



Town of Fort Myers Beach
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT

TYPE OF CASE: Special Exception
CASE NUMBER: FMBSEZ2010-0003 (Mermaid Lounge & Liquor)
LPA HEARING DATE: May 10, 2011
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Voxen, Inc.

Request: Special Exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in an outdoor seating area within 500 feet of dwelling unit under separate ownership.

Subject Property: Crescent Park
Blk A Pb 4 Pg 39
Lots 3 Thru 7

Physical Address: 1204 Estero Boulevard Fort Myers Beach, FL 33931

STRAP #: 19-46-24-W4-0140A.0030

FLU: Pedestrian Commercial

Zoning: DOWNTOWN

Current use(s): Liquor Store & Lounge with a 4COP liquor license

Adjacent existing use(s), current zoning, and future land use:

North: Hotel/Motel uses;
DOWNTOWN
Pedestrian Commercial

South: Beach, Gulf of Mexico;
ENVIRONMENTALLY CRITICAL
Pedestrian Commercial

East:	Hotel/Motel uses <i>DOWNTOWN</i> Pedestrian Commercial
West:	Canal Street, mixed uses <i>DOWNTOWN</i> Pedestrian Commercial

II. BACKGROUND AND ANALYSIS

Background:

The subject property is located at 1204 Estero Boulevard at the corner of Canal Street and Estero Boulevard. The subject property is located within the Times Square area (i.e. the Downtown Core area) as described in the Comprehensive Plan.

The existing uses on the property are a cocktail lounge and package sales liquor store. The cocktail lounge and liquor store have separate entrances. The property is in possession of a state issued 4COP liquor license which permits beer, wine and liquor package sales; and beer, wine, and liquor sales by the drink for consumption on premises.

The cocktail lounge use, known as The Mermaid Lounge, is one of only a handful of traditional bars (the establishment serves alcohol without serving food) on Fort Myers Beach and as such wishes to retain that distinctive status.

In addition to the special exception request, the applicant is planning on making substantial improvements to the existing building, bringing the building into compliance with the Americans with Disabilities Act by providing an accessible entrance ramp and accessible restroom facilities. They also would like to be able to serve pre-packaged food from a new limited kitchen facility.

Along with these improvements the applicant plans to build a 803 square foot deck covered by an open air Tiki Hut. The request of this application is to allow outdoor consumption on premises within the proposed new deck and Tiki Hut area in the back of the subject property and in a 140 square foot patio area in the front. These areas are illustrated in the attached **Exhibit A**.

Analysis:

The regulations of the DOWNTOWN zoning district as found in LDC Section 34-678, encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street. However, when it comes to bars and cocktail lounges, the code is much less specific about those uses being permitted the same outdoor space as a restaurant other than allowing for the request through special exception (See LDC Section 34-1264(a)(2)).

This vicinity is one of the most intensive commercial areas of the Town, and aside from a minimal number of residential units, it is located generally away from the intensely residential areas of the island. The subject property is located in the Downtown zoning district with close proximity to Times Square and Old San Carlos Boulevard, where many other establishments, generally restaurants with bars, serve alcohol on the premises and include outdoor seating areas. Thus the request for outdoor consumption on premises is appropriate at this location.

The sidewalks on both sides of Estero Boulevard, the availability of commercial parking lots, and the popular use of the beach near the Lee County fishing pier, Lynn Hall Park, and the new Lee County Park across from Seafarers help to attract beach-going pedestrians to the area. The applicants' cocktail lounge is among a large number of commercial and retail uses in this part of the Town, several of which have outdoor seating near the beach. The presence of visiting pedestrians transitioning between parking areas, retail stores, restaurants, the beach, and nearby motels, is a long-established custom that will not be altered by approval or denial of the current request. The immediate vicinity is within the Pedestrian Commercial future land use category and the Comprehensive Plan's vision of this area does not require that it be transformed from an intensively commercial area into a primarily residential district. Furthermore, the Comprehensive Plan specifically contemplates that the Times Square area (i.e. Downtown Core Area) will include a more intensive mix of commercial activities including outdoor uses.

