

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 10-24

SKYE'S RESTAURANT COP

WHEREAS applicant, Pink Haus Corporation, DBA Skye's Restaurant, authorized by WCSJRII Corporation, owner of the property (collectively "applicant") has requested a special exception in the SANTINI 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 7205 Estero Boulevard, Fort Myers Beach, FL 33931 (Building D, Units 8,9, and 10 of Santini Plaza Shopping Center; and

WHEREAS the applicant has indicated that the STRAP for the subject property is 03-47-24-W1-00011.0000 and the legal description of the subject property is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 24, 2010; at which time the LPA gave full and complete consideration to the request of the 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, and recommended approval of applicant's request, with various recommended conditions of approval as set forth more fully in LPA Resolution No. 2010-08; and

WHEREAS at its meeting of August 24, 2010, the LPA instructed Town staff to bring this application forward to Town Council without the necessity of having approved LPA minutes; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town council on September 7, 2010, at which time the town council gave full and complete consideration to the request of Applicant, LPA resolution 2010-08, 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 2101-08 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 to permit consumption on premises of beer, wine and liquor in the SANTINI zoning district, with such approval subject to the following conditions:

CONDITIONS OF APPROVAL:

1. *The area of the subject establishment used for consumption on premises must be confined entirely to the areas shown on the floor plan attached hereto and incorporated herein by reference as **Exhibit B**.*

2. *Music and other audible entertainment are prohibited before 10:00 am and after 10:00 pm each day 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.*

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:

Other units within the Santini Plaza Shopping Center have received approval for alcoholic beverage uses over the course of many years. Dwelling units within 500 feet of the subject establishment are in high-rise buildings and are separated from the subject establishment by other buildings and by wide parking areas.

2. The requested special exception, as conditioned, **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, in an existing shopping center near other restaurants, retail stores, and other commercial activities. Comp Plan **Policy 4-B-6**, regarding the Pedestrian commercial FLUM, states that commercial activities must contribute to the pedestrian-oriented public realm. The proposed outdoor seating area is located beneath roof overhangs and covered outdoor passageways, enhancing the pedestrian environment with an existing automobile-oriented shopping center that is not currently proposed to be redeveloped.*

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

A restaurant is a use permitted by right in the SANTINI 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 were addressed through permitting for prior remodeling activities. The number of parking spaces provided in the existing parking lot at Santini Plaza exceed the number of spaces required for the indoor floor areas and the additional area currently proposed to be used for outdoor seating.

4. The requested special exception, as conditioned, **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.

5. The requested special exception, as conditioned, **will** be compatible with existing or planned uses and **will** cause damage, hazard, nuisance or other detriment to persons or property:

The existing uses in the immediate vicinity are consistent with the mix of uses commonly found in shopping centers. Surrounding the shopping center are a commercial marina, a convenience store with fuel pumps, an office building, a retail store, a fire station, a public utility facility, and several high-rise multifamily buildings. Within the Pedestrian Commercial Future Land use may category and the SANTINI zoning district the shopping center could be redeveloped to fit the vision for the future of this commercial center of the south end neighborhood. Under the current circumstances the proposed outdoor seating would improve the pedestrian-orientation of the existing shopping center. Outdoor seating that might be appropriate if the shopping center were redeveloped can be addressed at that time if and when redevelopment is proposed.

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 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 attached are reasonably related to the special exception requested. Outdoor display of goods and merchandise, including outdoor dining, that is located between the outer wall of stores and the right-of-way, is limited to the DOWNTOWN zoning district by LDC Section 34-3004.

Upon Motion made by _____ and seconded by _____, this Resolution was

DULY PASSED AND ADOPTED ON THIS 7th DAY OF SEPTEMBER, 2010.

Larry Kiker, Mayor
Tom Babcock
Alan Mandel

Bob Raymond, Vice Mayor
Jo List

DULY PASSED AND ADOPTED THIS ____ DAY OF _____ 2010,

ATTEST:

By: _____
Larry Kiker, Mayor

By: _____
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: _____
FOWLER WHITE BOGGS, Town Attorney

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2010-08
FMBSEZ2010-0002 (Skye's Restaurant Resolution)

WHEREAS applicant, Pink Haus Corporation, DBA Skye's Restaurant, authorized by WCSJR II Corporation, owner of the property (collectively "applicant") have requested a special exception in the SANTINI 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 7205 Estero Boulevard, Fort Myers Beach, FL 33931 (Building D, Units 8, 9 and 10 of Santini Plaza Shopping Center); and

WHEREAS the applicant has indicated that the STRAP for the subject property is 03-47-24-W1-00011.0000 and the legal description of the subject property is as described in Exhibit A which is attached hereto and incorporated herein by reference; and

WHEREAS a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 24, 2010; and

WHEREAS at the hearing the LPA gave full and complete consideration to the request of the 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** the applicant's request for a special exception to permit consumption on premises of beer, wine and liquor in the SANTINI zoning district.

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**.*

2. *Music and other audible entertainment are prohibited before 10:00 A.M. and after 10:00 P.M. of each day 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.*

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** that make the requested approval, as conditioned, appropriate:

Other units within the Santini Plaza Shopping Center have received approval for alcoholic beverage uses over the course of many years. Dwelling units within 500 feet of the subject establishment are in high-rise buildings and are separated from the subject establishment by other buildings and by wide parking areas.

2. The requested special exception, as conditioned, **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, in an existing shopping center near other restaurants, retail stores, and other commercial activities. Comp Plan **Policy 4-B-6**, regarding the Pedestrian Commercial FLUM, states that commercial activities must contribute to the pedestrian-oriented public realm. The proposed outdoor seating area is located beneath roof overhangs and covered outdoor passageways, enhancing the pedestrian environment within an existing automobile-oriented shopping center that is not currently proposed to be redeveloped.*

3. The requested special exception, as conditioned, **MEETS OR EXCEEDS** all performance and locational standards set forth for the proposed use.

A restaurant is a use permitted by right in the SANTINI 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 were addressed through permitting for prior remodeling activities. The number of parking spaces provided in the existing parking lot at Santini Plaza exceeds the number of spaces required for the indoor floor areas and the additional area currently proposed to be used for outdoor seating.

4. The requested special exception, as conditioned, **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.

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 existing uses in the immediate vicinity are consistent with the mix of uses commonly found in shopping centers. Surrounding the shopping center are a commercial marina, a convenience store with fuel pumps, an office building, a retail store, a fire station, a public utility facility, and several high-rise multifamily buildings. Within the Pedestrian Commercial Future Land Use Map category and the SANTINI zoning district the shopping center could be redeveloped to fit the vision for the future of this commercial center of the south end neighborhood. Under the current circumstances the proposed outdoor seating would improve the pedestrian-orientation of the existing shopping center. Outdoor seating that might be appropriate if the shopping center were redeveloped can be addressed at that the time if and when redevelopment is proposed.

