land Development Code (LDC) Section 34-1264(a)(2)a.2. because the outdoor seating area is less than 500 feet from a dwelling unit under separate ownership. Council approval of a new special exception could allow the COP use but subject it to different conditions, if approved as requested by the applicant. Council denial of the current request would not have the effect of withdrawing the approval of the COP use that was already conferred by Resolution 02-44, but the use would continue to be subject to the conditions contained in that resolution.

### **Analysis:**

The subject property is zoned DOWNTOWN and is in the Pedestrian Commercial Future Land Use Map (FLUM) category. The applicant uses Units A and B of the

condominium property for a restaurant with two outdoor seating areas, one on a porch in the front along the sidewalk and Estero Boulevard, and one on a porch in the rear near the parking area. Changes to the size and orientation of the seating areas are not proposed.

The subject property is generally located between Avenue E and Avenue C, roughly across Estero Boulevard from the Key Estero shopping center and the Batiki West residential condominium building. It is separated from the beach by one row of residential buildings.

The Comprehensive Plan encourages pedestrian-oriented development in the downtown area, generally conceived as the area within the Pedestrian Commercial FLUM category. The Comprehensive Plan was in effect at the time of the prior special permit approval in December 2002. Since that time the Town's zoning has been amended and the property has been rezoned from C-1 to DOWNTOWN in the general rezoning of all land within the Town to reassign property from County zoning districts to Town zoning districts, which took place on March 3, 2003. The DOWNTOWN zoning district was designed to implement the Comprehensive Plan's community design concepts for the Town's commercial core area, and to accord with the Pedestrian Commercial FLUM category.

The restaurant's outdoor seating areas are located on porches, as required in the DOWNTOWN district in accordance with LDC Section 34-678(e)(4).

#### Outdoor seating for on-premises consumption of alcoholic beverages

The regulations of the DOWNTOWN zoning district encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street. The subject property received a special exception approval in 2002 for the use of the same floor plan, including the same two outdoor seating areas, as is proposed in the current request.

Other commercial uses in the vicinity include the Lani Kai hotel and its accessory restaurant and retail activities, a convenience/food and beverage store with gasoline fuel pumps, and other restaurant and retail uses, including those concentrated at the Key Estero shopping center, some of which have approved outdoor seating areas with (or without) consumption of alcoholic beverages. Interspersed among these uses are a variety of older residential buildings, some containing more than one dwelling unit.

The sidewalks on both sides of Estero Boulevard and the availability of seasonal commercial parking lots help to attract beach-going pedestrians to the area. The applicants' restaurant contributes to the relatively commercial atmosphere of this part of the beach. Although residential buildings are located in the immediate vicinity, the area of the subject property has been zoned to allow commercial

uses for many years, and contains a mix of retail, lodging, and residential uses. The presence of visiting pedestrians transiting 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 Comprehensive Plan's vision of this area between Avenue E and Avenue C does not require that it be transformed from a mix of commercial and residential uses into a primarily residential district. The immediate vicinity is within the Pedestrian Commercial FLUM category.

The applicant indicates its intent to operate between the hours of 11:00 AM and Midnight, Monday through Thursday, 11:00 AM and 1:00 AM, Saturday, and Noon and 10:00 PM on Sunday. These hours are the same hours as were approved by Resolution 02-44, and are within the external limit that prohibits service between 2:00 AM and 7:00 AM daily throughout the Town. Although the applicant has essentially stipulated a willingness to abide by these hours, in order to limit the use to these hours (or any other hours other than 7AM to 2AM daily) the Town Council must find that such a condition is necessary to protect the public health, safety, and welfare. If testimony or evidence pertaining to limiting the hours of the use is introduced in the hearing process, the LPA and Town Council should afford it all due consideration.

The building floor area proposed to be used for seating is indicated on the floor plan attached as **Exhibit B**. The floor area includes the same indoor area, and the same two outdoor areas, that were approved by Resolution 02-44.

Resolution 02-44 prohibited outdoor music or entertainment at this location. The 1994 special permit more specifically prohibited *live* outdoor music or entertainment. Staff has recommended that the more recent condition from the 2002 resolution be carried forward since the applicant has not requested that it be removed. Concern was expressed at the 1994 hearings about the potential for noise that could affect residents at the nearby Batiki West Condominium building. The applicant has not indicated a desire for live or recorded music in this application. The 2002 resolution contained a condition prohibiting advertisement visible from Estero Boulevard or Alva Avenue indicating the service of alcoholic beverages. Staff does not recommend this condition be included if the current request is approved, because the Town already has a sign ordinance that regulates the time, place, and manner of advertisements. Staff does not recommend including an additional content-based restriction on advertisements for a specific product at a specific location.

In the past, the LPA has recommended and Town Council has approved limitations on the number of seats and the type and/or series of license, apparently in an effort to limit potentially adverse effects on the neighboring properties and possibly to aid with enforcement issues involving unauthorized expansions of seating areas. Staff does not recommend conditions be included limiting the number of seats or the type and/or series of state beverage license.

The seating area can be limited by reference to the applicant's site plan, which clearly delineates the seating area from other parts of the site. Changes to the types of seats used in the seating area or amendments to the building code could allow a somewhat different seating capacity within the same floor area in the future. A future restaurant operator may find it economically advantageous to acquire a different type or series of state beverage license and use it in conjunction with a restaurant use, either to serve beer only, to serve beer and wine, or to serve beer, wine, and liquor. The LDC does not distinguish between restaurants that serve beer, restaurants that serve beer and wine, and restaurants that serve beer, wine, and liquor, except in LDC Section 34-1264(h)(1), which limits expansion in circumstances in which "a legally existing establishment engaged in the sale or service of alcoholic beverages...is made nonconforming by reason of new regulations contained in this chapter." Staff has no basis in policy to develop theories or evidence to support the notion that locations serving beer only, beer and wine only, or beer, wine, and liquor, should be regulated differently by the Town.

A restaurant with outdoor seating for its patrons consuming alcoholic beverages has previously been approved at this location and the applicant requests a new approval with different conditions. Specifically, the condition of Resolution 02-44 limiting "consumption on premises [...] to a 2-COP beverage license to be used in conjunction with a restaurant, group 3, including outdoor seating" does not comport with the applicant's current request to acquire a state license that would allow on-premises consumption of liquor in addition to beer and wine. The 2002 special permit case was itself a second special permit to expand seating areas from the areas approved by a previous special permit dating to 1994. The condition limiting the use to a 2-COP license originates in 2002 special permit; the 1994 special permit contained no such limitation on the type of state beverage license, though it limited the seating area.

If Town Council chooses to approve the request, staff recommends that the 2002 and 1994 special permits be specifically declared null and void to prevent ambiguity over which resolution authorizes the use, and which conditions still apply.

### **III. RECOMMENDATION:**

Staff recommends **APPROVAL** of the requested Special Exception to allow consumption on premises of alcoholic beverages in a restaurant providing outdoor seating areas that are within 500 feet of a dwelling unit under separate ownership.

If the Town Council chooses to approve the requested special exception, staff recommends that approval be subject to the following conditions:

1. The area of the subject establishment used for consumption on premises must be confined entirely to the building areas shown on the floor plan attached hereto and incorporated herein by reference as **Exhibit B**, including the interior of the building, and the two porch areas.
2. Music and other audible entertainment are prohibited in outdoor seating areas and must comply at all times with applicable ordinances.
3. Sales, service, and consumption of alcoholic beverages must not begin earlier than 7:00 AM and must end no later than 2:00 AM during each day.
4. The use must comply at all times with the provisions of LDC Section 34-1264(k), as may be amended from time to time, and must at all times be licensed as a permanent public food service establishment with seating, in accordance with Chapter 509, *Florida Statutes*, and applicable state agency rules.
5. The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles provided in LDC chapter 14, article II.
6. The special exception approved by Town Council in Resolution 02-04, and the special permit granted by the Lee County Hearing Examiner in case 94-09-29-SP-04, including any and all specific conditions attached thereto, are hereby declared null and void.

#### Recommended Findings and Conclusions

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

The location of the request was approved in 2002 for consumption of alcoholic beverages on the premises, including the same indoor and outdoor seating areas, in conjunction with a restaurant. The Comprehensive Plan and Land Development Code do not distinguish classes of restaurants that (in addition to non-alcoholic beverages and food) serve beer only, beer and wine only, or beer, wine, and liquor. The applicant's request does not implicate a change in use except insofar as the approved use was limited by special conditions attached to a prior special exception approval. Staff recommends the finding that this consideration is **not applicable** to the request.

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

The subject property is in the Pedestrian Commercial FLUM category, near Estero Boulevard and the Lani Kai resort. Comp Plan **Policy 4-B-6**, regarding the Pedestrian Commercial FLUM, states that commercial activities must contribute to the pedestrian-oriented public realm. The beach and streets

northward from the Diamondhead and Lani Kai to Lynn Hall Park are heavily traveled by pedestrian beachgoers. The existing restaurant is oriented toward this foot traffic, and also has its own parking areas for patrons arriving by automobile. The outdoor seating areas are located on raised porches separated by railings and elevation from the sidewalks and parking areas. Staff recommends the finding that the request, as conditioned, **is consistent** with the goals, objectives, policies, and intent of the Comprehensive Plan with regard to this commercial area.

