

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2012- 020  
SEZ2012-0003 Pete's Time Out

WHEREAS, applicant John Lallo has requested approval of a Special Exception in the DOWNTOWN zoning district to change the alcohol license type from 2COP to 4COP and to extend hours of operation to from 7:00am to 2:00am; and

WHEREAS, the subject property is located at 1005 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 24-46-23-W3-00007.0000 and the legal description of the subject property is FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on December 11, 2012; 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 approve a change in the alcohol license type from 2COP to 4COP and to extend the hours of operation to from 7:00am to 2:00am, seven (7) days a week.

**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 **do/do not exist** that make the requested approval, as conditioned, appropriate:

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

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Al Durrett, Member	AYE/NAY	John Kakatsch, Member	AYE/NAY
Jane Plummer, Member	AYE/NAY	Alan Smith, Member	AYE/NAY

DULY PASSED AND ADOPTED THIS **11th** day of DECEMBER, 2012.

Local Planning Agency of the Town of Fort Myers Beach

By: \_\_\_\_\_  
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: \_\_\_\_\_  
Fowler White Boggs, P.A.  
LPA Attorney

ATTEST:

By: \_\_\_\_\_  
Michelle Mayher  
Town Clerk



***Town of Fort Myers Beach***  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**STAFF REPORT**

**TYPE OF CASE:** Special Exception  
**CASE NUMBER:** SEZ2012-0003  
**LPA HEARING DATE:** December 11, 2012  
**LPA HEARING TIME:** 9:00 AM

**I. APPLICATION SUMMARY**

Applicant: John Lallo

Request: Special Exception in the DOWNTOWN zoning district approving a 4COP alcohol license and extending the hours of operation to from 7:00am to 2:00am.

Subject property: FRM SW COR BLK E CRESCENT  
PK ADD ON E LI SEC  
24 46 23 RUN NWLY AT INC

Physical Address: 1005 Estero Boulevard Fort Myers Beach, FL

STRAP #: 24-46-23-W3-00007.0000

FLU: Pedestrian Commercial

Zoning: DOWNTOWN

Current use(s): Restaurant with a 4COP license

Adjacent zoning and land uses:

North: Restaurant (Palaka)  
DOWNTOWN  
Pedestrian Commercial

South: Vacant Restaurant & Retail (Local Color)  
DOWNTOWN  
Pedestrian Commercial

East: Restaurant (Ice Cream & Citrolas)  
DOWNTOWN  
Pedestrian Commercial

West: Restaurant (Dairy Queen)  
DOWNTOWN  
Pedestrian Commercial

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

The subject property is located at 1005 Estero Boulevard inside the pedestrian Times Square area.

The applicant is requesting a special exception for zoning approval for an alcohol license type change from 2COP to 4COP at the restaurant establishment known as Pete's Time Out.

The applicant is also requesting an extension to the hours of operation. Currently the business operates from 7:00am to 10:00pm, and the applicant is requesting a change is to allow hours of operation from 7:00am to 2:00am, 7 days a week.

### **Analysis:**

The subject property is located in the Downtown zoning district within Times Square and within close proximity to Old San Carlos Boulevard, where many other establishments, generally restaurants with bars, serve alcohol on the premises and include outdoor seating areas. This area is one of the most intensive commercial areas of the Town, and, with the exception of a few residential units, it is located generally away from the predominantly residential areas of the island. The regulations for the Downtown zoning district, as contained in LDC Section 34-678, encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street. The Town has an established procedure for businesses within Times Square to further this goal by allowing them to lease Town right-of-way to increase the outdoor seating area at each business location.

The pedestrian nature of Times Square, with sidewalks on both sides of Estero Boulevard, the availability of commercial parking lots, the Lee County fishing pier, Lynn Hall Park, and Crescent Beach Family Park help to attract beach-going pedestrians to the area. The applicant's restaurant, Pete's Time Out, is among a large number of restaurants and retail uses in Times Square, several of whom have outdoor seating.

The property located in the immediate vicinity of the subject property is within the Pedestrian Commercial future land use category and the Comprehensive Plan's

vision for this area specifically contemplates that the Times Square area (i.e. Downtown Core Area) will include a more intensive mix of commercial activities including outdoor uses.