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:

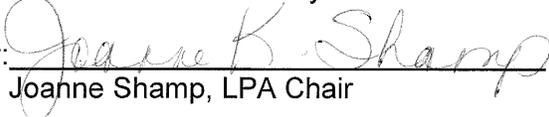
The consumption on premises of alcoholic beverages use, as conditioned, will be required to comply with the applicable standards in LDC Chapter 34, Article IV, Division 5, for consumption on premises in a restaurant regardless of the type or series of state license. The appropriate limitations on an 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 attached are reasonably related to the special exception requested. Outdoor display of goods and merchandise, including outdoor dining, that is located between the outer wall of stores and the right-of-way, is limited to the DOWNTOWN zoning district by LDC Section 34-3004.

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

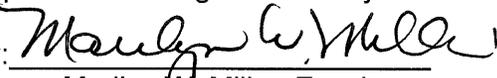
Joanne Shamp, Chair	aye	Bill Van Duzer, Vice Chair	aye
Carleton Ryffel, Member	aye	Rochelle Kay, Member	aye
Chuck Moorefield, Member	absent	John Kakatsch, Member	nay
Joe Kosinski, Member	abstained		

DULY PASSED AND ADOPTED THIS 24th day of August, 2010.

LPA of the Town of Fort Myers Beach

By: 
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By: 
Marilyn W. Miller, Esquire
LPA Attorney

ATTEST:

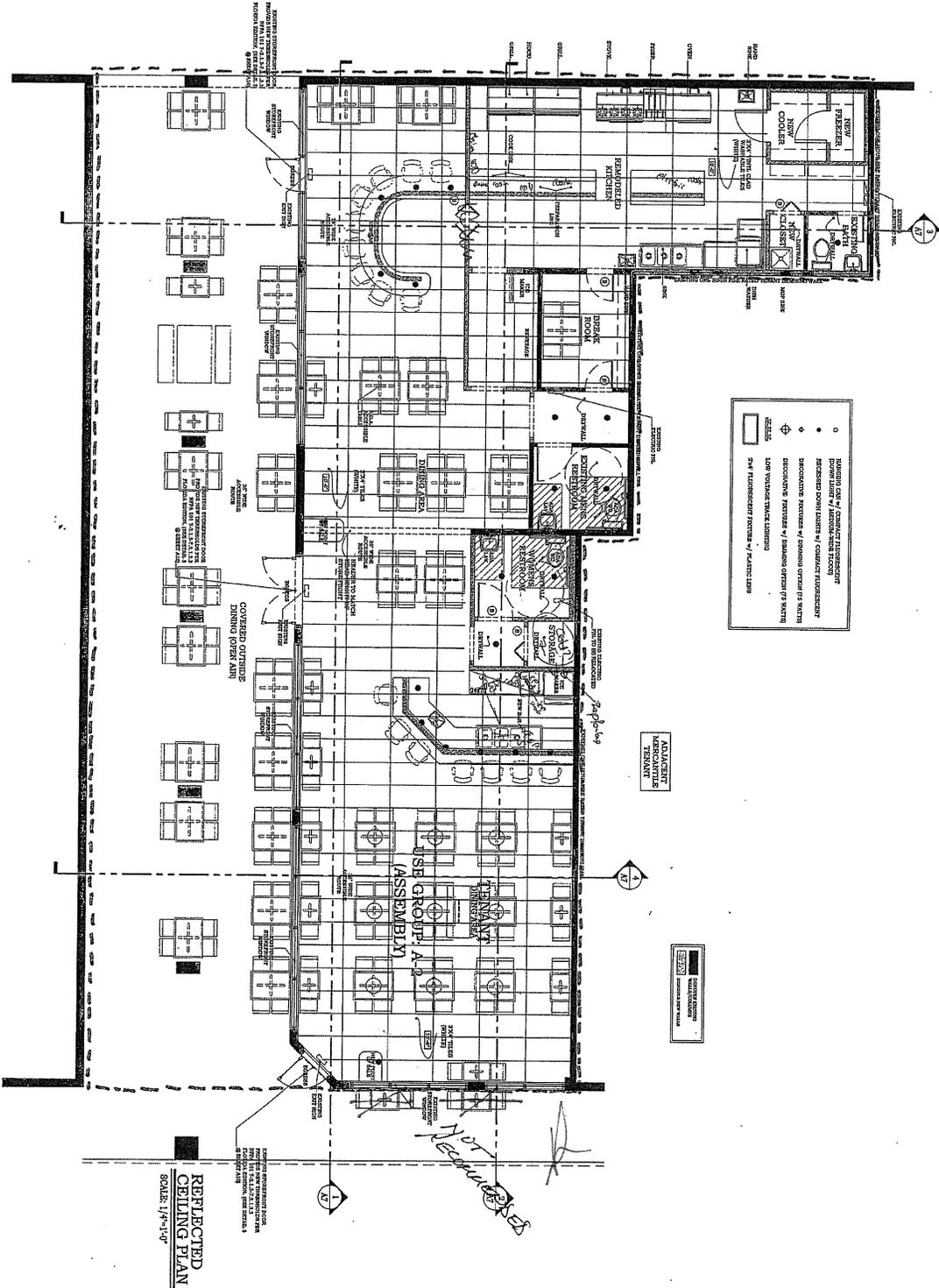
By: 
Michelle Mayher, Town Clerk

Exhibit A
SEZ2010-0002

A tract or parcel of land lying in Government Lot 2 of Section 03, Township 47 South, Range 24 East, Estero Island, Lee County, Florida, said parcel being more particularly described as follows:

Beginning at the intersection of the easterly right-of-way line of Estero Boulevard and the north line of said Government Lot 2; thence S. $18^{\circ}34'20''$ E. on said right-of-way line for 740.31 feet; thence N. $71^{\circ}11'00''$ E. on the northerly line of a roadway (60 feet wide, recorded in Official Record Book 938, Page 610, Public Records of Lee County, Florida) for 236.61 feet; thence N. $00^{\circ}49'00''$ W. for 631.39 feet; thence S. $89^{\circ}11'00''$ W. on said north line of Government Lot 2 for 450.79 feet to the **Point of Beginning**.