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

A restaurant is a use permitted by right in the Downtown zoning district. Because dwelling units under separate ownership are located within 500 feet of the subject property, a special exception is necessary in order to allow an outdoor seating area. Performance and locational standards for the restaurant use, site development, and remodeling to the building, were already addressed through the development order process for prior alterations to the building, and the requested use meets the applicable parking requirements under LDC Chapter 34, Article IV, Division 19. There are no specific performance or locational standards in Town regulations for a restaurant with outdoor seating areas that serves beer, wine, and liquor, that differ from the standards that apply to a restaurant with outdoor seating that serves beer and wine only. Staff recommends the finding that the request, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use.

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

Construction of additional structures in environmentally critical areas has not been requested or permitted. As conditioned, the use will be required to comply with current sea turtle protection standards. Staff recommends the finding that approval of the request, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources.

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 existing surrounding uses include dwelling units, a resort hotel, a large multi-family building, a seasonal parking lot, a convenience food and beverage store with fuel pumps, a shopping center, and some small retail stores. Within the Pedestrian Commercial Future Land Use Map category, adjacent dwelling units and vacant lots could potentially be redeveloped with commercial or mixed use buildings in accord with the regulations of the DOWNTOWN zoning district or through planned development rezoning. The recommended conditions clearly

restrict the use to specific areas of the floor plan and prohibit its expansion to the grounds of the site or the parking areas. Staff recommends the finding that the requested use, as conditioned, **will be** compatible with existing or planned uses and **will not** cause damage, hazard, nuisance, or other detriment to persons or property.

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 existing restaurant use has already been required to comply with parking, lighting, and other similar requirements set forth in LDC Chapter 34. The consumption on premises of alcoholic beverages use, as conditioned, will be required to comply with the applicable standards in LDC Chapter 34, Article IV, Division 5, for consumption on premises in a restaurant regardless of the type or series of state license. The appropriate limitations on an outdoor seating area for consumption on premises that is allowed by special exception are for Town Council to determine through the hearing process, during which process they should find that the conditions are reasonably related to the special exception requested. Staff recommends the finding that the requested use, as conditioned **will be** in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

#### **IV. CONCLUSION:**

Regulations for the DOWNTOWN zoning district encourage outdoor dining, and many restaurants have followed the vision of the Comprehensive Plan in accordance with these regulations and are providing outdoor seating areas where alcoholic beverages are served as a part of a menu of full-course meals as required by LDC Section 34-1264(b)(2). The current request is essentially a request to change one of the conditions placed on the subject property by a prior resolution approving the use.

If Town Council finds that the requested use is contrary to the public interest or the health, safety, comfort, convenience, and/or welfare of the citizens of the Town, or that the request is in conflict with the criteria of LDC Section 34-88, Town Council should deny the request as provided in LDC Section 34-88(4). So doing would not divest the subject property of the approval provided by prior Town Council action in Resolution 02-44 but would merely prevent the applicant from upgrading its beverage license to a different type. If Town Council chooses to approve the request, special conditions necessary to protect the health, safety, comfort, convenience, or welfare of the public may be attached if Council finds that such conditions are reasonably related to the requested special exception. Staff has recommended conditions for the Town Council's convenience. Staff's recommended condition limiting the hours for sales, service, and consumption of alcoholic beverages on the premises is based upon the general policy

established by the Town Council in Ordinance 96-06. A condition limiting sales, service, and consumption of alcohol on the premises to more restrictive hours, such as the hours of operation requested by the applicant, could be established if Town Council finds that such a condition is necessary to protect the health, safety, comfort, convenience, or welfare of the public at this particular location.

Staff recommends **APPROVAL** of the requested special exception, as conditioned.

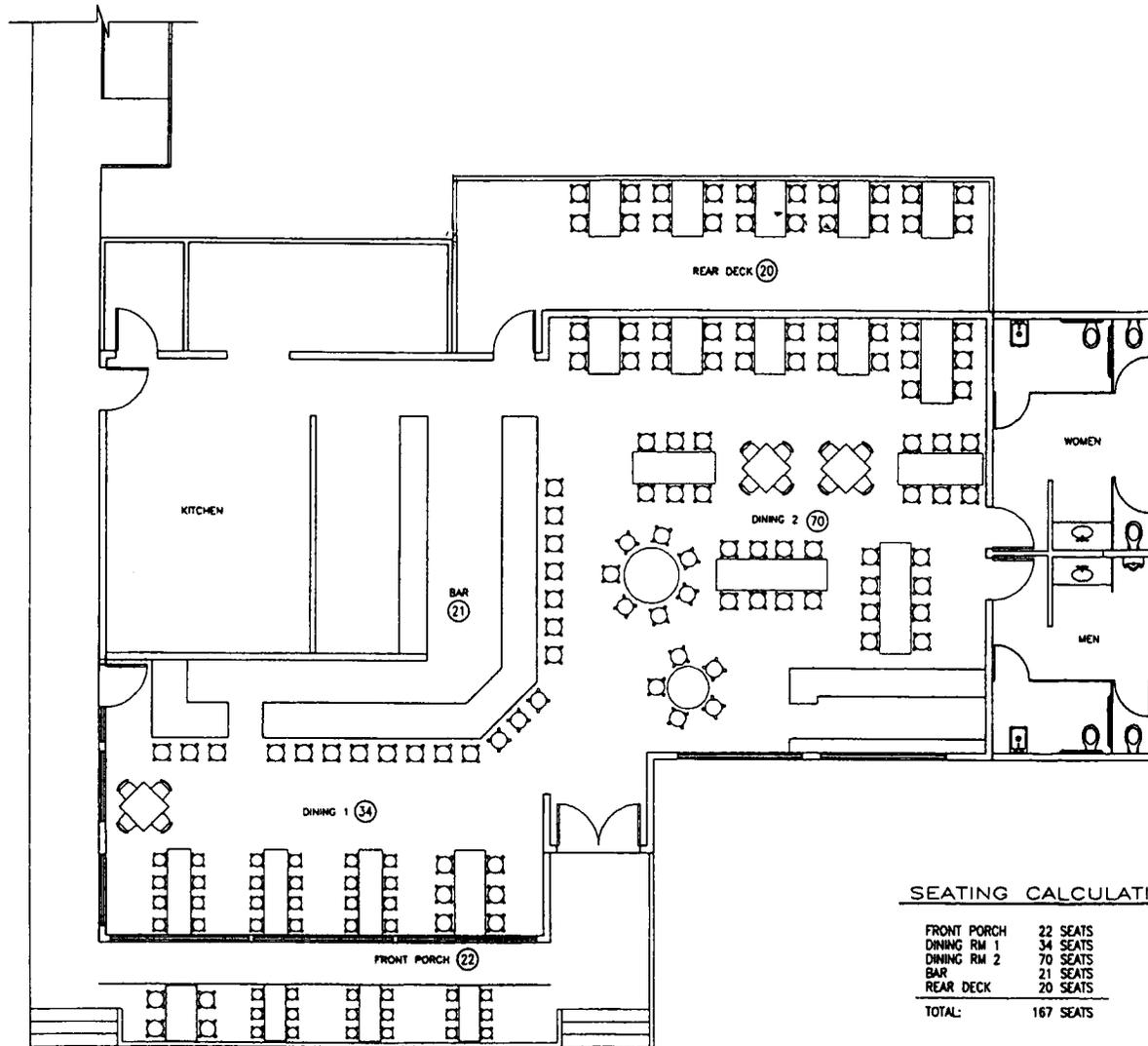
Exhibits:

Exhibit A – Legal Description of Subject Property

Exhibit B – Floor plan

**Exhibit A**  
**SEZ2010-0001**

Lots 2, 3, and 6, Block B, CRESCENT BEACH SUBDIVISION, as recorded in  
Plat Book 4, Page 45, Public Records of Lee County, Florida



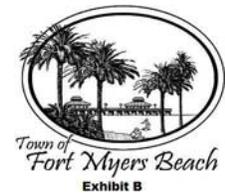
**SEATING PLAN**  
SCALE: 1/4" = 1'-0"

**SEATING CALCULATION**

FRONT PORCH	22 SEATS
DINING RM 1	34 SEATS
DINING RM 2	70 SEATS
BAR	21 SEATS
REAR DECK	20 SEATS
<b>TOTAL:</b>	<b>167 SEATS</b>

**BUILDING CALCULATION**

3,028 SQ. FT.