In the past, Lee County and the Town issued location-specific approvals for alcoholic beverage uses which specified the number of seats permitted, the alcohol license type, permitted hours of operation and prohibitions on live entertainment and/or music. These limitations were included perhaps in an effort to limit potentially adverse effects on the neighboring properties and to aid with enforcement issues involving unauthorized expansions.

The Division of Alcoholic Beverages and Tobacco has many different license types for consumption on premises depending on the licensed premises and its proposed use (*see Exhibit A*). For bars and restaurants, the most common license types are: 1COP, 2COP, 4COP SRX and 4COP. A 1COP license allows consumption on premises of beer only. A 2COP license allows consumption on premises of beer and wine only. The subject property and existing business currently is approved for a 2COP license. A 4COP-SRX license allows for beer, wine and liquor in connection with the operation of a restaurant. The SRX license has a seating requirement as well as limitations on alcoholic sales if certain types and amount of food sales are not provided. A straight 4COP allows for beer, wine and liquor consumption on premises with no food or seating restrictions, and as a result, 4COP licenses are quite valuable because they do not have the restrictions that a 4COP-SRX does. A 4COP license is what is required for a bar/cocktail lounge, but many restaurants also have 4COP licenses.

The applicant has an existing approval for 4COP for the covered deck and indoor seating only (*see Exhibit B*), however, the outdoor seating in the leased Town right-of-way is currently only approved for 2COP – beer and wine only.

The applicant is requesting approval to expand the approval of indoor 4COP to the outdoor leased Town right-of-way patio area, allowing for the sale and consumption on premises of beer, wine and liquor. Staff is not recommending any food sales restrictions; however, should Town Council deem it necessary, a condition of approval may be added that requires a certain percentage of food sales.

Because the subject property is located within the pedestrian core of the Downtown zoning district and Times Square, which is the area where the Comprehensive Plan encourages a vibrant mix of uses for tourist and resident users alike, and because surrounding businesses and uses either already have or are requesting a similar license type upgrade, Staff is in support of the applicant's request for approval for a 4COP alcohol license.

The applicant is requesting that the hours of operation be extended to from 7:00am to 2:00 am daily instead of the existing hours of from 7:00am to 10:00pm. Staff is in support of this request because it is consistent with surrounding businesses and,

more importantly, it is consistent with the hours of operation as adopted in Ordinance 96-06 and state law.

Findings and Considerations:

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 traffic congestion during peak season, 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.”

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 an intensive variety of uses that is consistent with the applicant’s request.

While there are no changing conditions at the subject property, the request remains consistent with the intended use of the area.

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 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.”

Additionally, 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.*

Section 34-1264(a)(2)2 of the LDC requires that any establishment providing for outdoor consumption on premises must apply for approval via special exception. This request is appropriate considering the location of the subject property in the Times Square area and the adjacent and surrounding uses.

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

The proposed change in alcoholic beverage license type will have no negative effect on the environmentally critical areas and natural resources of Fort Myers Beach, provided the Sea Turtle lighting standards are complied with.

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 away from the established intensively commercial area. It possesses a vibrant mix of uses and, as such, Staff feels the applicant's request is generally compatible and appropriate within this neighborhood.

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

Staff recommends finding that the requested use, as conditioned, is in compliance with applicable zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34 for Times Square and the Downtown district.

### **III. RECOMMENDATION**

Taking into consideration the existing conditions of the subject property and the consistency of the request within the area surrounding the subject property, Staff recommends **APPROVAL** of the request to approve a Special Exception that amends zoning approval for outdoor consumption on premises from 2COP to 4COP and to extend the permitted hours of operation to 7:00am to 2:00am.

Staff recommends this approval with no conditions however, if the Town Council chooses to approve the requested special exception, conditions to that approval may be included.

### **IV. CONCLUSION**

The area surrounding the subject property is one of the most intensive commercial areas of the Town. Aside from a minimal number of residential units, the subject property is located generally away from the predominantly residential areas of the island. The subject property is located in the Downtown zoning district in Times Square, where many other establishments, generally restaurants with bars, serve alcohol on the premises and include outdoor seating areas. Thus, the request to expand the license type for outdoor consumption on premises is appropriate at this

location as is the request to extend the hours of operation. When considering the context and compatibility of the subject property's use and, tempered with the conditions listed previously, Staff finds that expanding the license type for outdoor consumption on premises from a 2COP to a 4COP and extending the hours of operation to 7:00am to 2:00am is a compatible and appropriate approval.

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 included if Council finds that such conditions are reasonably related to the requested special exception.

Staff recommends **APPROVAL** of the requested special exception.

Exhibits:

Exhibit A – Division of Alcoholic Beverages and Tobacco license types and descriptions  
Exhibit B – COP2012-0004

**DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO  
BUREAU OF LICENSING**

<b>TYPES OF LICENSES/PERMITS</b>	<b>CLASS</b>	<b>STATUTE</b>	<b>BRIEF DESCRIPTION ADDITIONAL REQUIREMENTS MAY APPLY</b>
1. 1 APS (beer only)		563.02	For sale in sealed containers and for consumption off premises only.
	D	568.01	Restricted to products with no more than 6.243% of alcohol by volume or 5% by weight.
2. 2 APS (beer and Wine,)		564.02	For sale in sealed containers and for consumption off premises only.
	D	568.01	Restricted to products with no more than 6.243% of alcohol by volume or 5% by weight.
3. 1COP (beer only)		563.02	For sale by the drink (consumption on premises) or in sealed containers for package sales.
	D	568.01	Restricted to products with no more than 6.243% alcohol by volume or 5% by weight.
	X	565.02	Issued only on boats and for consumption on premises only. May not be issued for a boat that is anchored upon, or plies upon, any lake.
4. 2COP (beer and Wine,)		564.02	For sale by the drink (consumption on premises) or in sealed containers for package sales.
	D	568.01	Restricted to products with no more than 6.243% alcohol by volume or 5% by weight.
	X	565.02	Issued only on boats and for consumption on premises only. May not be issued for a boat that is anchored upon, or plies upon, any lake.
5. Quota 3DPS / 3CPS / 3BPS / 3APS / 3PS (depending on county population)		565.02(1)(a)	Beer, Wine, and Liquor; package sales only in sealed containers. No sales by the drink or consumption on premises.
6. Quota 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)		565.02(1)(b-f)	Beer, Wine, and Liquor; sale by the drink for consumption on premises and package sales in sealed containers.
*Special Motel / Hotel 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	S	561.20(2)	Beer, Wine, and Liquor in connection with operation of hotel, motel, motor court or condominium; sale by the drink for consumption on premises and package sales in sealed containers. Motel or hotel must be operating and meet requirements on number of rental rooms.
*Special Restaurant (pre-1958) 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SR	561.20	Beer, Wine, and Liquor in connection with operation of a restaurant; sale by the drink for consumption on premises and package sales in sealed containers. Must have 4,000 square feet of floor space and be able to seat 200 patrons at tables. Sale of alcoholic beverages prohibited when food service not available. License cannot move to a new location.
*Special Hospital (4COP Only)	H	HB1873	Beer, Wine, and Liquor, sales to patients only. Sarasota County Public Hospital Board only. No annual fee. See special act for requirements.