EXHIBIT (B)



<p>© MICP.D. 2005</p> <p>SKYES RESTAURANT @ SANTINI PLAZA 7205 KESERO BLVD UNIT #8 & 9 FORT MYERS BEACH, FL</p>		<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> <th>CHKD.</th> </tr> <tr> <td>1</td> <td>ISSUE FOR PERMIT APPLICATION</td> <td></td> <td></td> <td></td> </tr> </table>	NO.	REVISION	DATE	BY	CHKD.	1	ISSUE FOR PERMIT APPLICATION				<p>MECPD, Inc. hereby warrants the accuracy, completeness and reliability of the information contained herein and shall be liable for any damages, including reasonable attorneys' fees, caused by any errors or omissions in the information contained herein. This warranty shall be null and void if the information contained herein is not true and accurate. This warranty shall be null and void if the information contained herein is not true and accurate. This warranty shall be null and void if the information contained herein is not true and accurate.</p>	<p>MICP.D. INC.</p> <p>10000 W. STATE ROAD 70, SUITE 100 FORT MYERS BEACH, FL 33931 888-888-8888</p>
NO.	REVISION	DATE	BY	CHKD.										
1	ISSUE FOR PERMIT APPLICATION													

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

TYPE OF CASE: Special Exception

CASE NUMBER: FMBSEZ2010-0002 (Skye's Restaurant)

LPA HEARING DATE: August 24th, 2010

LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY:

Applicant: Pink Haus Corporation, DBA Skye's Restaurant (authorized by WCSJR II Corporation, owner of the subject property)

Request: Special Exception in the SANTINI 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.

Subject property: Legal description is attached as **Exhibit A**.

Physical Address: 7205 Estero Boulevard, Fort Myers Beach, FL 33931 (Building D, Units 8, 9 and 10, of Santini Plaza shopping center)

STRAP #: 03-47-24-W1-00011.0000

Future Land Use designation: Pedestrian Commercial

Zoning: SANTINI

Current use(s): Restaurant with 2COP beverage license (no outdoor seating) within a shopping center that contains a mix of retail and office uses, including restaurants.

Adjacent zoning and land uses:

Northwest: Pedestrian Commercial FLUM; CPD zoning; Convenience store and Fort Myers Beach Fire District fire station, then: Mixed Residential FLUM; RM zoning; Estero Cove residential condo

Southwest: Mixed Residential FLUM; CO zoning and RM zoning; Convenience store (with fuel pumps) and office building (in CO zoning), and Creciente and Estero Beach and Tennis Club residential condos

Southeast: Pedestrian Commercial FLUM; SANTINI zoning; Fish Tale Marina; then:
Mixed Residential FLUM; CR zoning; Santa Maria resort condos

Northeast: Mixed Residential FLUM; RM and BB zoning; Palm Harbor Club condo and Royal Pelican condo.

II. 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 areas shown on the floor plan attached hereto and incorporated herein by reference as **Exhibit B**.
2. Music and other audible entertainment are prohibited before 10:00 AM and after 10:00 PM of each day 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 of 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 in operation 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.

Recommended Findings and Conclusions

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

Other units within the Santini Plaza shopping center have received approval for alcoholic beverage uses over the course of many years. Dwelling units within 500 feet of the subject establishment are in high-rise buildings and are separated from the subject establishment by other buildings and by wide parking areas. Staff recommends the finding that there **do exist** changed or changing conditions and that they **do make** approval of the request appropriate.

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

The subject property is in the Pedestrian Commercial FLUM category, in an existing shopping center near other restaurants, retail stores, and other commercial activities. Comprehensive Plan **Policy 4-B-6**, regarding the Pedestrian Commercial FLUM, states that commercial activities must contribute to the pedestrian-oriented public realm. The proposed outdoor seating area is located beneath roof overhangs and covered outdoor passageways, enhancing the pedestrian environment within an existing automobile-oriented shopping center that is not currently proposed to be redeveloped. 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 SANTINI 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 were addressed through permitting for prior remodeling activities. The number of parking spaces provided in the existing parking lot at Santini Plaza exceeds the number of spaces required for the indoor floor areas and the additional area currently proposed to be used for outdoor seating. 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 uses in the immediate vicinity are consistent with the mix of uses commonly found in shopping centers. Surrounding the shopping center are a commercial marina, a convenience store with fuel pumps, an office building, a retail store, a fire station, a public utility facility, and several high-rise multifamily buildings. Within the Pedestrian Commercial Future Land Use Map category and the SANTINI zoning district the shopping center could be redeveloped to fit the vision for the future of this commercial center of the south end neighborhood. Under the current circumstances the proposed outdoor seating would improve the pedestrian-orientation of the existing shopping center. Outdoor seating that might be appropriate if the shopping center were redeveloped can be addressed at that the time if and when redevelopment is proposed. 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 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 attached are reasonably related to the special exception requested. Outdoor display of goods and merchandise, including outdoor dining, that is located between the outer wall of stores and the right-of-way, is limited to the DOWNTOWN zoning district by LDC Section 34-3004. 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.

III. BACKGROUND AND ANALYSIS

Introduction and Background:

Sylvia Steiger, on behalf of Pink Haus Corporation (DBA Skye's Restaurant) ("applicant"), with the authorization of the property owner, WCSJR II Corporation, has requested a special exception in the SANTINI 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.

The subject property has been granted administrative approvals and special permits for consumption-on-premises of alcoholic beverages ("COP") for several establishments located in different parts of the shopping center over a period of several decades. Most recently, the applicant received administrative approval in case COP2010-0001 on March 8, 2010, for COP in a restaurant with indoor seating only, in units 8, 9, and 10 of building D (the same location and floor plan as is currently requested, but not including the outdoor seating areas). Because LDC Section 34-1264(a)(2)a.2. requires a special exception for any establishment that provides outdoor seating areas for consumption on premises located within 500 feet of a dwelling unit under separate ownership, the applicant has requested a special exception in order to acquire zoning approval for the proposed outdoor seating area adjacent to the indoor restaurant.

Analysis:

The subject property is zoned SANTINI and is in the Pedestrian Commercial Future Land Use Map (FLUM) category. The existing improvements are typical of an automobile-oriented shopping center, originally built approximately 1977, with several largely independent buildings connected by roofed breezeways and porticos, and a large parking lot between the buildings and Estero Boulevard. Within one such building, designated "Building D" on the site plan, three formerly separate rental units have been remodeled and combined into one larger premises for occupancy by the applicant's restaurant. This interior remodeling was permitted by building permit COM09-0185, and passed its final inspection in April 2010.