**REVISIONS**


**MORAND ARCHITECTS, INC.**  
24551 DETROIT ROAD  
WESTLAKE, OHIO 44145  
OFFICE: 440-832-3200 FAX: 440-838-5208  
E-MAIL: KCMORAND@MORAND.COM

**SEATING PLAN**

**HOOTERS**  
1600 ESTERO BLVD.  
FT. MYERS, FLORIDA

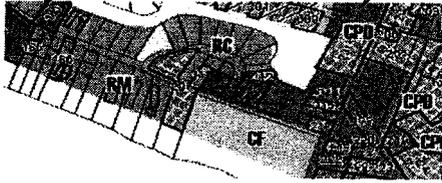
DATE	9-23-09
SCALE	
DRAWN	J.P.
JOB No.	

**A.1**

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

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

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



Zoning Division

### Application for Public Hearing

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 request for a public hearing. The second part will address additional information for the specific type of action requested.

<b>Project Name:</b>	HOOTERS RESTAURANT
<b>Authorized Applicant:</b>	MAUI ENTERPRISES, INC. (PROPERTY OWNER)
<b>LeePA STRAP Number(s):</b>	19-46-24-W4-0230A.0000

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

Action Requested	Additional Form Required
<input checked="" type="checkbox"/> Special Exception	Form PH-A
<input type="checkbox"/> Variance	Form PH-B
<input type="checkbox"/> Conventional Rezoning	Form PH-C
<input type="checkbox"/> Planned Development	Form PH-D
<input type="checkbox"/> Master Concept Plan Extension	Form PH-E
<input type="checkbox"/> Appeal of Administrative Action	Form PH-F
<input type="checkbox"/> Development of Regional Impact	Schedule Appointment
<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

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

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

### PART I - General Information

#### A. Applicant:

Name(s):	MAUI ENTERPRISES, INC.		
Address: Street:	4411 CLEVELAND AVE		
City:	FT MYERS	State:	FL Zip Code: 33901
Phone:	239-275-6339		
Fax:	239-275-3443		
E-mail address:	PLYNCH@HOOTERSFLA.COM		

#### 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 authorized to receive all correspondence:

Name:	MAUI ENTERPRISES, INC.		
Mailing address: Street:	4411 CLEVELAND AVE		
City:	FT MYERS	State:	FL Zip Code: 33901
Contact Person:	PAUL LYNCH		
Phone:	239-980-9762	Fax:	239-275-3443
E-mail address:	PLYNCH@HOOTERSFLA.COM		

#### D. Other agents:

Name(s):		
Mailing address: Street:		
City:	State:	Zip Code:
Phone:	Fax:	
E-mail address:		

Use additional sheets if necessary, and attach to this page.

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

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

### PART II – Nature of Request

Requested Action (check applicable actions):

<input checked="" type="checkbox"/> Special Exception for:	CONSUMPTION OF ALCOHOLIC BEVERAGES - 4 COP (FULL LIQUOR)		
<input type="checkbox"/> Variance for:	INCLUDING OUTDOOR SEATING		
<input type="checkbox"/> Conventional Rezoning from		to:	
<input type="checkbox"/> Planned Development			
<input type="checkbox"/> Rezoning (or amendment) from		to:	
<input type="checkbox"/> Extension/reinstatement of Master Concept Plan			
<input type="checkbox"/> Public Hearing of DRI			
<input type="checkbox"/> No rezoning required			
<input type="checkbox"/> Rezoning from		to:	
<input type="checkbox"/> Appeal of Administrative Action			
<input type="checkbox"/> Other (explain):			

### PART III – Waivers

**Waivers from application submittal requirements:** Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director's approval(s) as Exhibit 3-1.

Code Section Number	Describe Item
N/A	

### PART IV – Property Ownership

<input type="checkbox"/> Single owner (individual or husband and wife)
Name:
Address: Street:
City: State: Zip Code:
Phone: Fax:
E-mail Address:

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

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

<input checked="" type="checkbox"/> Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)
Attach Disclosure Form as Exhibit 4-1
Attach list of property owners as Exhibit 4-2
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved
For condominiums, timeshare condominiums, and subdivisions, see instructions.

### PART V – Property Information

#### A. 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?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:
Subdivision name: CRESCENT BEACH
Plat Book Number: 4    Page: 45    Unit:    Block:    Lot: 2, 3 + 6
If no:
Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. 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.

#### B. Boundary Survey

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. 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.
--

#### C. STRAP Number(s):

19-46-24-W4-0230A.0000
------------------------

#### D Property Dimensions:

Area: 17,949 square feet    acres
Width along roadway: 119 feet    Depth: 150 feet

#### E. Property Street Address:

1600 ESTERO BLVD
------------------

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

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

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

APPROXIMATELY 1/2 MILE FROM SKY BRIDGE ON ESTERO BLVD AT THE CORNER OF ALVA DRIVE AND ESTERO BLVD
Attach Area Location Map as Exhibit 5-3

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

<input checked="" type="checkbox"/> There are no deed restrictions or covenants on this property that affect this request.
<input type="checkbox"/> Restrictions and/or covenants are attached as Exhibit 5-4
<input type="checkbox"/> A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

**H. Surrounding property owners:**

Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6
Attach two sets of mailing labels as Exhibit 5-7
Attach a map showing the surrounding property owners as Exhibit 5-8

**I. Future Land Use Category: (see Comprehensive Plan 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"/> Tidal Water
Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**J. Zoning: (see official zoning map, as updated by subsequent actions)**

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

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

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

**PART VI – 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, PAUL LYNCH, as VICE PRESIDENT  
of MAUI ENTERPRISES, INC., 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

MAUI ENTERPRISES, INC.  
Name of Entity (corporation, LLC, partnership, etc)  
VICE PRESIDENT  
Title of Signatory

Paul Lynch, Vice  
Signature  
PAUL LYNCH  
Typed or Printed Name

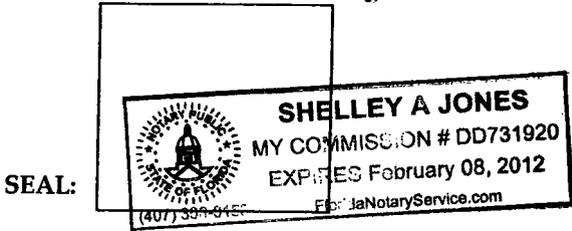
State of Florida  
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed  
before me this 9/17/09 by Paul Lynch  
Date Name of person under oath or affirmation

who is personally known to me or who has produced \_\_\_\_\_  
Type of identification

as identification. Shelley A. Jones  
Signature of person administering oath

Shelley A. Jones  
Typed or Printed Name



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

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

**EXHIBIT 4-1  
 DISCLOSURE OF INTEREST FORM**

**STRAP#** 19-46-24-WY-0230A.0000

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

1. 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
N/A	

2. 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
DAVID LAGESCHULTE, C.E.O., 2644 SHRIVER DR, FT MYERS	46%
TERRY BRAUNER, PRAS., 436 S ANDREWS AVE, FT LAUDERDALE	11.25%
PAUL LYNCH, V. PRES/SEC/TREAS, 1215 KASAMADA DR, FT MYERS	11.25%
DALE REGNIER, 981 WITTMAN DR, FT MYERS	11.25%
KIT KLINGENSMITH, 1338 WHITECAP CIRCLE, N. FT MYERS	11.25%
WILLIAM BECKER, 910 S.E., 2ND ST, UNIT G FT LAUDERDALE, FL	3%
JIM UPCHURCH, 311 LIDO DR, FT LAUDERDALE, FL	3%
MICHAEL CARCAISE, 3820 NE 23RD AVE, LIGHTHOUSE POINT, FL	3%

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

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

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

Name and Address	Percentage
N/A	

4. If the property is in the name of a GENERAL PARTNERSHIP or LIMITED PARTNERSHIP, list the names of the general and limited partners with the percentage of ownership.

Name and Address	Percentage
N/A	

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

Name, Address, and Office (if applicable)	Percentage
N/A	

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

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

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

Name and Address

N/A

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 public hearing, 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 Paul Lynch, V. Pres.  
Applicant  
PAUL LYNCH, V. PRES.  
Printed or typed name of applicant

STATE OF FL  
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of September, 2009, by Paul Lynch, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (or did not) take an oath.

Shelley A. Jones  
Signature of Notary

Shelley A. Jones  
Typed or Printed Name of Notary

SEAL:

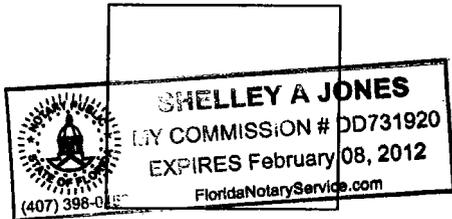
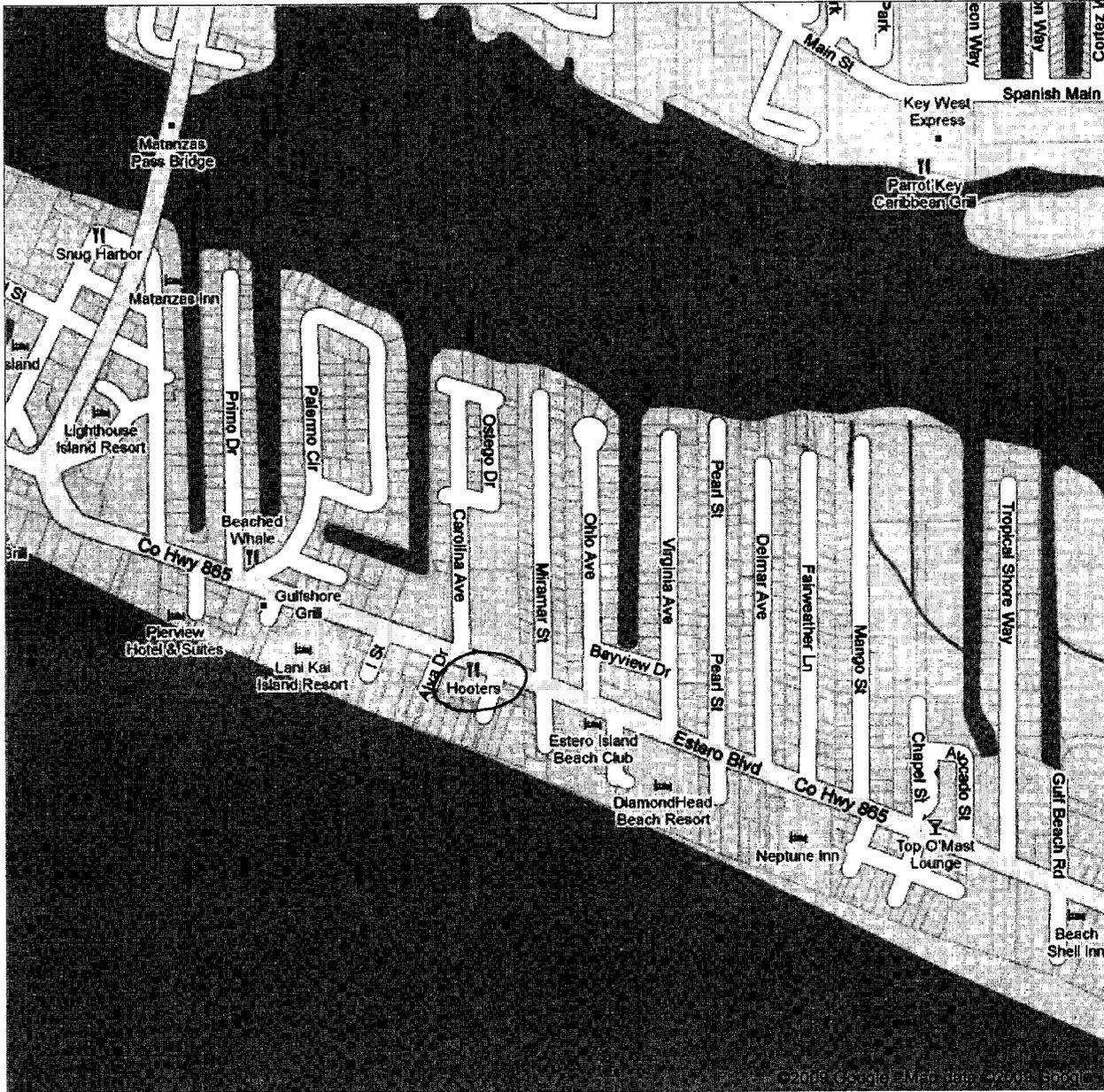


EXHIBIT 5-3  
AREA LOCATION MAP

Google maps

Get Google Maps on your phone

Text the word "GMAPS" to 466453



©2009 Google. Map data ©2008, SDO, ©



# 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:** September 21, 2009  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 130  
**Subject Parcel:** 19-46-24-W4-0230A.0000, 19-46-24-W4-0070C.0010

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
BEATE ROTERMUND INC HENSON LUKE REALTY GROUP PO BOX 2311 BONITA SPRINGS FL 34133	<b>19-46-24-W4-00402.0010</b> 1661 ESTERO BLVD FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 DESC OR 1468 PG 1697 LESS N 275 FT	1
BEATE ROTERMUND INC HENSON LUKE REALTY GROUP PO BOX 2311 BONITA SPRINGS FL 34133	<b>19-46-24-W4-00402.001A</b> 200 CAROLINA AVE FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 N 275 FT OF OR 1468 PG 1697	2
LETSOS EVANGELOS P TR 201 OHIO AVE FORT MYERS BEACH FL 33931	<b>19-46-24-W4-00405.0000</b> 1821 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF BAY VIEW BLK F LT 1 + PT TP HILLS LT 15	3
RUTTER KENNETH + CARMEL 235 CAROLINA AVE FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060A.0180</b> 235 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 18 + N 25 FT LOT 19	4
ESH LUCINDA JULIA K TR L/E 223 CAROLINA FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060A.0200</b> 223 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 20 + S 1/2 OF LOT 19	5
SZYPERSKI KEITH P 219 CAROLINA AV FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060A.0210</b> 219 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 21	6
BAKER HENRY B + 3720 ELLIS RD FORT MYERS FL 33905	<b>19-46-24-W4-0060A.0300</b> 1403 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOTS 30 31 LESS W 12 FT	7
ESH LUCINDA JULIA K TR 223 CAROLINA AV FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060A.0320</b> 1401 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 32 + W 12 FT LOT 31	8
AULLS FRANK W JR + TRICIA M 1212 SW 53 TERR CAPE CORAL FL 33914	<b>19-46-24-W4-0060A.0330</b> 1351 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 33	9
WILCOX LANCE 1339 SANTOS RD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060A.0340</b> 1339 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 34	10
LKLB OF FLORIDA INC 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060B.0070</b> 1479 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 7 + 8 + E 1/2 OF LOT 9 + 28 + 29 + VAC RD R/W OR 553 PG 797	11
PRIMEAU NORMAN L TR 950 SAN CARLOS CT FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060B.0100</b> 1397 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 W 1/2 LOT 9 LOTS 10 + 11	12
PRIMEAU NORMAN L TR 950 SAN CARLOS DR FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060B.0120</b> 1365/1375 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 12	13
CONIDARIS ROBERT G TR + 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060B.0130</b> 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.B PB 6 PG 70 LOT 13	14

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
CONIDARIS ROBERT G TR + 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060B.0140</b> 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.B PB 6 PG 70 LOT 14	15
LUDVIGSEN MARK + LAUREL TR 501 PALERMO CIR FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060E.0010</b> 501 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 1 + 2 + PT LOT 15 + 20 FT STRIP N OF AND ADJ TO LTS 1 + 2 DESC IN OR BK 3404 PG 4545	16
TEZAK WAYNE + HELEN 50 CHAPEL ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0060E.0030</b> 505 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 3 + 4	17
SHAKTI GEORGIA KAY PO BOX 2715 FORT MYERS BEACH FL 33932	<b>19-46-24-W4-0070A.0010</b> 1740 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK A PB 4 PG 45 LOT 1	18
FOUR-DIAMOND INVESTMENT CORP 6249 PRESIDENTIAL CT STE B FORT MYERS FL 33919	<b>19-46-24-W4-0070A.0020</b> 80 AVENUE E FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK A PB 4 PG 45 LOT 2	19
JUVE ROBERT A + 4985 TIMBER TRAIL MINNETRISTA MN 55364	<b>19-46-24-W4-0070A.0040</b> 70 AVENUE E FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLK A LOT 4 + W 50FT OF LOT 3 + PT VACATED DRIVE AKA LOT 4A	20
PANKHURST JEFFREY W + ANDREA L 54/64 AVENUE E FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070A.0050</b> 54/64 AVENUE E FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLK A LOT 5 + E 50FT OF W 100FT OF LOT 3 + PT VACATED DRIVE AKA LOT 5A	21
SHIRLEY DENNIS J + CONNIE + 1065 BAYSIDE LN MINNETRISTA MN 55364	<b>19-46-24-W4-0070A.0060</b> 50-60 AVENUE E FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLK A LOTS 6 + 7 + 3 LESS W 100FT OF LOT 3 + PT VACATED DRIVE AKA LOT 6A	22
W A GREENE LLC 818 CAL COVE DR FORT MYERS FL 33919	<b>19-46-24-W4-0070B.001A</b> 1698 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 E 1/2 OF LT 1 + N 1/2 OF E 1/2 OF LT 4	23
BRIDGENORTH PROPERTIES LLC THEODORE L TRIPP 2532 E FIRST ST FORT MYERS FL 33901	<b>19-46-24-W4-0070B.001B</b> 1660 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 W 1/2 LOTS 1 + 4	24
WEIT MARTIN + DAWN + 275 TROPICAL SHORES WAY FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070B.004A</b> 71 AVENUE E FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 S 1/2 OF E 1/2 OF LOT 4 + E 1/2 OF LOT 5	25
LAKESIDE PROPERTIES LLC PO BOX 1 STATION 1 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070B.005A</b> 1667 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 W 1/2 OF LOT 5	26
CROWLEY GERALD D + THERESA M 60 ALVA DR FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070B.0070</b> 60 ALVA DR FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.B PB 4 PG 45 LOT 7	27
FIRST HORIZON HOME LOANS 15 SE 9TH AVE FORT LAUDERDALE FL 33301	<b>19-46-24-W4-0070B.0080</b> 1662 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 LOT 8	28
BRIDGENORTH PROPERTIES LLC PO BOX 1 STATION 1 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070B.0090</b> 1664 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.B PB 4 PG 45 LOT 9 + LOT PT 10	29
LAKESIDE PROPERTIES LLC HAHN LOESER AND PARKS LLP 2532 EAST FIRST ST FORT MYERS FL 33901	<b>19-46-24-W4-0070B.010B</b> 1666 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 LOT PT 10	30
LAKESIDE PROPERTIES LLC PO BOX 1 STATION 1 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070B.0110</b> 1668 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.B PB 4 PG 45 LOT 11	31
EDISON PETROLEUM INC 3941 SW 144TH TER MIRAMAR FL 33027	<b>19-46-24-W4-0070C.0020</b> 1510 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOTS 2 3 6	32
WATERFRONT PROPERTIES LLC 4411 CLEVELAND AVE FORT MYERS FL 33901	<b>19-46-24-W4-0070C.0050</b> 71/73 ALVA DR FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOT 5	33