The applicant indicates their intent to operate between the hours of 9:00 am and 2:00 am, hours that are just within the allowable external limits set forth in Town Ordinance 96-06, which prohibit service between 2:00 am and 7:00 am throughout Fort Myers Beach. Although the applicant has provided these operation hours (9:00 am - 2:00 am) in order to limit the use to these hours (or any other hours other than 7:00 am to 2:00 am daily) the Town Council may find that a condition is necessary to protect the public health, safety, and welfare. Further, while the applicant has not requested music or any other audible outdoor entertainment uses, Staff suggests that due to the subject property's location within easy access to the Beach, that Town Council take the opportunity to condition potential future audible entertainment hours in addition to the standard operating hours.

The proposed deck and Tiki Hut will add an additional 803 square feet and the proposed patio will add 140 square feet to the existing lounge use. Currently the subject property provides 25 parking spaces onsite. When subject to the applicable parking requirements found in LDC Sections 34-2020 and 34-676, the proposed additional square footage both in outdoor areas and the remodeled restroom facilities, etc require 2 additional parking spaces, beyond what is currently provided. The applicant is willing to amend the parking plan to provide 28 total parking spaces as well as a permanent bike rack for a minimum four (4) bicycles. This revised parking plan is illustrated in **Exhibit A**. The proposed deck and Tiki Hut, and the proposed new front patio are the only areas to be used for outdoor consumption and are the sole areas being considered by this application.

In the past, Lee County and the Town issued location-specific approvals for alcoholic beverage uses which sometimes contained limitations on the number of seats and the type and/or series of license, possibly in an effort to limit potentially adverse effects on the neighboring properties and possibly to aid with enforcement issues involving unauthorized expansions. 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. 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 owner may find it economically advantageous to acquire a different type or series of state beverage license or use it in conjunction with a full restaurant use. Further, the LDC does not distinguish between establishments that serve beer, establishments that serve beer and wine, and establishments that serve beer, wine, and liquor; therefore Staff has no basis in policy to develop theories or evidence to support the notion that locations serving any combination of the three should be regulated differently by the Town.

Findings and Conclusions:

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

The Comprehensive Plan notes in the Consensus on Commercial Uses: "The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite severe congestion during peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings."

As contemplated in the Comprehensive Plan, the Times Square area has continued to emerge as a vibrant urban core for the Town, and as such the area can support a more intensive variety of uses which is consistent with the applicant's 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 located in what the Comprehensive Plan terms the Downtown Core. The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an 'Old Estero Island' character to

the buildings.” The applicant’s request for outdoor consumption on premises is in fitting with the vision for the area as described above.

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

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

The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is however, a use permitted by special exception. (See Section 34-1264(a)(2)).

The applicant’s request is appropriate at this site due to the subject property’s location in the Downtown Core Area, and is in keeping with the goals, objectives, policies and intent of the Comprehensive Plan which describes a vibrant tourist commercial district in the Downtown Core.

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

The proposed outdoor consumption application will have virtually no negative effects on the environmentally critical areas and natural resources of Fort Myers Beach as the subject property and proposed deck and Tiki Hut in question are located in an established commercial district far from environmentally critical areas and sensitive 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 subject property and the area immediately surrounding it, is within the Pedestrian Commercial future land use category and the Comprehensive Plan’s vision of this area does not require that it be transformed from an intensively commercial area into a primarily residential district. It possesses a vibrant mix of uses and such Staff feels the applicant’s request is compatible and appropriate within its neighborhood.

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

The outdoor consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but limited to 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

III. RECOMMENDATION

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 following conditions are reasonably related to the special exception requested.

With consideration to the current and existing conditions, Staff recommends **APPROVAL** of the requested special exception to allow the consumption on premises of alcoholic beverages in a location providing outdoor seating areas within 500 feet of 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 property used for outdoor consumption on premises must be confined entirely to the proposed deck and Tiki Hut and the proposed front patio shown on the attached survey/site plan and referenced as **Exhibit A**. The deck and Tiki Hut area will be enclosed within a 42 inch railing, except for access points, and the front patio will be enclosed with a dense hedge maintained at a minimum of 36" further delineating the outdoor consumption area from other outdoor areas of the subject property.
2. Sales, service, and consumption of alcoholic beverages outdoors must not begin earlier than 9:00 am and must end no later than 2:00 am each day.
3. Music and other audible entertainment are prohibited before 11:00 AM and after 10:00 PM Sunday through Thursday and 11:00 AM and after 11:00 PM Friday and Saturday in outdoor seating areas, and must comply at all times with applicable Town noise ordinances.