The establishment is located in the central portion of the subject property in the midst of a large shopping center, but measuring in a straight line, the proposed outdoor seating area is less than 500 feet from the nearest property containing dwelling units under separate ownership (the Palm Harbor Club condominium to the northeast). The distance is measured in a straight line from the actual outdoor seating area, to the nearest property line of the property containing the dwelling unit(s).

The Comprehensive Plan encourages pedestrian-oriented development within the Pedestrian Commercial FLUM category. The SANTINI zoning district contains options to allow the continuing use of the existing shopping center or the transformation of the shopping center into a pedestrian-oriented neighborhood center through redevelopment, thus providing for the eventual realization of the design concepts of the Comprehensive Plan, particularly **Objective 3-C** and the associated **Policies 3-C-1** and **3-C-2**. Until that redevelopment is proposed, another option allows the existing shopping center to continue to be used and maintained.

Outdoor seating for on-premises consumption of alcoholic beverages

The regulations of the SANTINI zoning district do not specifically address the use of outdoor areas by restaurants or any other establishments. When the Town rezoned all land within Town limits to new zoning districts created to implement the Comprehensive Plan, on March 3, 2003, it also adopted an overhauled version of LDC Chapter 34, which included regulations for the new SANTINI zoning district. The new Chapter 34 also revised the regulations for storage facilities and outdoor display of merchandise found in sections 34-3001 through 34-3005. LDC Section 34-3004 contains a list of circumstances in which outdoor display and sales of goods and services can be allowed, and prohibits all other outdoor display and sales within the Town. Read literally, this section prohibits restaurants from having outdoor dining areas unless they are located in the DOWNTOWN zoning district, regardless of whether alcoholic beverages are available. Outdoor display and sales, for purposes of this regulation, “includes all sales or display of merchandise, food, and beverages between the outer wall of stores and public rights-of-way or, where permitted, on public rights-of-way” according to LDC Section 34-3004(a). The floor plan requested by the applicant includes a seating area beneath a roofed breezeway located between two buildings, and a small seating area between the front (southwesterly) wall of the building and the parking lot. The seating area within the roofed breezeway is not between the outer wall of a store and a public right-of-way, so although it is not enclosed by walls, it does not meet the LDC Section 34-3004 definition of “outdoor display” and is therefore not prohibited. However, the area of tables along the southwesterly side of the building under the overhang, though separated from the Estero Boulevard right-of-way by 200 feet of parking area, is not enclosed by walls and is closer to a public right-of-way than the wall of the building. This would appear to be an “outdoor display” that is prohibited by LDC Section 34-3004(d). Staff has recommended that the revised floor plan attached as **Exhibit B**, which excludes the area between the building and Estero Boulevard, be used.

Comprehensive Plan policies do not wholly encourage this grim stricture against outdoor display and dining. Notably, Comprehensive Plan Policy 4-B-6 requires that commercial uses in the Pedestrian Commercial Future Land Use Map category must contribute to the pedestrian-oriented public realm. The Pedestrian Commercial category underlies the SANTINI zoning district as well as the DOWNTOWN zoning district. It is difficult to conceive how uses within an existing automobile-oriented shopping center, or in a redeveloped “neighborhood center,” can contribute to the pedestrian-oriented public realm if strictly confined to the interior of buildings.

This vicinity is one of the two most intensive commercial areas of the Town. Nearby dwelling units are almost entirely in highrise multifamily buildings located on expansive sites, such as the Palm Harbor Club and Royal Pelican condos to

the northeast and the Creciente condo to the southwest, across Estero Boulevard. Other restaurants serving alcohol on the premises are located in the same shopping center on the subject property, though none of these restaurants have outdoor seating areas.

The applicant indicates its intent to operate between the hours of 11:00 AM and Midnight, Sunday through Thursday, and 11:00 AM and 2:00 AM, Friday and Saturday. These hours 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 applicant has not requested any specific provision for outdoor entertainment. Staff recommends that any outdoor entertainment be limited to the hours between 10:00 AM and 10:00 PM of each day, to avoid disturbing residents of the dwelling units that are within 500 feet of the seating area. The Town's noise ordinance limits sound to lower levels beginning at 10:00 PM. Outdoor entertainment after that time would be more likely to violate these limits.

The building floor area and outdoor area that staff has recommended be authorized for seating is indicated on the floor plan attached as **Exhibit B**. The applicant's requested seating area between the southwesterly wall of the building and the parking area is shown on the floor plan attached to the application.

In the past, County- and Town-issued location-specific approvals for alcoholic beverage uses have sometimes contained 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 in relation to building walls and entrances. 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.

The applicant has indicated the intent to acquire a 4COP-SRX (special restaurant) license to allow consumption on premises in a restaurant, to include beer, wine, and liquor. 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. The recommended conditions are sufficient to require that the sales, service, and consumption of alcohol on the premises will be in conjunction with a restaurant use only.

IV. CONCLUSION:

Regulations for the SANTINI zoning district do not actively address outdoor dining, though there are several restaurants in the Santini Plaza shopping center, and at the Fish Tale Marina. Implementing the vision of the Comprehensive Plan’s wider vision of a pedestrian-oriented neighborhood center through the continuing use, and eventually through the redevelopment, of the existing shopping center, will require consideration of the proper balance of outdoor and indoor activities. At present, the outdoor seating area proposed within the roofed breezeway between buildings does not fall afoul of general zoning regulations prohibiting outdoor dining “between the outer wall of stores and the street,” but the seating area to the southwest of the building, near the parking lot, would not be consistent with these limitations. Staff has recommended that approval of the requested special exception be limited to the indoor areas and to the outdoor area within the roofed breezeway, as depicted on **Exhibit B**, to address this issue.

If Town Council finds that the requested outdoor alcoholic beverage 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 prevent the applicant from continuing to operate the restaurant with its indoor seating area, and continuing to be licensed by the state for indoor consumption of alcoholic beverages in accordance with COP2010-0001. Current state beverage licensing regulations make obtaining a license that would allow sales, service, and consumption of liquor, in addition to beer and wine, much more costly if the applicant is not able to achieve a minimum floor area and minimum number of seats beneath a fixed, permanent roof. The floor area and minimum number of seats would not be met without the outdoor seating area in the roofed breezeway, so the foreseeable but indirect effect of denying the special exception would be to limit the establishment to beer and wine only, in addition to preventing the outdoor seating.

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. Written or oral testimony from neighbors may assist in providing evidence of a need for such conditions.

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

Exhibits:

Exhibit A – Legal Description of Subject Property
Exhibit B – Floor plan (staff recommended)

Attachments:

Attachment A – COP2010-0001

Exhibit A
SEZ2010-0002

A tract or parcel of land lying in Government Lot 2 of Section 03, Township 47 South, Range 24 East, Estero Island, Lee County, Florida, said parcel being more particularly described as follows:

Beginning at the intersection of the easterly right-of-way line of Estero Boulevard and the north line of said Government Lot 2; thence S. $18^{\circ}34'20''$ E. on said right-of-way line for 740.31 feet; thence N. $71^{\circ}11'00''$ E. on the northerly line of a roadway (60 feet wide, recorded in Official Record Book 938, Page 610, Public Records of Lee County, Florida) for 236.61 feet; thence N. $00^{\circ}49'00''$ W. for 631.39 feet; thence S. $89^{\circ}11'00''$ W. on said north line of Government Lot 2 for 450.79 feet to the **Point of Beginning**.

EXHIBIT (B)

<p>SKY'S RESTAURANT 7300 BIRCHWOOD BLVD @ SANTIINI PLAZA PORT MYERS BEACH, FL</p>		<p>DATE: 08-01-09 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>A6</p>						
<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	DESCRIPTION	DATE				<p>PROJECT: SKY'S RESTAURANT DRAWING NO: [Number] SHEET NO: [Number]</p>	
NO.	DESCRIPTION	DATE							

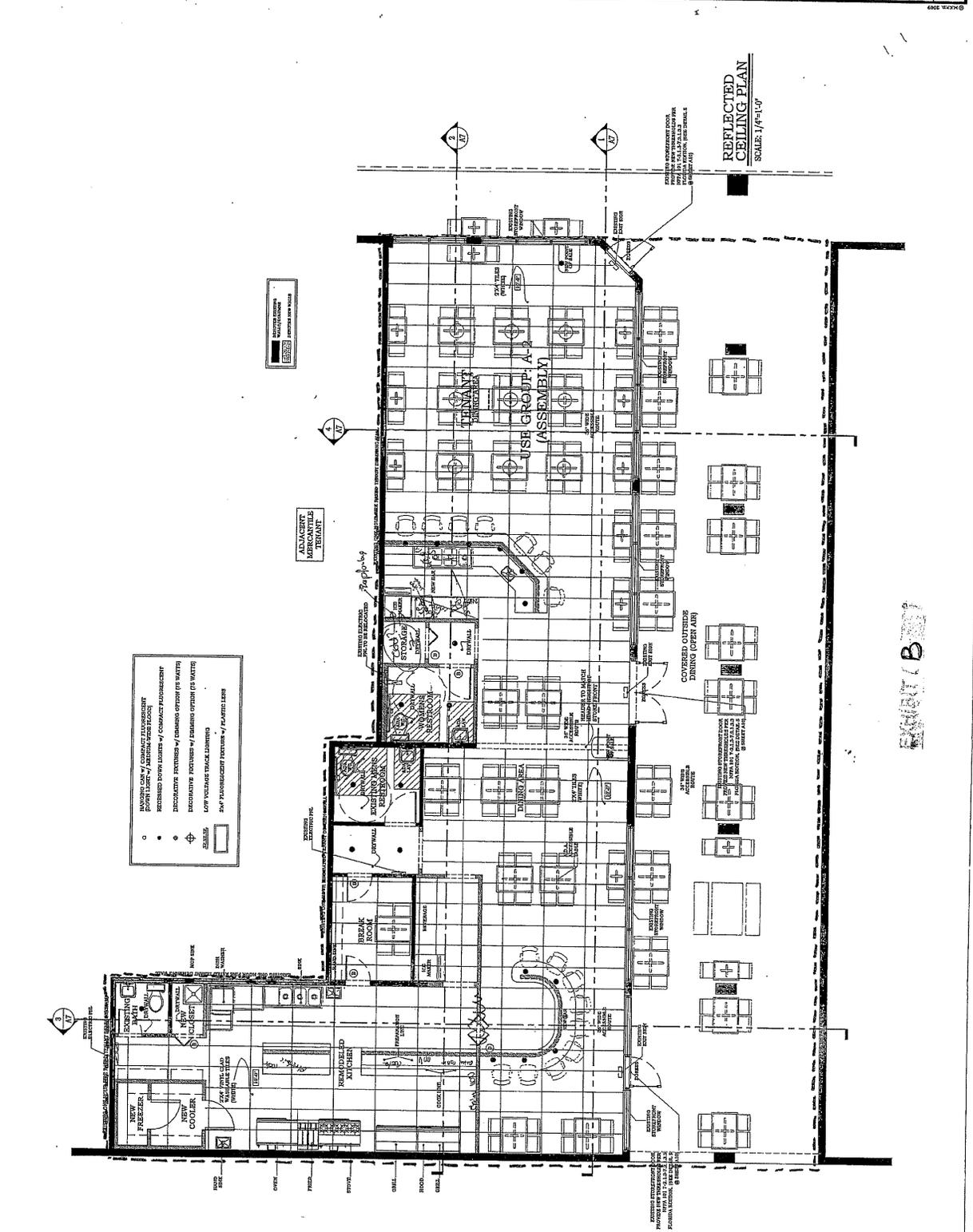
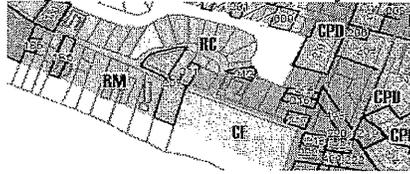


EXHIBIT (B)

B & W

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

TOWN OF
 FORT MYERS BEACH

JAN 19 2019

RECEIVED BY

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:	SKYE'S RESTAURANT
Authorized Applicant:	SILVIA STEIGER
LeePA STRAP Number(s):	

Current Property Status:	
Current Zoning:	COMMERCIAL
Future Land Use Map (FLUM) Category:	
Platted Overlay? <input type="checkbox"/> yes <input 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

PART I – General Information

A. Name of applicant: SILVIA STEIGEN

Address: Street:	330 Jefferson Ct
City:	Fort Myers Beach State: FL Zip Code: 33931
Phone:	239-247-2457
Fax:	-
E-mail address:	SILVIA.MARJAN@HOTMAIL.COM

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

<input 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 type="checkbox"/> Corporation	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Timeshare Condo
<input checked="" 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)

Mailing address: Street:
City: State: Zip Code:
Contact Person:
Phone: Fax:
E-mail address:

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

Beer & Wine License

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:

B. Property owner:

Name:	WCS, JR, II CORPORATION		
Address: Street:	7205 Estero Blvd		
City:	FL	State:	Zip Code: 33931
Phone:	239.463.3600	Fax:	239.463.8992
E-mail address:	FTMARINA@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?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:
Subdivision name:
Plat Book Number: 2946 Page: 1622 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:

03-47-24-W1-00011.0000

F. Property Dimensions:

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

G. Property Street Address:

7205 Estero Blvd

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

1.7 miles North of Big Carlos Pass Bridge on East Side.