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
BRIDGENORTH PROPERTIES LLC PO BOX 1 STATION 1 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070C.0070</b> 60/64 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.C PB 4 PG 45 LOTS 7 + PT LOT 8 W 1/2 OF	34
MANNER RICHARD G 1734 CAPE CORAL PKWY E CAPE CORAL FL 33904	<b>19-46-24-W4-0070C.0090</b> 1560 I ST #62 FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LT9 + E1/2 LT 8+ VAC ALLEY	35
ALBRIGHT HOLDINGS LTD 3730 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070C.0100</b> 1550 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOT 10	36
DEL PRADO INN INC 1734 CAPE CORAL PKWY CAPE CORAL FL 33904	<b>19-46-24-W4-0070C.0110</b> 61 ALVA DR FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.C PB 4 PG 45 LOT 11	37
GANIM GEORGE W + JOSEPHINE 4666 MAIN ST BRIDGEPORT CT 06606	<b>19-46-24-W4-0070D.001A</b> 1478 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 LOTS 1 4 LESS WLY 43 FT	38
GANIM GEORGE W + JOSEPHINE 4666 MAIN ST BRIDGEPORT CT 06606	<b>19-46-24-W4-0070D.001B</b> 1450 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 WLY 43 FT LOTS 1 + 4	39
CONIDARIS ROBERT G TR + 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0070D.0020</b> 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLKS D + E + VAC RW DESC OR 1293 PG 1208	40
STEPNEY LLC 4666 MAIN ST BRIDGEPORT CT 06606	<b>19-46-24-W4-0070D.0050</b> 71 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 LOT 5	41
GANIM GEORGE W SR + JOSEPHINE 4666 MAIN ST BRIDGEPORT CT 06606	<b>19-46-24-W4-0070D.0100</b> 1480 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 LOT 10	42
ATWATTER LLC 9659 PINEAPPLE PRESERVE CT FORT MYERS FL 33908	<b>19-46-24-W4-0070D.0110</b> 61/65 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 11	43
SCHLICHTE FAMILY FL LP 61 MANGO ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080A.0010</b> 1801 ESTERO BLVD FORT MYERS BEACH FL 33931	MIRAMAR BLK A PB 6 PG 31 LOT\$ 1 + 2	44
CODY JAMES B 116 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080A.0030</b> 116 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK.A PB 6 PG 31 LOT 3	45
KRATT REBECCA ANN 120 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080A.0040</b> 120 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK.A PB 6 PG 31 LOT 4	46
LARKIN JOHN J 358 CUMBERLAND COVE RD MONTEREY TN 38574	<b>19-46-24-W4-0080A.0050</b> 122 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK A PB 6 PG 31 LOT 5	47
MIRAMAR LLC 15911 KNIGHTSBRIDGE CT FORT MYERS FL 33908	<b>19-46-24-W4-0080A.0060</b> 124 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK A PB 6 PG 31 LOT 6 + PT OF 7 + 8	48
WILLAUER ROBERT + GLORIA 146 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080A.0070</b> 146 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK A PB 6 PG 31 PART OF LOTS 7 + 8 BEG AT	49
BIDRO JAMES J 1364 CHALON LN FORT MYERS FL 33919	<b>19-46-24-W4-0080B.0010</b> 1741 ESTERO BLVD FORT MYERS BEACH FL 33931	MIRAMAR BLK.B PB 6 PG 31 LOTS 1 THRU 3	50
LACY BILLIE M 123 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080B.0040</b> 123 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR PB 6 PG 31 BLK B LOT 4	51
TAYLOR HAROLD W + JOYE 1711 WASHINGTON AVE VINCENNES IN 47591	<b>19-46-24-W4-0080B.0050</b> 127 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK.B PB 6 PG 31 LOT 5	52

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
SMITH HAROLD G 147 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080B.0060</b> 147 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 6	53
CRUMBIE HELEN B TR 5856 TALLOWOOD CIR FORT MYERS FL 33919	<b>19-46-24-W4-0080B.0070</b> 151 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 7	54
CANEY CAROLYN A 315 MANGO ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080B.0080</b> 157 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 8	55
BARKER JOSEPH B PO BOX 1736 MARTINSVILLE IN 46151	<b>19-46-24-W4-0080B.0090</b> 159 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK.B PB 6 PG 31 LOT 9	56
DICKSON VIRGINIA MERLE 61 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080C.0010</b> 61 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK C PB 6 PG 31 LOT 1	57
BOWYER CLAUDE B 42 AVENUE E FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080C.0020</b> 42 AVENUE E FORT MYERS BEACH FL 33931	MIRAMAR BLK.C PB 6 PG 31 LOT 2	58
NELSON PAUL G + KAREN E 142 REGATTA CT VALPARAISO IN 46385	<b>19-46-24-W4-0080C.0030</b> 67 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK C PB 6 PG 31 LOT 3	59
TOADVINE EDWARD M + DIANE H 71 MIRAMAR ST FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080C.0040</b> 71 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK C PB 6 PG 31 LOT 4	60
JORDAN JACK E + HOPE C 123 N BALTIMORE ST BREMEN IN 46506	<b>19-46-24-W4-0080C.0050</b> 81 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK.C PB 6 PG 31 LOT 5	61
DUVALIMITED INC 2709 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0080C.0060</b> 1750 ESTERO BLVD FORT MYERS BEACH FL 33931	MIRAMAR BLK.C PB 6 PG 31 LOT 6	62
LETSOS EVANGELOS P TR 201 OHIO AVE FORT MYERS BEACH FL 33931	<b>19-46-24-W4-0090F.0020</b> 201 OHIO AVE FORT MYERS BEACH FL 33931	GULF BAY VIEW BLK.F PB 8 PG 69 LOT 2	63
BATIKI WEST CONDO ASSOC 1511 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.00CE</b> COMMON ELEMENTS FORT MYERS BEACH FL 33931	BATIKI WEST CONDO DESC OR BK 1955 PG 1455 COMMON ELEMENTS POOL/DOCK	64
BAKER WARNER P EST MALCOLM J TUESLEY JR PO BOX 4136 SOUTH BEND IN 46634	<b>19-46-24-W4-02200.2000</b> 1511 ESTERO BLVD #200 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 200+ GAR	*65
PT-201 (OHIO GEN PARTNERSHIP) 860 HENN HYDE RD NE WARREN OH 44484	<b>19-46-24-W4-02200.2010</b> 1511 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 201	*65
POWER DIANA LEE PER REP + MALCOLM J TUESLEY JR PO BOX 4136 SOUTH BEND IN 46634	<b>19-46-24-W4-02200.2020</b> 1511 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 202	*65
WILLIAMS JEFFREY + JEANNE 1511 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.2030</b> 1511 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 203	*65
SKUJA LAURA + 3956 BLUEJAY LN NAPERVILLE IL 60564	<b>19-46-24-W4-02200.2040</b> 1511 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 204	*65
BUTLER JAMES H + TERESA A 88 LEITAO DR OAKDALE CT 06370	<b>19-46-24-W4-02200.2050</b> 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 205+ GAR	*65
WOOD SAMUEL + 6401 ST RTE 29 MASON CITY IL 62664	<b>19-46-24-W4-02200.2060</b> 1511 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 206	*65