*Special Hotel (7COP and 8COP)	SH	561.20	Beer, Wine, and Liquor in counties having a population of 50,000 or less; sale by the drink for consumption on premises and package sales in sealed containers
*Special Restaurant 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SRX	561.20(2)	Beer, Wine, and Liquor in connection with a restaurant; consumption on premises only. May only have spirituous beverages (liquor) in quarts, fifths or miniatures. Must meet certain requirements as to the number of seats, square footage, etc. Sale of alcoholic beverage prohibited when food service not available. License cannot be moved to a new location.
*Special Bowling Alley 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SBX	561.20(2)	Beer, Wine, and Liquor; consumption on premises by the drink only. Must meet requirements of 12 or more lanes and all necessary equipment to operate them. License cannot be moved to a new location.
*Special Boats 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SPX	565.02(3)	Pleasure, excursion, sight seeing or charter boat meeting special requirements. Consumption on premises only.
*Special Airport 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SAL	561.20(2)	Beer, Wine, and Liquor for consumption on premises only at publicly owned or operated airport.
*Special Civic Center 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population) (\$250)	SCX	561.20(2)	Beer, Wine, and Liquor for consumption on premises only; license issued to Civic Center authority authorized by state law or local government ordinance.
*Special County Commissioner 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SCC	561.20(2)	Beer, Wine, and Liquor for consumption on premises only; license issued to county commissioners for facilities which are owned and operated by the county.
*Special Act 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SA	Special Act	Allow the sale of Beer, Wine, and Liquor for consumption on the premises only. See Special Acts for specifics.
*Special Act 8COP / 7COP / 6COP / 5COP / 4COP (depending on county population)	SAX	Special Act	Allow the sale of Beer, Wine, and Liquor for consumption on the premises only. MAY NOT MOVE FROM THE ORIGINAL LOCATION. See Special Acts for specific requirements.
<b>*The series listed in the above items under #6 precedes the listed class codes, and the fees are assessed according to population as indicated on the license fee chart</b>			
7. 3M license (\$1000)		565.02(1)	Beer, Wine, and Liquor consumption on premises. Must have more than three (3) separate rooms or enclosures in which permanent bars or counters are located on the licensed premises.
*Special Theme Park License Special 3M license: Up to 5 additional bars (\$1500) 6-10 additional bars (\$2500) more than 10 additional bars (\$3500)		565.02(6)	Consumption on premises only, additional requirements to be met.
8. GC - Golf Club License (\$100)		565.02(1)(g)	Beer, Wine, and Liquor, additional license issued to golf clubs which are ineligible for an 11C club license. Authorizes service from mobile carts or permanent or semi-permanent points on the licensed premises.

9. 11PA (\$400) Symphony Orchestra		565.02(8)	A state-chartered legal entity not for profit for the purpose of supporting the affairs of a symphony orchestra. Consumption on premises only.
Live Performance Theater		565.02(10)	A state-chartered legal entity not-for-profit organized for the purpose of operating a theater with live performances and not fewer than 100 seats. Consumption on premises only.
Performing Arts Center		561.01(17)	Facility consisting of not less than 200 seats, owned and operated by a not-for-profit corporation qualified under the provisions of s. 501(c)(3), which is used and occupied to promote development of any or all of the performing, visual, or fine arts.
Performing Arts Center		561.20(2)(j)	Beer, Wine, and Liquor; Consumption on Premises only may occur only in conjunction with an artistic, educational, cultural, promotional, civic, or charitable event, except as part of food and beverage service for banquets or receptions.
10. FEX Special Public Fair / Expositions (\$250)		561.20(2)(g)	Consumption on premises only and meet additional requirements.
11. HBX Special Horse Breeders (\$1820,\$1560,\$1300,\$858,\$624)		561.20(10)	Consumption on premises. Issued to any marketing association of horse breeders organized under the laws of the state. Additional requirements to be met.
12. 11C – Club (\$400)		561.20(7) 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for consumption on premises by the drink for members and members' guests only. No package sales allowed. Unless otherwise noted, must be in continuous active existence and operation for a period of two years in the county where it exists.
a. Lodges or Clubs of National and Fraternal or Benevolent Associations		561.20(7)(a) (1) 565.02(4)	Special requirements must be met. Consumption on premises only. May not increase in series to an 11CS. Need not be in continuous active existence for two year in the county location.
b. Social Clubs, Clubs devoted to community and governmental development		561.20(7)(a) (3) 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Must be in continuous active existence and operation for a period of not less than two years in the county where it exists.
c. Clubs promoting showmen and amusement enterprises. Clubs assisting National fraternal or benevolent associations and clubs promoting cultural relations of people of the same nationality		561.20(7)(a) (4-6) 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Must be in continuous active existence and operation for a period of not less than two years in the county where it exists.
d. Tennis or Racquetball Club, Cabana or Beach Club		561.20(7)(c) 565.02(4)	<u>Tennis/Racquetball</u> ; Bona fide tennis club or four-walled indoor racquetball club. 10 regulation courts or combination courts. Additional requirements to be met.
		561.20(7)(d) 565.02(4)	<u>Cabana/Beach Club</u> ; Beach facilities, pool, locker rooms and additional requirements to be met.
13. 11CS – Club (\$1750)		Ch.63-1412 SB 1289	Special club license; cannot be moved to a new location; not transferable; consumption on premises only.

14. 11AL – Club (\$500)		561.20(11)	Beer, Wines, and Liquor. Issued to American Legion Post in Florida chartered prior to September 16, 1919. Sales may be made to resident guests as well as members and nonresident guests for consumption on the premises only. Revenue generated from the sale of alcoholic beverages which exceeds the cost of operation must be donated to a local non-profit charitable organization on an annual basis.
15. 11CT – Club (\$400)		565.02(11)	Issued to the Board of Trustees of the John & Mable Ringling Museum of Art or the board's designee. Permits sales for consumption on premises of the museum in conjunction with artistic, educational, cultural, civic or charitable events.
16. 11CX – Club (\$100)		565.02(1)(g)	Can only be issued to a Golf Club (11CG or 11 CGP) license holder. May operate service or portable bars on contiguous property.
17. 11CG – Golf Clubs		565.02(4)	Standard Golf Course consisting of at least 9 holes, clubhouse, locker rooms and attendant golf facilities, comprising at least 35 acres. Sales may be made to members and nonresident guests for consumption on the premises only.
18. NMSP – Non-member Sales Permit (\$50)		565.02(4)	Holders of golf club licenses (11CG). Sale to non-members. One event per year, not to exceed 8 consecutive days.
19. 11CG – Public Golf Clubs	P	561.20(7)(b) 564.02(4)	Standard Golf Course open to the general public consisting of at least 9 holes, clubhouse, locker rooms and attendant golf facilities, comprising at least 35 acres. Sales may be made for consumption on the premises only.
<b>Fee for the 11 CG P license are assessed according to population as indicated on the license fee chart</b>			
20. 12RT – Race Track Caterer at Dog and Horse Tracks		565.02(5) 550.6315 551.119	Beer, Wine, and Liquor for consumption on premises by the drink only. Package sales not allowed. May only have spirituous beverages (liquor) in quarts, fifths, or miniatures. Alcoholic beverage sales allowed only 10 days <u>before</u> to 10 days <u>after</u> approved racing or Jai Alai dates. If the caterer is also licensed under 551.119, the facility may served alcohol any day it is open for slot machine play.
21. Common Carriers		565.02	
a. IX - Railroads Master - \$2,500 + \$10 each dining, club, parlor, buffet or observations car		565.02(2)	Consumption in designated cars. No package Additional requirements to be met.
b. X - Steamships/Buses/Airplanes Master - \$1,100 + \$25 for each steamship, bus or airplane		565.02(3)	Consumption on premises only. Must be engaged in Interstate or foreign commerce or plying between fixed terminals and upon fixed schedules. Additional requirements.
c. XL – Common Carrier Waiting Lounges at Airports (\$1,100) per lounge		565.02(3(a)(2)	Licenses are issued to airlines operating no more than one (1) passenger waiting lounge at each of its terminals at airports for ticketed passengers whose flights are scheduled to depart within 24 hours of service and guests in the company of ticket holder. For consumption on the premises only.
d. PVP - Cruise Ships (\$1,100)		565.02(8)	Passenger vessels engaged exclusively in foreign commerce with cabin berth capacity for at least 75 passengers. Consumption on board only.