I. 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 AA-4
<input type="checkbox"/> 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, SILVIA STEIGER, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

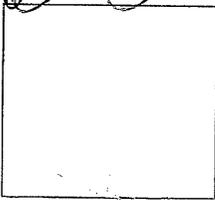
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any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

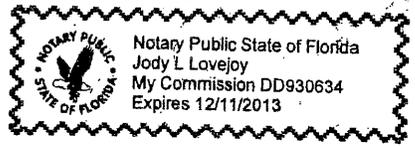
Silvia Steiger Signature SILVIA STEIGER Typed or Printed Name

State of FLORIDA
County of LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 1/19/10 by SILVIA STEIGER
(date) (name of person under oath or affirmation)
who is personally known to me or produced _____
(type of identification)

~~as identification.~~
Jody L Lovejoy Signature of person administering oath Jody L Lovejoy 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, SILVIA STEIGER, as OWNER of PINKHAUS Coop. dba Skye's, 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

PINKHAUS Coop. dba Skye's
Name of Entity (corporation, LLC, partnership, etc)
OWNER
Title of Signatory

[Signature]
Signature
SILVIA STEIGER
Typed or Printed Name

State of FLORIDA
County of LEE

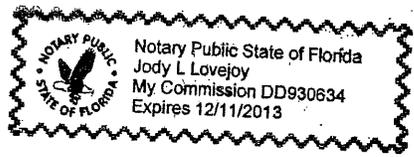
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 1-19-2010 by SILVIA STEIGER

who is personally known to me or who has produced [Type of identification]

[Signature]
Signature of person administering oath

Jody L Lovejoy
Typed or Printed Name

SEAL: [Empty box for seal]



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.

- 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.

- 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.

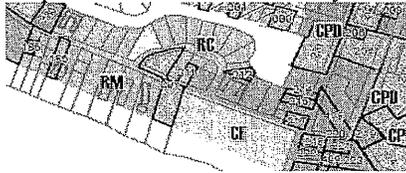
Any oversized site plans, drawings, pictures, and similar materials (larger than 11 x 17) should be submitted in both paper and electronic format.

B.R.W

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:	SILVIA STEIGER
Location of subject property:	FORT MYERS BEACH
Street address:	7205 ESTERO BLVD SANTINI PLAZA
STRAP Number:	
Current zoning:	COMMERCIAL
Future Land Use Map Category:	

1. Type of License:	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary
2. Name of Establishment	SKYE'S RESTAURANT	
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 checked="" type="checkbox"/> Restaurant with outdoor seating		
4. Requested hours of operation:	7.00 a.m - 9.00 p.m	
5. Type of license requested:	BEER & WINE LICENSE	

Case # _____
Planner _____

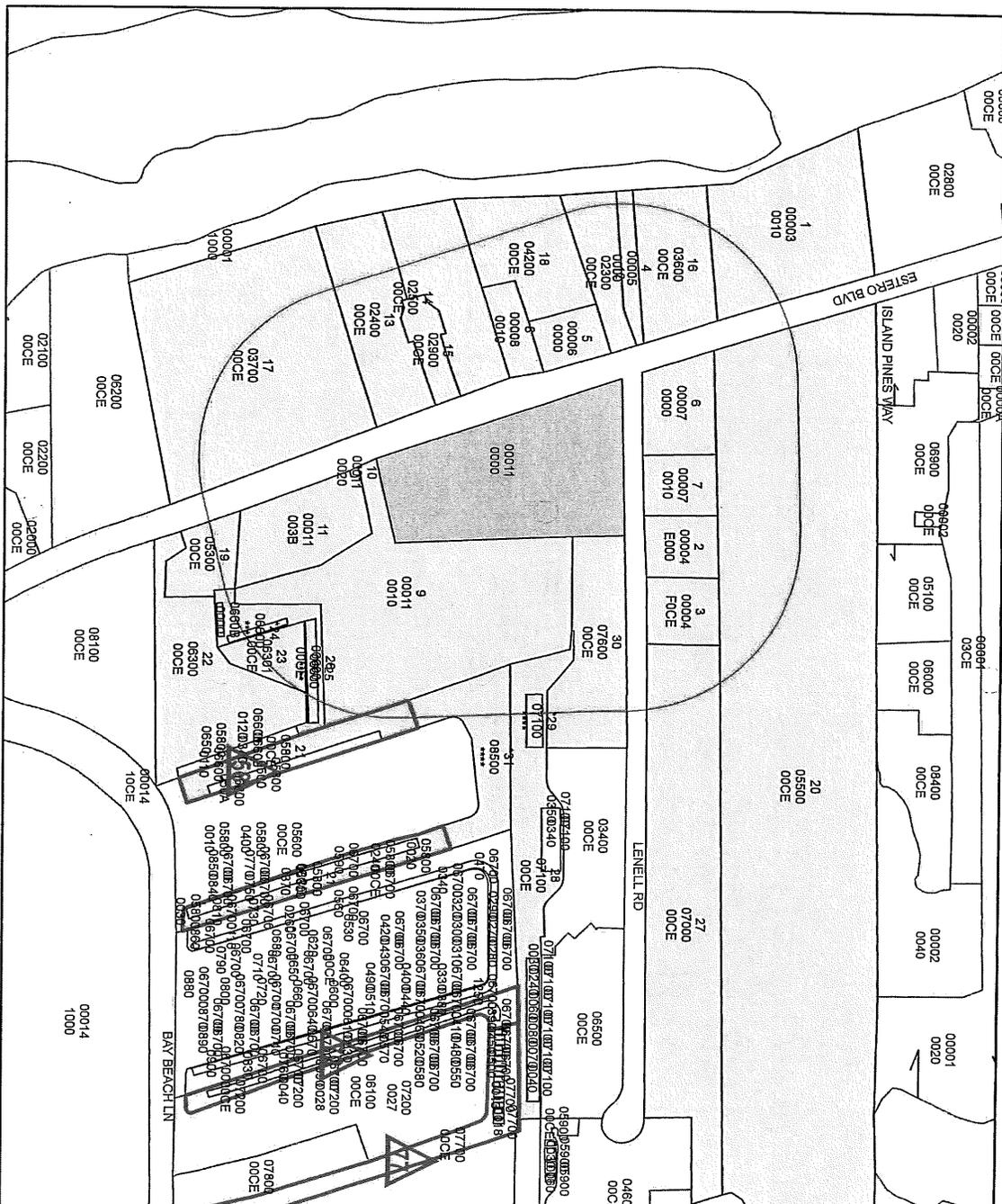
Date Received _____
Date of Sufficiency/Completeness _____

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.