IV. CONCLUSION

Regulations for the DOWNTOWN zoning district encourage outdoor dining, and many restaurants within the district have capitalized on 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).

As an existing cocktail lounge that does not serve a full menu, the applicant does not fit the restaurant specifications, addressed in LDC Section 34-678. However the LDC does not particularly address or give guidance to requests for outdoor consumption on premises for cocktail lounge and bar uses. It then falls to analysis and review of context and compatibility for considering the applicant's request. The area surrounding the subject property is one of the most intensive commercial areas of the Town, and aside from a minimal number of residential units, it is located generally away from the intensely residential areas of the island. The subject property is located in the Downtown zoning district with close proximity to Times Square and Old San Carlos Boulevard, where many other establishments, generally restaurants with bars, serve alcohol on the premises and include outdoor seating areas. Thus the request for outdoor consumption on premises is appropriate at this location. When considering the context and compatibility of the subject property's requested use along with the applicant's provided hours of operation and tempered with the conditions listed previously, Staff finds that the outdoor consumption on premises is a compatible and appropriate 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). 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 recommends **APPROVAL** of the requested special exception, as conditioned.

**Boundary Survey with
Proposed Parking Layout of:
1204 Estero Boulevard
Lots 3 through 7
Block A, Crescent Park**

(Plat Book 4, Page 39)
Section 19, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida

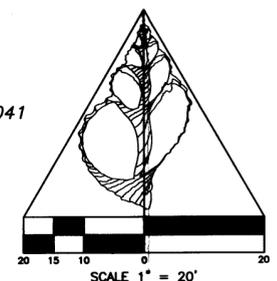


EXHIBIT A

NOTE: PARKING CALC'S
 28 SPACES PROVIDED
 CONDITIONED SPACE $1836 \times 1000 \div 15 = 27.50$
 OUTSIDE SEATING $943 \div 75 = 12.50$
 BIKE RACKS - 1 SPACE $40.00 \times .67 = 27$
 NEEDED 28

- SURVEY NOTES:**
- MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 - SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 - UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 - REPRODUCTIONS OF THIS DRAWING ARE VOID UNLESS SEALED WITH SIGNERS EMBOSSED SURVEYOR'S SEAL.
 - THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.
 NATIONAL FLOOD INSURANCE INFORMATION:
 COMMUNITY NUMBER 120 673
 PANEL NUMBER 0554
 SUFFIX F
 EFFECTIVE DATE 08/28/2008
 FIRM ZONE VE
 BASE FLOOD ELEVATION +17' (NAVD 88)
 - DATE OF LAST FIELD WORK : 7/20/2009
 - THIS BOUNDARY SURVEY WAS COMPLETED WITHOUT BENEFIT OF AN UP TO DATE TITLE COMMITMENT.
 - ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER.
 COPYRIGHT 2009, ANDREW D. JOHNSON, PSM, ALL RIGHTS RESERVED.
 DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ANDREW D. JOHNSON, PSM.
 - THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO THIRD OR OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
 - DNR CONTROL MONUMENTS HELD AS FIXED USING RTK GPS OBSERVATIONS. ALL COORDINATES SHOWN ARE STATE OF FLORIDA WEST ZONE 1983(90), US SURVEY FOOT
 12-83-A25A 1988 N 770294.25 E 670824.87
 12-83-A26 1988 N 769158.59 E 673959.37
 - GPS PROCESSING SOFTWARE IS TOPCON TOOLS VER.6.04.02.
 - NO NEW STATIONS WERE ESTABLISHED DURING THE COURSE OF THIS SURVEY.

- ABBREVIATIONS:**
- D = PER DEED
 - P = PER PLAT
 - M = MEASURED
 - E/P = EDGE OF PAVEMENT
 - A/C = AIR CONDITIONER
 - R/W = RIGHT-OF-WAY
 - C = CENTERLINE
 - OR = OFFICIAL RECORDS BOOK
 - PG = PAGE
 - CONC = CONCRETE
 - CCCL = COASTAL CONSTRUCTION CONTROL LINE

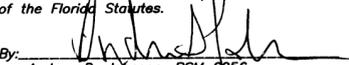
- SYMBOL KEY:**
- = MONUMENT AS NOTED
 - = CONCRETE MONUMENT
 - △ = NAIL AND DISK
 - ⊙ = WOOD POWER POLE
 - ⊕ = SEWER CLEAN OUT
 - ⊞ = TELEPHONE PEDESTAL
 - ⊟ = CABLE TELEVISION PEDESTAL
 - ⊠ = 240 VOLT ELECTRIC SERVICE

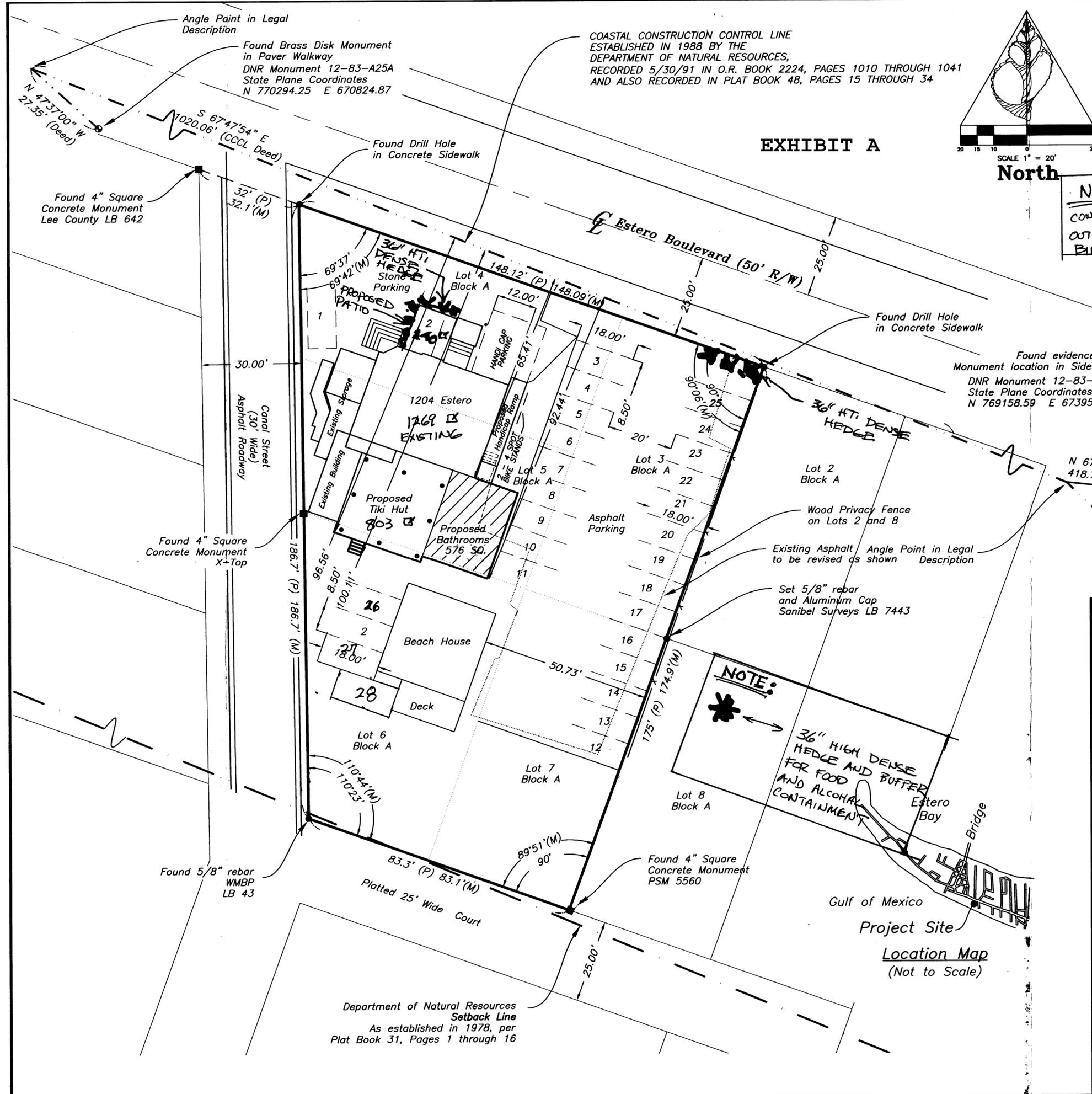
REVISIONS	DATE
Proposed Parking	8/24/09

Certified to:
 Scott Vanselow
 Kathryn Vanselow
 Town of Fort Myers Beach
 State of Florida

JOB #09019

SANIBEL SURVEYS
 2410 Palm Ridge Road
 Sanibel Florida 33957
 472-0095
 sanibelsurveys@gmail.com
 Licensed Business No. 7443

I hereby certify that this survey was made under my responsible charge and meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 of the Florida Administrative Code, pursuant to Section 472.0027 of the Florida Statutes.
 By: 
 Andrew D. Johnson, PSM 6256
 Date Signed: _____



NOTE:
 36" HIGH DENSE HEDGE AND BUFFER FOR FOOD AND ALCOHOL CONTAINMENT

Location Map
(Not to Scale)

Department of Natural Resources
Setback Line
 As established in 1978, per
 Plat Book 31, Pages 1 through 16

Angle Point in Legal Description
 Found Brass Disk Monument in Paver Walkway
 DNR Monument 12-83-A25A
 State Plane Coordinates
 N 770294.25 E 670824.87

COASTAL CONSTRUCTION CONTROL LINE
 ESTABLISHED IN 1988 BY THE
 DEPARTMENT OF NATURAL RESOURCES,
 RECORDED 5/30/91 IN O.R. BOOK 2224, PAGES 1010 THROUGH 1041
 AND ALSO RECORDED IN PLAT BOOK 48, PAGES 15 THROUGH 34

Found evidence of Monument location in Sidewalk
 DNR Monument 12-83-A26
 State Plane Coordinates
 N 769158.59 E 673959.37

Found 4" Square Concrete Monument X+Top

Found 5/8" rebar WMBP LB 43

Found 4" Square Concrete Monument Lee County LB 642

Found Drill Hole in Concrete Sidewalk

Found Drill Hole in Concrete Sidewalk

Found Drill Hole in Concrete Sidewalk

Wood Privacy Fence on Lots 2 and 8
 Existing Asphalt to be revised as shown
 Set 5/8" rebar and Aluminum Cap Sanibel Surveys LB 7443

Found 4" Square Concrete Monument PSM 5560

Canal Street Asphalt Roadway (30' Wide)

Platted 25' Wide Court

Gulf of Mexico

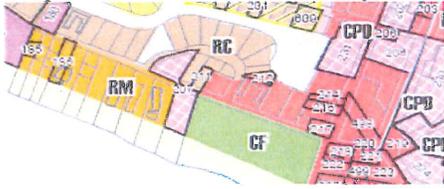
Project Site

Location Map (Not to Scale)

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



TOWN OF
FORT MYERS BEACH

APR 19 2011

RECEIVED BY

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.

Project Name: <i>Mermaid</i>
Authorized Applicant: <i>William E. Whitley</i>
LeePA STRAP Number(s): <i>19-46-27-04-0170.A, 0050</i>

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

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):	VOXEN INC		
Address: Street:	1204 ESTERO BLVD.		
City:	FT MYERS BEACH	State:	FL Zip Code: 33931
Phone:	239-823-1325		
Fax:	239-765-9300		
E-mail address:	MERMAIDLANDL @ GMAIL . 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 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:	William E. Whitley		
Mailing address: Street:	22501 Biscayne Lagoon		
City:	FT MYERS BEACH	State:	FL Zip Code: 33931
Contact Person:	GENE WHITLEY		
Phone:	239-463-0203	Fax:	239-463-5010
E-mail address:			

D. Other agents:

Name(s):	David Eastwick		
Mailing address: Street:	123 Baywood Ave.		
City:	FT MYERS BEACH	State:	FL Zip Code: 33931
Phone:	980-3291	Fax:	---
E-mail address:	Five Beach Buddies . Com		

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: <i>outdoor Seating w/ Alcohol</i>
<input type="checkbox"/> Variance for:
<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

PART IV - Property Ownership

<input type="checkbox"/> Single owner (individual or husband and wife)
Name: <i>Scott & Kathryn Varselow</i>
Address: Street: <i>1204 Sycamore Blvd.</i>
City: <i>Ft. Myers Beach</i> State: <i>FL</i> Zip Code: <i>33931</i>
Phone: <i>239-823-1325</i> Fax: <i>239-765-9300</i>
E-mail Address: <i>WalmartLAndL@GMail.com</i>

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<input 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: <i>Crescent Park</i>
Plat Book Number: <i>4</i> Page: <i>37</i> Unit: Block: <i>A</i> Lot: <i>3 that 7</i>
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):

<i>19-AB-24-W4-0140A, 0130</i>

D Property Dimensions:

Area: <i>21802.5</i> square feet <i>0.498</i> acres <i>1/2</i>
Width along roadway: <i>148.09</i> feet Depth: <i>174.9</i> feet

E. Property Street Address:

<i>1204 Estero Blvd.</i>

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

<i>Cross Sky Bridge go approx 1/8 mi - on Right (1204 Estero Blvd)</i>
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 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 checked="" type="checkbox"/> Yes <input 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 _____
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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, KATHRYN VAN SELOW, as OWNER
of 123456, 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

<u>123456</u>	<u>Kathryn Van Selow</u>
Name of Entity (corporation, LLC, partnership, etc)	Signature
<u>Secretary</u>	<u>Kathryn Van Selow</u>
Title of Signatory	Typed or Printed Name

State of Florida
County of LEE

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this 24th OF FEBRUARY by KATHRYN VAN SELOW
Date Name of person under oath or affirmation

who is personally known to me or who has produced
Type of identification
as identification.

<u>[Signature]</u>	<u>ANGELA M HERNANDEZ</u>
Signature of person administering oath	Typed or Printed Name



SEAL:

Explanatory Notes – General

Submit any plans, sketches, drawings, or other attachments in hard copy and in a commonly accessible electronic format such as .pdf.

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

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

1. To request a special exception, complete and attach supplemental form PH-A.
2. To request a variance, complete and attach supplemental form PH-B.
3. To requests conventional rezoning, complete and attach supplemental form PH-C.
4. To request planned development rezoning or an amendment to an existing planned development that requires a public hearing, complete and attach supplemental form PH-D.
5. To request extension of a Master Concept Plan for a planned development, complete and attach supplemental form PH-E.
6. To request an appeal of an administrative action, complete and attach supplemental form PH-F.
7. For a Development of Regional Impact, schedule a pre-application meeting with the Community Development Director to discuss the process.
8. Other public hearing applications 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 property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.

C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.

D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action. Refer briefly to the specific action requested, such as “variance for reduced rear setback to 15 feet” or “planned development rezoning from CB to CPD”

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Request waivers of requirements before applying.

Explanatory Notes – Part IV

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

If there are multiple property owners, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.

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

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

State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 4-5.

Explanatory Notes – Part V

- A. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an “unrecorded” subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line.
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line.
- C. 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>.
- D. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- E. Include the street address of the property.
- F. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which).

- G. If there are any deed restrictions or covenants that might affect the requested action, provide the information.
- H. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- I. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
- J. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part VI

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

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

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

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

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

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

EXHIBIT 4-1
DISCLOSURE OF INTEREST FORM

STRAP# 19-46-24-024-01404, 0030

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

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
SCOTT VANSELOW	50
KATHRYN VANSELOW	50

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

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

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

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

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 _____
Applicant

Printed or typed name of applicant

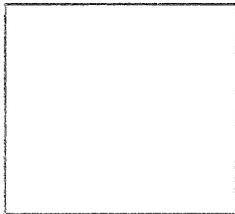
STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did (or did not) take an oath.

Signature of Notary

Typed or Printed Name of Notary

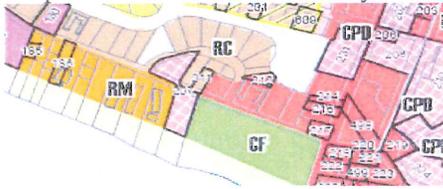
SEAL:



Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Supplement PH-A

Additional Required Information for a
Special Exception Application

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

Project Name: <i>Mermaid</i>
Authorized Applicant: <i>William E. Whitley - David Eastbrook</i>
LeePA STRAP Number(s): <i>19-46-24-W4-0140A, 0030</i>

Current Property Status:
Current Zoning: <i>Downtown</i>
Future Land Use Map (FLUM) Category: <i>Pedestrian Commercial</i>
Platted Overlay? <i>X</i> yes ___no FLUM Density Range:

Requested Action:

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

For Consumption of Alcoholic Beverages (COP) license approval:

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

For transit terminals:

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

For use of the EC zoning district:

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

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

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

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

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

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

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

Part 1 Narrative Statements:

"Request for..."

