

**RESOLUTION NUMBER 2017-004 OF THE LOCAL PLANNING
AGENCY OF THE TOWN OF FORT MYERS BEACH FLORIDA
SEZ17-0003 – FISH-TALE MARINA RESTAURANT
CONSUMPTION ON PREMISES (COP) AND
OUTDOOR SEATING EXPANSION**

WHEREAS, applicant R. J. Ward, PE, authorized agent for Fish-Tale Marina is requesting a special exception consistent with Section 34-1264(a)(2) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 03-47-24-W1-00011.0010 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 7225 Estero Boulevard Fort Myers Beach, FL 33931, zoned Santini on the Official Zoning Map and the Pedestrian Commercial category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 8, 2017; 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 variances, 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 expand the consumption on premises and outdoor seating consistent with Section 34-1264(a)(2) of the LDC to allow a maximum **7,879±** square feet of restaurant and seating areas as depicted on the restaurant seating plan which includes a total of **272** seats.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Section 34-88 for granting a special exception, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **exist** changed or changing conditions which make approval of the request appropriate.
- B. The request **is consistent** with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request **meets or exceeds** all performance and locational standards set forth for the proposed use.
- D. The request **will** protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request **will** be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use **will** be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code including Chapter 34.


CONDITIONS OF APPROVAL

1. *Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only (consistent with LDC Section 34-1264(k)). Alcoholic beverage consumption on premises in conjunction with any other use, specifically including but not limited to a bar or cocktail lounge, will require a new approval in compliance with all applicable requirements of the LDC at that time.*
2. *The area of the subject property used for outdoor consumption on premises must be confined entirely to the proposed areas as shown on Exhibit C.*
3. *Sales, service and consumption of alcoholic beverages must not begin earlier than 7:00 AM. Sales must end no later than 10:00 PM each day.*
4. *Live entertainment is prohibited. No amplified music after 9:00 PM is permitted in the chickee hut.*
5. *Provide a 6 foot high wall consistent with LDO16-0007 adjacent to the Palm Harbor Condominiums to help mitigate noise emanating from the project.*

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

Hank Zuba, Chair	AYE	Suzie Katt, Vice Chair	AYE
Megan Heil, Member	excused	Dan Hendrickson, Member	AYE
Jane Plummer, Member	AYE	Scott Safford, Member	AYE
Lorrie Wolf, Member	AYE		


DULY PASSED AND ADOPTED THIS 8th day of AUGUST, 2017.

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: 
Jack Peterson
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk