

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 00- 14

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING / ~~DENYING~~ THE REQUEST FOR A SPECIAL PERMIT FOR  
CONSUMPTION ON PREMISES WITH OUTDOOR SEATING

WHEREAS, Saxe on the Beach has filed an application for a Special Permit in the C-1 (Commercial) district for consumption on premises (a 2COP license – beer and wine) for a group III restaurant with outdoor seating per LDC Section 34-1264 (a)(2)a.2.; and,

WHEREAS, the subject property is located at 1901 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as: Section 19, Township 46 South, Range 24 East; and,

WHEREAS, the applicant has indicated the property's current STRAP number are: 19-46-24-W4-0090B.0080 0; and,

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

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

FINDINGS AND CONCLUSIONS: The following findings and conclusions were made in conjunction with the approval / ~~denial~~ of the requested modification:

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

5. That the Special Permit, as conditioned, meets /~~does not meet~~ all performance and locational standards set forth for the proposed use.
6. That urban services will / ~~will not~~ be available and adequate to serve the proposed use when it is constructed.
7. That there are no environmentally critical areas or natural resources to be adversely affected by the Special Permit, as conditioned.
  - a. The consumption on premises is limited to a 2-COP beverage license to be used in conjunction with a restaurant, group III, including outdoor seating.
  - b. The applicant is limited to 47 seats with no more than 24 to be on the outside deck.
  - c. The location of the outdoor seating area is limited to a 453+/- square foot deck as designated on the applicant's site plan attached as Exhibit B.
  - d. The hours of operation for the outdoor seating will be restricted to the hours of 11:00 a.m. to 10:00 p.m. daily.
  - e. Entertainment and live music will be restricted to non amplified acoustic music such as but not limited to, classical guitar, violin, etc., and be contained indoors.
  - f. Lighting on the deck will be shuttered and shielded from the surrounding properties.
  - g. Parking must be in compliance with the Town requirements prior to the issuance of the beverage license.
  - h. Full menu will be available during hours of operation.

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

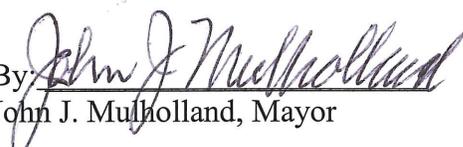
Anita T. Cereceda	aye
Daniel Hughes	aye
John Mulholland	nay
Garr Reynolds	absent
Ray Murphy	aye

APPLICATION DULY DENIED/GRANTED this 13th day of March, 2000.

ATTEST:

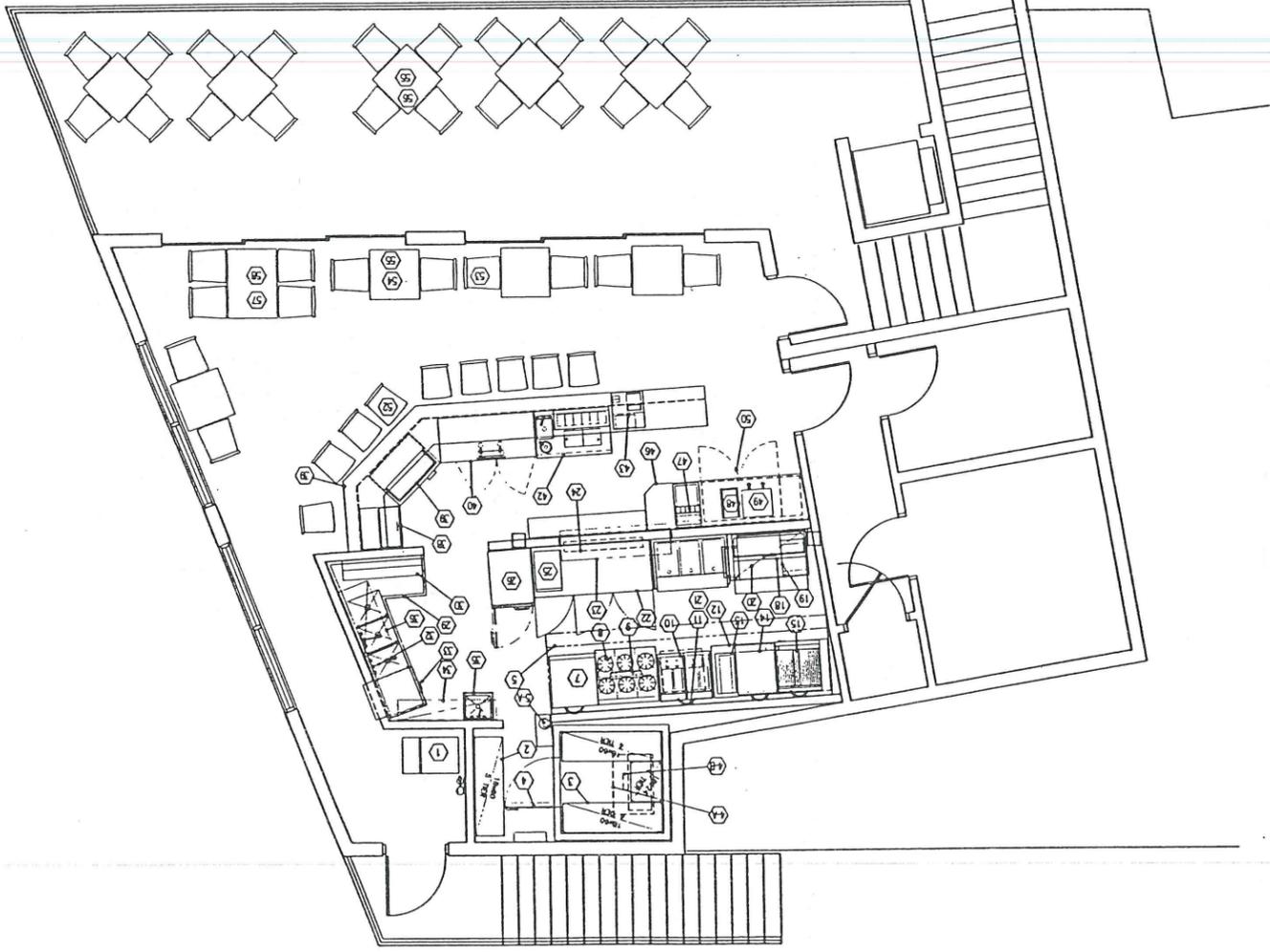
TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
John J. Mulholland, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney



**Food Service Equipment Schedule**

Item	Qty	DESCRIPTION
1	1	ICE CUBBER/BIN
2	1	SHELVING
3	1	SHELVING
4	1	WALK-IN COOLER
4A	1	REMOTE COMPRESSOR
4B	1	EVAPORATOR COIL, COOLER
5	1	EXHAUST HOOD
5A	1	FIRE SUPPRESSION SYSTEM
6	-	- SPARE NUMBER -
7	1	OVEN, GAS CONVECTION
8	1	RANGE, 6-BURNER
9	1	BROILER, GAS SALAMANDER
10	1	FRIER SYSTEM W/ FILTER
11	3	GAS HOSE
12	1	REFRIGERATED EQUIPMENT STAND
13	1	FOOD WARMER
14	1	GRIDDLE, GAS COUNTER UNIT
15	1	CHAMBROILER, GAS
16	-	- SPARE NUMBER -
17	-	- SPARE NUMBER -
18	1	REFRIGERATED PREP TABLE
19	1	CONVEYOR OVEN
20	1	WALL SHELF
21	1	HOT FOOD UNIT
22	1	REFRIGERATED COUNTER
23	1	DOUBLE OVERSHELF
24	1	HEAT LAMP
25	1	STEAMER, CONVECTION
26	1	FREEZER, REACH-IN
27	-	- SPARE NUMBER -
28	-	- SPARE NUMBER -
29	1	SOLID DISHABLE/SINKS
30	1	WALL SHELF W/ POT RACK
31	1	FAUCET
32	1	PRE-RINSE SPRAY
33	1	DISHWASHER, UNDERCOUNTER
34	1	WALL SHELF
35	1	HAND SINK
36	1	RACK SHELF-WALL MOUNT
37	1	COUNTER
38	1	GLASS FROSTER
39	1	BOTTLE COOLER
40	1	DRAFT BEER COOLER, DIRECT DRAW
41	-	- SPARE NUMBER -
42	1	ICE CREAM CABINET W/ SYRUP RAIL
43	1	POS TERMINAL
44	-	- SPARE NUMBER -
45	-	- SPARE NUMBER -
46	1	BACKBAR COUNTER
47	1	SOODA DISPENSER, BY VENDOR
48	1	TEA BREWER
49	1	COFFEE BREWER
50	1	BACKBAR REFRIGERATOR
51	-	- SPARE NUMBER -
52	9	COUNTER STOOL
53	32	CHAIR
54	1	TABLE
55	9	BASE
56	3	TABLE
57	1	TABLE
58	1	BASE

**RECEIVED**  
NOV 23 1999  
PERMIT COUNTER

EXHIBIT B

FOODSERVICE EQUIPMENT PLAN

PROJECT # Cap 2000-0000  
PROJECT TYPE \_\_\_\_\_

TITLE		SAXE ON THE BEACH	
JOB NO.		FT. MYERS BEACH, FLORIDA	
SHEET		DATE	
DRAWN		11/23/99	
CHK.		TM	
APP.			
SCALE		1/4"=1'-0"	
<small>This drawing is and remains the property of Beltram Foodservice Group. It is a complete and accurate representation of the equipment, plans, and the contract, and is subject to return on demand.</small>			
REV.	DATE	REVISION	
1			
2			
3			
4			
COMP. FILE DWG. NO.		Proj. Code: SAK	
DWG. DESIGN: TM			

**Beltram FOODSERVICE GROUP**

Tampa  
 6600 N. FLORIDA AVE  
 TAMPA, FL 33634  
 (813) 237-0851  
 FAX (813) 237-0851

Tarpon Springs  
 805 LANE OAK  
 TARPON SPRINGS, FL 34689  
 (813) 937-4291  
 FAX (813) 939-4261

Ft. Myers  
 2849 FOWLER STREET  
 FT. MYERS, FL 33901  
 (941) 334-4001  
 FAX (941) 334-4669

DRAWING NUMBER	
1901 ESTERO BLD FORT MYERS BEACH, FLA	
DATE: 7/9/99	SCALE: 1" = 10'
DRAWN BY: [Signature]	APPROVED BY: [Signature]
AN ADDITION TO PELICAN PLAZA-	

# EXHIBIT C

## PARKING - SITE PLAN

Approved as in Compliance  
Fl. Myers Beach Ordinance 198220  
[Signature]