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

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

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

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

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

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

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

Part 2 Submittal Requirements

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

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

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2011-____
FMBSEZ2010-0003 (Mermaid Lounge & Liquors)

WHEREAS, applicant Voxen, Inc. has requested a Special Exception in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in an outdoor seating area within 500 feet of a dwelling unit under separate ownership; and

WHEREAS, the subject property is located at 1204 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W4-0140A.0030 and the legal description of the subject property is Lots 3 through 7, Block A, Crescent Park Subdivision, according to the plat thereof recorded in Plat Book 4, Page 39 in the 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 May 10, 2011; and

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

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 in the DOWNTOWN zoning district to allow consumption-on-premises of alcoholic beverages in an outdoor seating area within 500 feet of a dwelling unit under separate ownership, with such approval subject to the following conditions:

RECOMMENDED CONDITIONS OF APPROVAL:

- 1. The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed deck and Tiki Hut and the proposed front patio shown on the attached survey/site plan and referenced as **Exhibit A**. The deck and Tiki Hut area will be enclosed within a 42 inch railing, except for access points, and the front patio will be enclosed with a dense hedge maintained at a minimum of 36"*

further delineating the outdoor consumption area from other outdoor areas of the subject property.

2. *Sales, service, and consumption of alcoholic beverages outdoors must not begin earlier than 9:00 am and must end no later than 2:00 am each day.*
3. *Music and other audible entertainment are prohibited before 11:00 AM and after 10:00 PM Sunday through Thursday and 11:00 AM and after 11:00 PM Friday and Saturday in outdoor seating areas, and must comply at all times with applicable Town noise ordinances.*

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:

The Comprehensive Plan notes in the Consensus on Commercial Uses: "The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach. Despite severe congestion during peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings."

As contemplated in the Comprehensive Plan, the Times Square area has continued to emerge as a vibrant urban core for the Town, and as such the area can support a more intensive variety of uses which is consistent with the applicant's request.

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 located in what the Comprehensive Plan terms the Downtown Core. The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an 'Old Estero Island' character to the buildings." The applicant's request for outdoor consumption on premises is in fitting with the vision for the area as described above.

Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Downtown Core/Times Square area as a "nucleus of commercial and tourist activities" with pedestrian oriented commercial

uses that enhance the experience of both the resident and visitor. Again, the applicant's request is in keeping with this vision, by providing an additional venue for the enjoyment of the unique outdoor environment of Fort Myers Beach.

3. The requested special exception, as conditioned, **meets or exceeds/does not meet or exceed** all performance and locational standards set forth for the proposed use.

The very nature of this application indicates that the requested use of outdoor consumption on premises is not a use allowable by right on the subject property. It is however, a use permitted by special exception. (See Section 34-1264(a)(2)).

The applicant's request is appropriate at this site due to the subject property's location in the Downtown Core Area, and is in keeping with the goals, objectives, policies and intent of the Comprehensive Plan which describes a vibrant tourist commercial district in the Downtown Core.

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

The proposed outdoor consumption application will have virtually no negative effects on the environmentally critical areas and natural resources of Fort Myers Beach as the subject property, proposed deck and Tiki Hut in question are located in an established commercial district that is located far from environmentally critical areas and sensitive natural resources.

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

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 outdoor consumption on premises of alcoholic beverages on the subject property will be required to comply with the applicable standards in the Fort Myers Beach LDC including but limited to Sections 34-678(7)(e)(1), 34-678(7)(e)(4), and 34-1264. Staff recommends finding that the requested use, as conditioned, is in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

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

Joanne Shamp, Chair	AYE/NAY	Bill Van Duzer, Member	AYE/NAY
Carleton Ryffel, Vice Chair	AYE/NAY	Rochelle Kay, Member	AYE/NAY
John Kakatsch, Member	AYE/NAY	Hank Zuba, Member	AYE/NAY

DULY PASSED AND ADOPTED THIS _____ day of MAY, 2011.

Local Planning Agency 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