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
BECKETT CHARLES + BERNADINE + 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.2070</b> 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 207	*65
FILM CAROLYN A 64 CARROLLS GROVE RD TROY NY 12180	<b>19-46-24-W4-02200.2080</b> 1511 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 208	*65
BROWN JOANNE M PER REP PO BOX 5087 FORT MYERS BEACH FL 33932	<b>19-46-24-W4-02200.2090</b> 1511 ESTERO BLVD #209 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 209	*65
FREDERICK PHYLLIS J 1511 ESTERO BLVD #300 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.3000</b> 1511 ESTERO BLVD #300 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 300	*65
YOUKHANA MICHELLE C 7127 N MERRIMAC AVE CHICAGO IL 60646	<b>19-46-24-W4-02200.3010</b> 1511 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 301+ GAR	*65
FRANA THERESA L 238 E IRVING PARK RD APT 602 WOOD DALE IL 60191	<b>19-46-24-W4-02200.3020</b> 1511 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 302	*65
YOUKHANA SHANE W + MICHELLE C 7127 N MERRIMAC ST CHICAGO IL 60646	<b>19-46-24-W4-02200.3030</b> 1511 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 303 + GAR	*65
KINDRED R T + SHARON E 12799 CHEIFAIN CT LEMONT IL 60439	<b>19-46-24-W4-02200.3040</b> 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 304+ GAR	*65
COOK MEGAN D L + 17650 METCALF AVE STILWELL KS 66085	<b>19-46-24-W4-02200.3050</b> 1511 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 305+ GAR	*65
KARBLER LARRY L + BARBARA A 6558 OHENRY CIR NORTH RIDGEVILLE OH 44039	<b>19-46-24-W4-02200.3060</b> 1511 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 306	*65
RUDOLPH LORRAINE H TR GAYLE RUDOLPH HOLT POA 1130 BLUEBILL BAY RD BURNSVILLE MN 55306	<b>19-46-24-W4-02200.3070</b> 1511 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 307+ GAR	*65
HANKINS WILLIAM S + SANDRA K 871 HARBOR CT ROME CITY IN 46784	<b>19-46-24-W4-02200.3080</b> 1511 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	BARIKI WEST CONDO OR 1055 PG 1055 UNIT 308	*65
ABRAMS ALVA T + LINDA P 1511 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.3090</b> 1511 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 309	*65
HATTER THOMAS G + MARGARET E 1511 ESTERO BLVD #400 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.4000</b> 1511 ESTERO BLVD #400 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 400	*65
BARTZ RICHARD O + MARY A 6566 FRANCE AVE S APT# 210 EDINA MN 55435	<b>19-46-24-W4-02200.4010</b> 1511 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 401	*65
QUARTELLO BETTY A TR 8644 W PALMER ST RIVER GROVE IL 60171	<b>19-46-24-W4-02200.4020</b> 1511 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 402	*65
QUARTELLO BETTY A TR 8644 WEST PALMER RIVER GROVE IL 60171	<b>19-46-24-W4-02200.4030</b> 1511 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 403 + GAR	*65
COOPER CHARLES E + BARBARA A 22 SPRING LANE TIFFIN OH 44883	<b>19-46-24-W4-02200.4040</b> 1511 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 404+ GAR	*65
MOORE ROBERT J + CYNTHIA S 22 W 658 ELMWOOD DR GLEN ELLYN IL 60137	<b>19-46-24-W4-02200.4050</b> 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 405+ GAR	*65

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
HANKINS SANDRA K 871 HARBOR CT ROME CITY IN 46784	<b>19-46-24-W4-02200.4060</b> 1511 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 406 + GAR	*65
THRASHER ROBERT E + BARBARA D 1511 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.4070</b> 1511 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 407	*65
SMITH BRIAN T + PO BOX 235 HEYWORTH IL 61745	<b>19-46-24-W4-02200.4080</b> 1511 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 408	*65
CONKLIN KERRY P + SUZAN J 7225 ELM RIDGE DR INDIANAPOLIS IN 46236	<b>19-46-24-W4-02200.4090</b> 1511 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 409	*65
CAPUA RONALD TR 407 WOODSIDE DR WOOD DALE IL 60191	<b>19-46-24-W4-02200.5000</b> 1511 ESTERO BLVD #500 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 500 + GAR	*65
SNYDER NOAH I + RUTH E 1511 ESTERO BLVD APT 501 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.5010</b> 1511 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 501	*65
ZEIGLER RICHARD + LORETTA E TR 1511 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.5020</b> 1511 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 502	*65
DOUGLAS RAYMOND + JENNIFER 3 PELHAM RD BARGATE GRIMSBY LINCOLNSHIRE DN344SU UNITED KINGDOM	<b>19-46-24-W4-02200.5030</b> 1511 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 503	*65
WOOD SAMUEL PO BOX 342 PETERSBURG IL 62675	<b>19-46-24-W4-02200.5040</b> 1511 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 504	*65
GOSBETH FRED E III TR 1511 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.5050</b> 1511 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 505 + GAR	*65
SPIDEL LYNN R + DEANNA J 700 LAKESIDE DR ROME CITY IN 46784	<b>19-46-24-W4-02200.5060</b> 1511 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 506 + GAR	*65
SPIDEL LYNN R + DEANNA J 700 LAKESIDE DR ROME CITY IN 46784	<b>19-46-24-W4-02200.5070</b> 1511 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 507	*65
GUILES JON R TR PO BOX 2706 FORT MYERS BEACH FL 33932	<b>19-46-24-W4-02200.5080</b> 1511 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 508	*65
STERNER BERNARD D + RACHEL 839 S EUCLID AVE VILLA PARK IL 60181	<b>19-46-24-W4-02200.5090</b> 1511 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 509 + GAR	*65
WOOD SAMUEL L PO BOX 342 PETERSBURG IL 62675	<b>19-46-24-W4-02200.6000</b> 1511 ESTERO BLVD #600 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 600 + GAR	*65
SMITH BRIAN T + PO BOX 235 HEYWORTH IL 61745	<b>19-46-24-W4-02200.6010</b> 1511 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 601	*65
SCHWELLENBACH JOHN + MARY E 1511 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.6020</b> 1511 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 602	*65
HANSEN GERALD M + LOUISE CO-TR 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.6030</b> 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 603	*65
RICCIO JOSEPH MICHAEL 26 SECLUDED HOLLOW RD CAPE MAY COURT HOUSE NJ 08210	<b>19-46-24-W4-02200.6040</b> 1511 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 604 + GAR	*65

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
GENES FOOD STORE INC PO BOX 9019 SPRINGFIELD IL 62791	<b>19-46-24-W4-02200.6050</b> 1511 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 605 + GAR	*65
FOUR P INVESTMENTS LTD DIANE PALERMO 1511 ESTERO BLVD APT 606 FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02200.6060</b> 1511 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 606	*65
PEX INVESTMENTS LIMITED PECK GRAHAM 92 REGENT RD GREAT YARMOUTH NR30 2AH NORFOLK UNITED KINGDOM	<b>19-46-24-W4-02200.6070</b> 1511 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 607 + GAR	*65
MAY JOYCE A PT-608 860 HENN HYDE RD WARREN OH 44484	<b>19-46-24-W4-02200.6080</b> 1511 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 608	*65
BROWN JOANNE M L/E PO BOX 5087 FORT MYERS BEACH FL 33932	<b>19-46-24-W4-02200.6090</b> 1511 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 609	*65
SMITH JULIA V TR PO BOX 324 FORTVILLE IN 46040	<b>19-46-24-W4-022PH.00A0</b> 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE A + GAR	*65
CALHAN JOAN CLAIRE TR 189 SADDLEBROOK DR OAK BROOK IL 60523	<b>19-46-24-W4-022PH.00B0</b> 1511 ESTERO BLVD #PHB FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE B + GAR	*65
CALHAN JOAN CLAIRE TR 189 SADDLEBROOK DR OAK BROOK IL 60523	<b>19-46-24-W4-022PH.00C0</b> 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE C + GAR	*65
ELLIOTT ROBERT B + CHRISTINA L 975 WORWICK CT #605 BURLINGTON ON L7T 3Z7 CANADA	<b>19-46-24-W4-022PH.00D0</b> 1511 ESTERO BLVD #PHD FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE D + GAR	*65
MIRAGLIOTTA JOSEPHINE 1/2 + MICHAEL MIRAGLIOTTA 280 HANCOCK AVE BRIDGEWATER NJ 08807	<b>19-46-24-W4-022PH.00E0</b> 1511 ESTERO BLVD #PHE FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE E	*65
LONI RODGER J PER REP 2054 N NORDICA AV CHICAGO IL 60707	<b>19-46-24-W4-022PH.00F0</b> 1511 ESTERO BLVD #PHF FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE F	*65
RICCIO NICHOLAS J + PATRICIA A 1511 ESTERO BLVD APT PHG FORT MYERS BEACH FL 33931	<b>19-46-24-W4-022PH.00G0</b> 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE G + GAR	*65
PESHA VINCENT P ETAL 4812 S PULASKI RD CHICAGO IL 60632	<b>19-46-24-W4-022PH.00H0</b> 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE H + GAR	*65
LOIZZO GARY A + DIANE L 8453 ROB ROY DR ORLAND PARK IL 60462	<b>19-46-24-W4-022PH.00I0</b> 1511 ESTERO BLVD #PHI FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE I + GAR	*65
BUTLER WILLIAM PATRICK PSC 80 BOX 10265 APO AP 96367	<b>19-46-24-W4-022PH.0J00</b> 1511 ESTERO BLVD #PHJ FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE J + GAR	*65
TROPICAL CENTER CONDO ASSOC 1300 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-02300.00CE</b> HDR: TROPICAL CNTR FORT MYERS BEACH FL 33931	CONDO IN SW 1/4 SEC 19 TWP 46 R 24 RECORDED IN OR 1123 P 323 THRU 364 COMMON ELEMENTS	66
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	<b>19-46-24-W4-0230B.0000</b> 1600 ESTERO BLVD #B FORT MYERS BEACH FL 33931	TROPICAL CENTER COND OR 1123 PG 323 UNIT B	67
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	<b>19-46-24-W4-0230C.0000</b> 1600 ESTERO BLVD #C FORT MYERS BEACH FL 33931	TROPICAL CENTER CONDO OR 1123 PG 323 UNIT C	*68