VARIANCE REPORT

Subject Parcels : 1 Affected Parcels : 78 Buffer Distance : 500 ft



03-47-24-W1-00011.0000

510 255 0



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: February 01, 2010
Buffer Distance: 500 ft
Parcels Affected: 78
Subject Parcel: 03-47-24-W1-00011.0000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
FMB LLC 6890 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-00003.0010 6890 ESTERO BLVD FORT MYERS BEACH FL 33931	S 460 FT OF N 1060 FT OF GOVT LOT 1 LYING WLY OF ESTERO BLVD	1
TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-00004.E000 131 LENELL RD FORT MYERS BEACH FL 33931	PARL IN GOVT LT 1 S 03 T 47 R 24 DESC IN OR 1666 PG 4620	2
ESTERO BAY IMPROVEMENT ASSN 3435 10TH ST NORTH #201 NAPLES FL 34103	03-47-24-W1-00004.F0CE 151 LENELL RD FORT MYERS BEACH FL 33931	PARLS PER OR 1086 PG 56 + OR 1216/1030 LESS 4.E + 7.000+OR 2657/92+ OR2902/0657	3
ROBERTS RALPH L SR TR RLR INVESTMENTS LLC ACCOUNTS PAYABLE PO BOX 8000 WILMINGTON OH 45177	03-47-24-W1-00005.0000 6950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG INTSEC N LI OF S 60 FT GOVT LOT 1 + W LI ESTERO BLVD TH WLY ALG SD LI 285	4
SOUTHLAND CORPORATION CORPORATE TAX DEPT PO BOX 711 DALLAS TX 75221	03-47-24-W1-00006.0000 7120 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN G L 2 DESC OR 1427 PB 778	5
CLEVELAND MEADOWS LLC OCCUPANCY EXPENSE DEPT 3611-01 1 CVS DR WOONSOCKET RI 02895	03-47-24-W1-00007.0000 7001 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN GOVT LOT 1 DESC IN OR 1653 PG 0240 LESS PARL 7.0010	6
FORT MYERS BEACH FIRE CONTROL PO BOX 2880 FORT MYERS BEACH FL 33932	03-47-24-W1-00007.0010 121 LENELL RD FORT MYERS BEACH FL 33931	PARL IN GOVT LOT 1 DESC IN OR 1821 PG 702	7
MULTILATERAL PARTNERS 7825 FAY AVE STE 200 LA JOLLA CA 92037	03-47-24-W1-00008.0010 7128-32 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SEC 3 TWP 47 R 24 DESC IN OR 1281 PG 1311	8
FISH TALE MARINA 7225 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-00011.0010 7225 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN GOV LOT 2 DESC OR 1798/1713 + OR2040 /4581 + 4596 LES .0020	9
FISH TAIL MARINA 7225 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-00011.0020 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN GOVT LOT 2 DESC OR 2459 PG 2440	10
FISH TAIL MARINA 7225 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-00011.003B 7295 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN GOV LOT 2 AS DESC OR 2040 PG 4592 + LESS PAR DESC OR 2129/3916	11
ISLAND REEF CONDO ASSOC INC 7000 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-02300.00CE 7002 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND REEF CONDO DESC OR 838/866+2676/2917 CE:POOL	12
CRECIENTE CONDO SOUTH 7150 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-02400.00CE COMMON ELEMENT FORT MYERS BEACH FL 33931	CRECIENTE CONDO SOUTH COMMON AREA OR 849 P 120 THRU 174	13
CRECIENTE CONDO NORTH 7150 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-02500.00CE 7148 ESTERO BLVD FORT MYERS BEACH FL 33931	CRECIENTE CONDO NORTH COMMON AREA OR 1056 P 832	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CRECIENTE CONDO EAST 7150 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-02900.00CE COMMON ELEMENT FORT MYERS BEACH FL 33931	CRECIENTE CONDO EAST COMMON AREA OR 1242 PG 101	15
SAND CAPER CONDOASSOC INC 6900 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-03600.00CE 6902 ESTERO BLVD FORT MYERS BEACH FL 33931	SAND CAPER CONDO DESC OR 1315 PG 1950 CE:POOL	16
ESTERO BEACH + TENNIS SENTRY MANAGEMENT INC 2180 W STATE ROUTE 434 # 5000 LONGWOOD FL 32779	03-47-24-W1-03700.00CE 7302 ESTERO BLVD FORT MYERS BEACH FL 33931	ESTERO BEACH + TENNIS CLUB CONDO OR 1357 PG 125 COMMON ELEMENTS	17
TERRA MAR CONDO ALLIANT PROPERTY MGMT LLC 6719 WINKLER RD STE 200 FORT MYERS FL 33919	03-47-24-W1-04200.00CE 7102 ESTERO BLVD FORT MYERS BEACH FL 33931	TERRA MAR CONDO COMMON AREA DESC IN OR 1434 PG 689	18
SANTA MARIA RESORT CONDO ASSOC INC 6640 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-05300.00CE 7305 ESTERO BLVD FORT MYERS BEACH FL 33931	SANTA MARIA RESORT CONDO DESC OR 1739 PG 0295 COMMON ELEMENTS	19
ESTERO COVE CONDO ASSOCIATION 6891 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-05500.00CE COMMON ELEMENTS FORT MYERS BEACH FL 33931	ESTERO COVE CONDO DESC OR 1765 PG 2993 COMMON ELEMENTS + UNIT 312	20
ROYAL PELICAN BOATING ALLIANT PROPERTY MGMT LLC 6719 WINKLER RD STE 200 FORT MYERS FL 33919	03-47-24-W1-05800.00CE HDR: ROYAL PELICAN FORT MYERS BEACH FL 33931	ROYAL PELICAN BOATING ASSN COMMON AREA DESC OR 1863 PG 2733 DOCKS 1 THRU 79A	21
SANTA MARIA II CONDO ASSOC 6640 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-06300.00CE COMMON ELEMENT FORT MYERS BEACH FL 33931	COMMONS ELEMENTS DESC OR 2259 PG 4512	22
SANTA MARIA MASTER ASSOC INC 6640 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-06301.00CE 7321 ESTERO BLVD FORT MYERS BEACH FL 33931	SANTA MARIA RESORT + SANTA MARIA II DESC OR 1739/0295 RECREATION COMMON ELEMENT	23
SANTA MARIA DOCK COOPERATIVE ROBERT K JOHNSTON 1129 TINKERHILL LN MALVERN PA 19355	03-47-24-W1-06600.0010 BOAT DOCK 1 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 1 + DAVIT + BOATLIFT	*24
SANTA MARIA DOCK COOPERATIVE PATRICK J + PATRICIA MURPHY 300 CENTRAL POINT ROAD LAKE CITY MN 55041	03-47-24-W1-06600.0020 BOAT DOCK 2 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 2	*24
SANTA MARIA DOCK COOPERATIVE PATRICK + GAIL MCCARTHY 5838 N NAVARRE AVE CHICAGO IL 60631	03-47-24-W1-06600.0030 BOAT DOCK 3 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 3 + BOATLIFT	*24
SANTA MARIA DOCK COOPERATIVE ROGER J FUERSTENBERG 2627 NATURE VIEW CT ROSEVILLE MN 55113	03-47-24-W1-06600.0040 BOAT DOCK 4 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 4 + LIFT	*24
SANTA MARIA DOCK COOPERATIVE RICHARD + NANCY JONES 1295 WATSON AVE SAINT PAUL MN 55116	03-47-24-W1-06600.0050 BOAT DOCK 5 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 5	*24
SANTA MARIA DOCK COOPERATIVE HERBERT M + MICHELLE M KOCH TR 275 LORENZ ST LORETTO MN 55357	03-47-24-W1-06600.0060 BOAT DOCK 6 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 6	*25
SANTA MARIA DOCK COOPERATIVE WALLACE + SHARON MACPHAIL 16295 SOMERFIELD RD HEMLOCK MI 48626	03-47-24-W1-06600.0070 BOAT DOCK 7 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 7	*25
SANTA MARIA DOCK COOPERATIVE RONALD HADLEY 4055 CR 13 BELLEFONTAINE OH 43311	03-47-24-W1-06600.0080 BOAT DOCK 8 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 8	*25
SANTA MARIA DOCK COOPERATIVE JOHN M + JULIEANNE R FORMELLER 1289 BRADLEY LN ELK GROVE VILLAGE IL 60007	03-47-24-W1-06600.0090 BOAT DOCK 9 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 9	*25