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	<b>19-46-24-W4-0230D.0000</b> 1600 ESTERO BLVD #D FORT MYERS BEACH FL 33931	TROPICAL CENTER COND OR 1123 PG 323 UNIT D	*68
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	<b>19-46-24-W4-0230E.0000</b> 1600 ESTERO BLVD #E FORT MYERS BEACH FL 33931	TROPICAL CENTER CONDO OR 1123 PG 323 UNIT E	*68
ESTERO ISLAND BEACH CLUB 1840 ESTERO BLVD FORT MYERS BEACH FL 33931	<b>19-46-24-W4-03200.00CE</b> 1836 ESTERO BLVD FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH CONDO A TIME-SHARE AS DESC IN OR1511-1733 + OR2047-4325 COMMON ELEMENTS	69

**130 RECORDS PRINTED**

# VARIANCE REPORT

9/21/2009

Subject Parcels : 2 Affected Parcels : 130 Buffer Distance : 500 ft



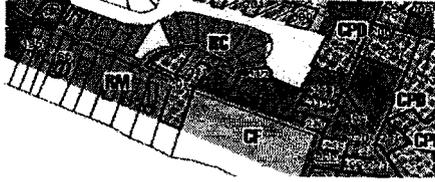
300 150 0 300 Feet

19-46-24-W4-0230A.0000 et al.

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>	HOOTERS RESTAURANT
<b>Authorized Applicant:</b>	MAUHE ENTERPRISES INC. (PROPERTY OWNER)
<b>LeePA STRAP Number(s):</b>	19-46-24-WY-0230A.0000

<b>Current Property Status:</b>	HOOTERS RESTAURANT
<b>Current Zoning:</b>	DOWNTOWN
<b>Future Land Use Map (FLUM) Category:</b>	PEDESTRIAN COMMERCIAL
<b>Platted Overlay? __yes <input checked="" type="checkbox"/> no</b>	<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:
	CONSUMPTION OF ALCOHOLIC BEVERAGES - 4 COP (FULL LIQUOR)
	INCLUDING OUTDOOR SEATING. PROPERTY COMPLETELY APPROVED
	FOR 2-COP (BEER + WINE) INCLUDING OUTDOOR SEATING.



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

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

<b>Granting the requested Special Exception could impact surrounding properties as follows:</b>
GRANTING THIS REQUEST WILL NOT CAUSE
DAMAGE, HAZARD, NUISANCE OR OTHER
DETIMENT TO PERSONS OR PROPERTY IN THE
SURROUNDING AREA. THE HOURS OF OPERATION
OF THE RESTAURANT WILL REMAIN THE SAME.
THE 4-COP LICENSE WOULD CONTINUE TO ONLY
BE USED IN CONJUNCTION WITH THE RESTAURANT.

**PART 2**  
**Submittal Requirements**

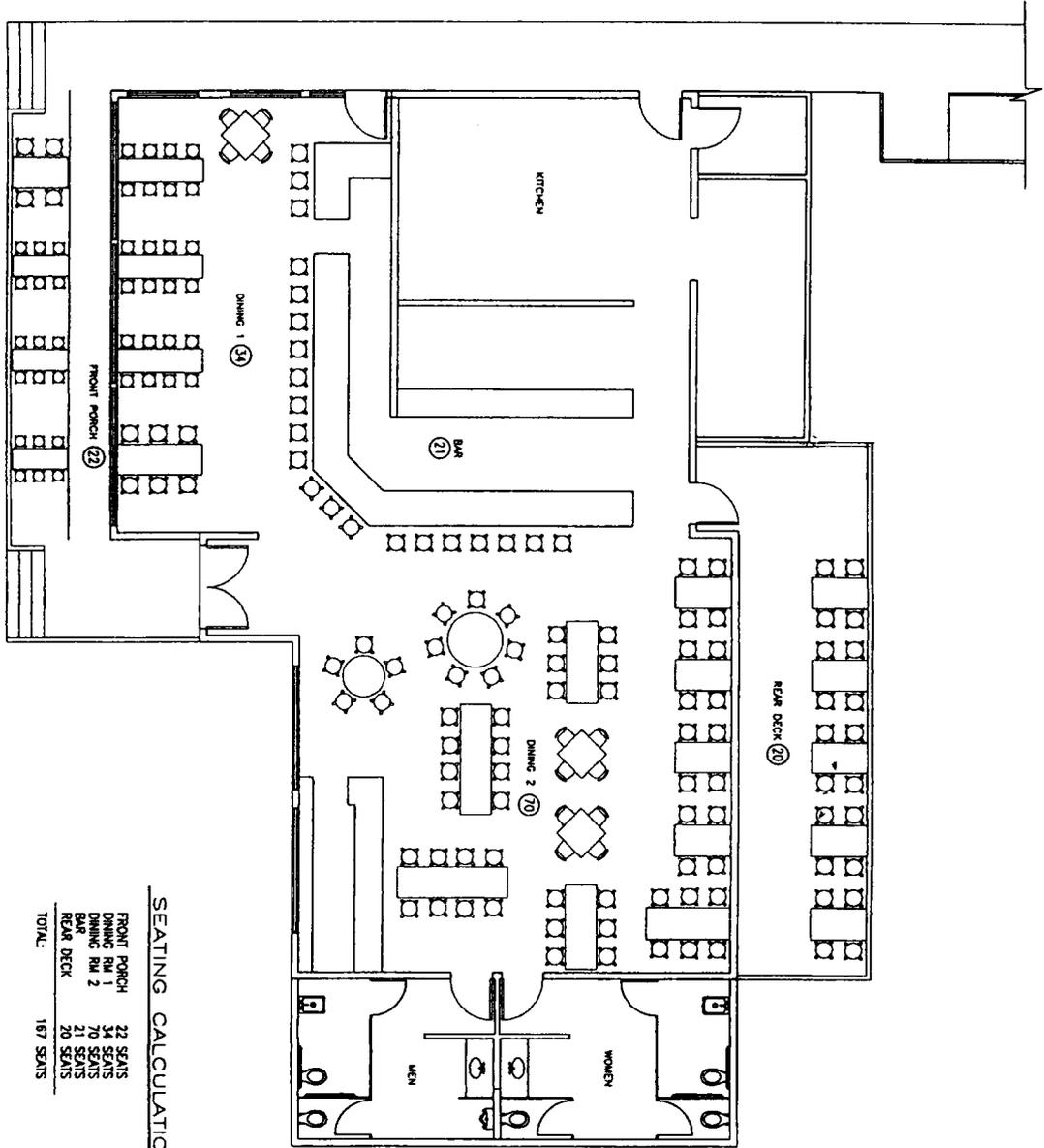
All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

**Required Items**

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.

**For New Communication Towers:**

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement



SEATING PLAN

SCALE 1/8" = 1'-0"

SEATING CALCULATION

FRONT PORCH	22 SEATS
DINING RM 1	70 SEATS
DINING RM 2	21 SEATS
BAR	21 SEATS
REAR DECK	20 SEATS
<b>TOTAL:</b>	<b>167 SEATS</b>

BUILDING CALCULATION

3,028 SQ. FT.

A.1

DATE: 1-21-08  
SCALE:  
DRAWN: J.P.  
JOB NO.:

**HOOTERS**  
1600 ESTERO BLVD.  
FT. MYERS, FLORIDA

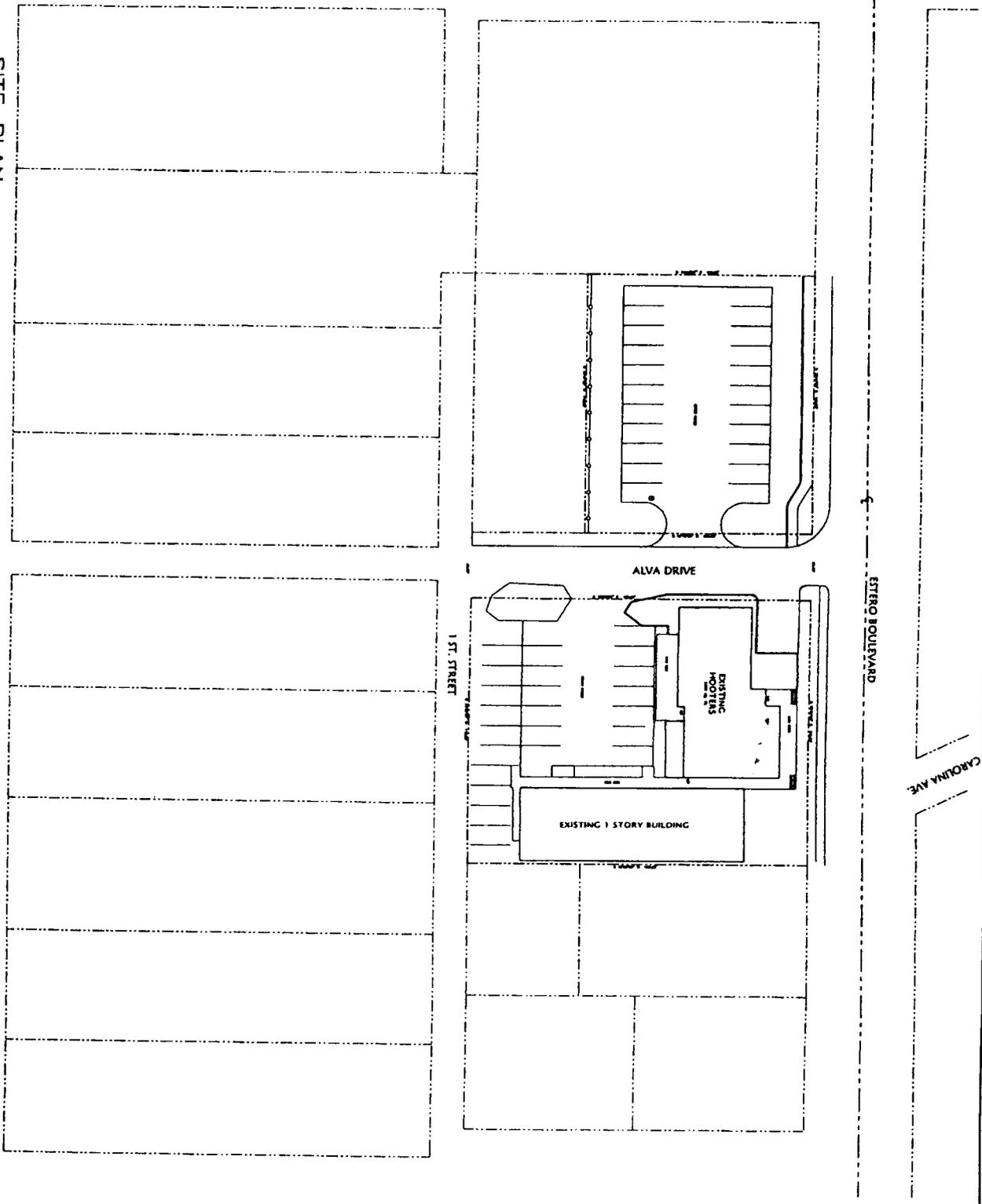
SEATING PLAN

**MORAND ARCHITECTS, INC.**  
24551 DETROIT ROAD  
WESTLAKE, OHIO 44145  
OFFICE: 440-635-5200 FAX: 440-636-5298  
E-MAIL: KEVIN@MORAND.COM

REVISIONS

SITE PLAN

Scale: 1"=40'-0"



SP.1

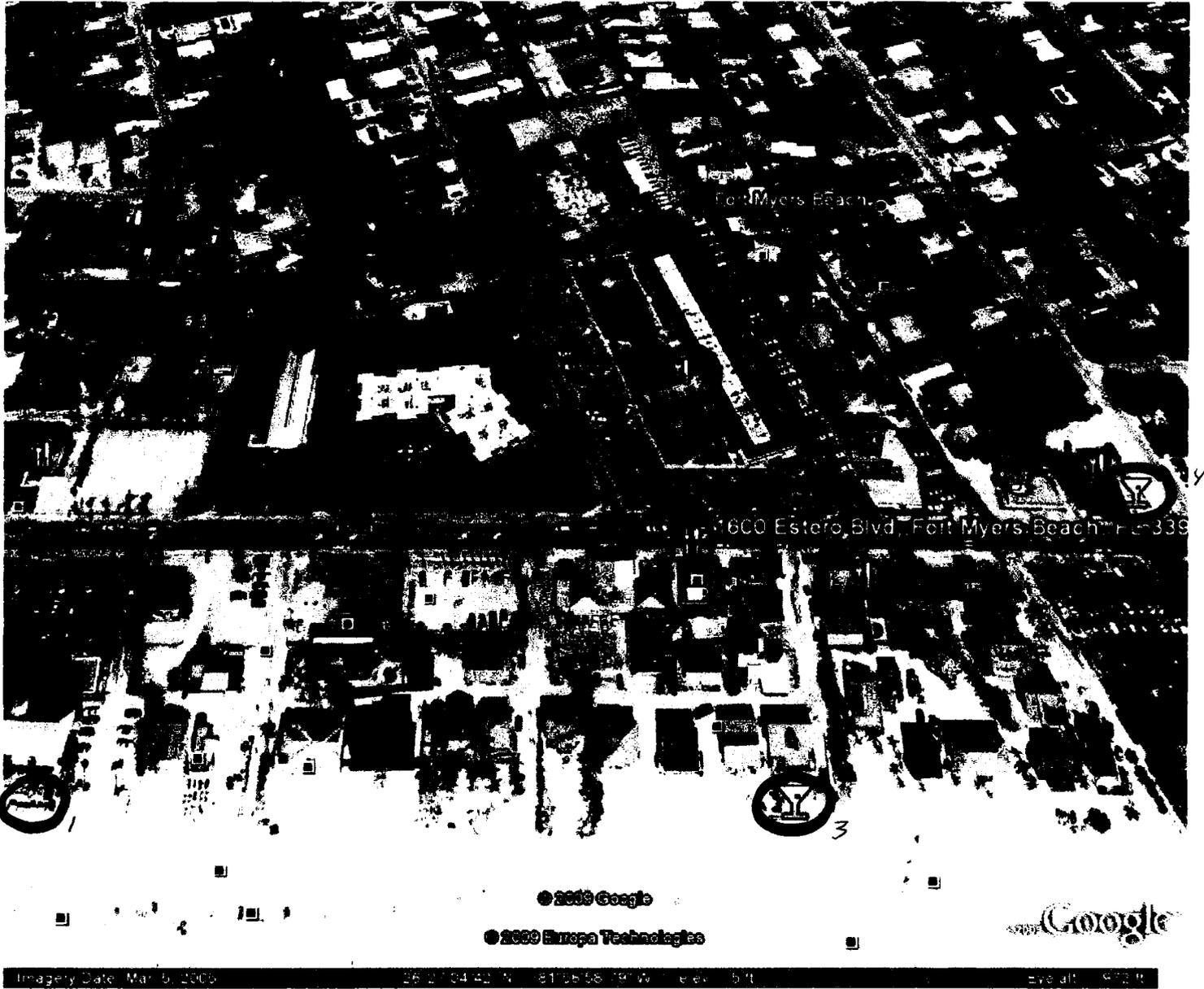
DATE 4-23-08  
SCALE  
DRAWN J.T.

**HOOTERS**  
1600 ESTERO BLVD.  
FT. MYERS, FLORIDA

SITE PLAN

**MORAND ARCHITECTS, INC.**  
24551 DETROIT ROAD  
WESTLAKE, OHIO 44145  
OFFICE: 440-636-3200 FAX: 440-636-3256  
E-MAIL: REVIEWS@MORAND.COM

REVISIONS



- 1) LANI KAI
- 2) REESE'S
- 3) BEACH PUB
- 4) TERRA NOSTRA RESTAURANT

Town of Fort Myers Beach  
Department of Community Development  
Zoning Division

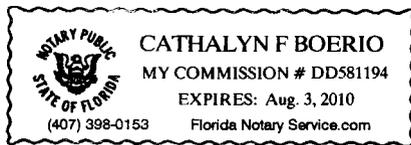
Mauhi Enterprises, Inc. is the property owner for Waterfront Concepts, Inc. d/b/a Hooters of Ft Myers Beach at 1600 Estero Blvd, Ft Myers Beach, FL. Hooters Restaurant currently has a 2-COP SRX series Beverage License at this location for on premises beer and wine consumption including outside dining. Hooters Restaurant is requesting to increase this license to a 4-COP SRX series Beverage License for on premises full liquor consumption including outside dining. The seating plan will remain unchanged from the attached seating plan currently in place. The hours of operation will also remain unchanged:

Monday – Thursday: 11:00 am to 12:00 Midnight

Friday and Saturday: 11:00 am to 1:00 am

Sunday: 12:00 noon to 10:00pm

As Vice President and Stockholder of both Mauhi Enterprises, Inc. and Waterfront Concepts, Inc. d/b/a Hooters of Ft Myers Beach, I authorize Mauhi Enterprises, Inc. and Hooters Restaurant to make this Special Exception Application.



Cathalyn F. Boerio  
11/20/09

  
Paul Lynch, Vice-President  
Mauhi Enterprises, Inc. and  
Waterfront Concepts, Inc. d/b/a  
Hooters of Ft Myers Beach