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SANTA MARIA DOCK COOPERATIVE 6640 ESTERO BLVD FORT MYERS BEACH FL 33931	03-47-24-W1-06600.00CE COMMON ELEMENTS FORT MYERS BEACH FL 33931	SANTA MARIA DOCK COOPERATIVE OR1582/1583 +2259/4517 COMMON ELEMENTS	26
SANTA MARIA DOCK COOPERATIVE STEPHEN + ELIZABETH OROURKE 44A SQUIRRELS HEATH LN ENGLAND RM112EA UNITED KINGDOM	03-47-24-W1-06600.0100 BOAT DOCK 10 FORT MYERS BEACH FL 33931	SANTA MARIA DOCK CO-OP OR 2264 PG 1583 BOAT DOCK 10 + LIFT	*25
OSTEGO BAY II CONDO ASSOC INC 1661 ESTERO BLVD STE 22 FORT MYERS BEACH FL 33931	03-47-24-W1-07000.00CE 253 LENELL RD FORT MYERS BEACH FL 33931	OSTEGO BAY II CONDO DESC OR 2657 PG 92 COMMON ELEMENTS	27
OSTEGO BAY YACHT CLUB ASSN INC 27180 BAY LANDING DR STE 4 BONITA SPRINGS FL 34135	03-47-24-W1-07100.00CE COMMON ELEMENTS FORT MYERS BEACH FL 33931	OSTEGO BAY YACHT CLUB DESC OR 2344 PG 0955 COMMON ELEMENTS	28
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OSTEGO BAY YACHT CLUB DENNIS + KAREN DOUGHERTY 27180 BAY LANDING DR STE 4 BONITA SPRINGS FL 34135	03-47-24-W1-07100.0380 BOAT DOCK FORT MYERS BEACH FL 33931	OSTEGO BAY YACHT CLUB OR 2344/955 + OR 3354/1164 BOAT DOCK 38 + LIFT	*29
OSTEGO BAY YACHT CLUB CHARLES E + JANICE B HORRELL 27180 BAY LANDING DR STE 4 BONITA SPRINGS FL 34135	03-47-24-W1-07100.0390 BOAT DOCK FORT MYERS BEACH FL 33931	OSTEGO BAY YACHT CLUB OR 2344/955 + OR 3354/1164 BOAT DOCK 39	*29
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OSTEGO BAY YACHT CLUB TIMM HOLDINGS LC 27180 BAY LANDING DR STE 4 BONITA SPRINGS FL 34135	03-47-24-W1-07100.0440 BOAT DOCK FORT MYERS BEACH FL 33931	OSTEGO BAY YACHT CLUB OR 2344/955 + OR 3354/1164 BOAT DOCK 44	*29
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0003 BOAT SLIP 3 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 3	*31
ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0004 BOAT SLIP 4 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 4	*31
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0008 BOAT SLIP 8 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 8	*31
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0012 BOAT SLIP 12 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 12	*31
ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0013 BOAT SLIP 13 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 13	*31
ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0014 BOAT SLIP 14 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 14	*31
ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0015 BOAT SLIP 15 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 15	*31
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0017 BOAT SLIP 17 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 17	*31
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0023 BOAT SLIP 23 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 23	*31

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PITTEKOW CHARLES R + DIANE C 4191 BAY BEACH LN #275 FORT MYERS BEACH FL 33931	03-47-24-W1-08500.0025 BOAT SLIP 25 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 25+ LIFT	*31
DANGELO ROBERT 25543 RANCHWOOD DR FARMINGTON HILLS MI 48335	03-47-24-W1-08500.0026 BOAT SLIP 26 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 26+ LIFT	*31
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0029 BOAT SLIP 29 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 29	*31
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ROYAL PELICAN DOCKS LLC PO BOX 2630 WESTPORT CT 06880	03-47-24-W1-08500.0031 BOAT SLIP 31 FORT MYERS BEACH FL 33931	ROYAL PELICAN DOCKS AT BAY BEACH AS DESC IN INST #2007-20910 BOAT SLIP 31	*31
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