22. ODP – One, Two or Three-Day Permit (\$25)		561.422	A bona fide non-profit civic organization may apply for sale of alcoholic beverages on premises for a period not to exceed 3 days; no more than 3 permits per calendar year.
23. SODP – One, Two or Three-Day Permit (\$25)		Laws of Florida Special Acts	A bona fide non-profit civic organization may apply for sale of alcoholic beverages on premises for a period not to exceed 3 days; no more than 15 permits per calendar year. See special acts for specifics.
24. SSL – Special Sales License (\$25)		561.20	Beer, Wine, and Liquor; package sales only, special license issued for the purpose of a bulk transfer pursuant to Chapter 676; sale pursuant to levy and execution; sale by an insurance company in possession of alcoholic beverages; bankruptcy sales; sale due to license suspension or revocation; sale of damaged goods by a common carrier; sale by a bona fide Wine, collector; sale of packaged alcoholic beverages pursuant to Part 5 of Chapter 679. Valid for three (3) days only.
25. AMW (\$1000)		564.02(2)	Engaged in manufacturing or bottling Wine,.
26. BMWC (\$2000)		564.02(2)	Engaged in manufacturing of Wines and Cordials.
27. CMB (\$3000)		563.02(2)	Manufacturer engaged in brewing malt beverages.
28. CMBP (\$500)		563.02	Manufacturer engaged in the business of brewing less than 10,000 kegs of malt beverage annually; for consumption on premises only. Issued in connection with consumption on premises retail license.
29. DD (\$4000)		565.03	A Distiller of spirituous liquor.
30. EDB (\$1250)		565.03	Distributes alcoholic beverages containing no more than 3.2% of alcohol by weight in dry counties.
31. ERB (\$4000)		565.03	In business of rectifying and blending spirituous beverages.
32. KLD (\$4000)		565.03(2)	May distribute spirituous, vinous, and malt beverages to vendors and distributors.
33. KLD2 (\$1000)		565.03	May distribute spirituous, vinous, and malt beverages to vendors and distributors in counties having a population of 15,000 or less if the county is wet.
34. JDBW (\$1250)		564.02(3)	Distributes beer and/or Wine, to vendors and other distributors.
35. JDSW (\$50)		564.02(3)	Distributes only sacramental Wines to permit holders.
36. BSA (Brokers / Sales Agents) (\$500)		561.14(4)	Licensed to sell, or cause to be sold, shipped, invoiced, alcoholic beverages to licensed manufacturers, distributors and no one else in the state.
37. IMPR (Importers) (\$500)		561.14(5)	Licensed to sell, or cause to be sold, shipped and invoiced, domestic and foreign alcoholic beverages to licensed manufacturers, distributors and no one else in the state.
38. MEXP (Exporter) (No fee)		561.01(16)	Any person who sells alcoholic beverages to persons for use outside the state and includes a ship's chandler and a duty free shop.

39. LQS – Salesmen of Wine, and Spirits (\$50)		561.68	Before any person may solicit or sell to vendors or become employed as a salesman of spirituous or vinous beverages for a licensed Florida distributor, a salesman's license must be obtained. The application along with fingerprints must be filed with Central office licensing.
40. BRND - Brand Registration Beer (\$30)		563.045	All malt beverages that move or are caused to be moved, sold, or offered for sale with state must be registered. Additional requirements must be met.
BRND Primary American Source of Supply			Licensure as the Primary American Source of Supply authorizes the shipment of vinous or spirituous alcoholic beverages to distributors, importers, manufacturers, bonded warehouses and registered exporters within the state. The PAS must be licensed for each product that they ship within and without the state. Additional requirements must be met.
A. Liquor (\$30)		565.09	
B. Wine, (\$15)		564.041	
41. VP – Vehicle Permit (\$5)		561.57	Vendors are permitted to pick up merchandise at distributors' place of business with required decal obtained at appropriate district office.
42. OPS – Off-Premises Storage Permit (No fee)		561.07 562.03 565.03(2)	Off premises storage of alcoholic beverages with approval of the appropriate district office. Off premises storage of alcoholic beverages with approval of the appropriate district office.
43. TCP – Temporary Convention Permit (No fee)		561.421	A permit for the display by manufacturers or distributors of their products in convention halls, coliseums and similar type buildings where there is an existing beverage license, and with the approval of the Division for an event not to exceed 5 calendar days. For consumption on premises only.
44. SBW – State Bonded Warehouse (\$1)		562.25	Licensed warehouse to store alcoholic beverages. Bond required. Additional requirements to be met.
45. 14BC – Bottle Club (\$500)		561.01(15)	Commercial establishment operated for a profit wherein patrons consume alcoholic beverages which are brought onto the premises and not sold by the establishment.
46. RTPD – Retail Tobacco Products Dealer (\$50)		569.003	Permits the retail sale of cigarettes and other tobacco products to persons who are at least 18 years of age. Purchases of cigarettes and other tobacco products must be made through a licensed wholesale dealer.
47. RTPD – Retail Tobacco Products Dealer (\$50)		569.003	Permits the retail sale of cigarettes and other tobacco products to persons who are at least 18 years of age. Purchases of cigarettes and other tobacco products must be made through a licensed wholesale dealer.
48. CWD – Cigarette Wholesale Dealer (\$100)		210.15(1)	Sale of Cigarettes to retail dealers for resale only.
49. CDA – Cigarette Distributing Agent (\$100)		210.15(1)	Permits receiving cigarettes in interstate or intrastate commerce and storage.
50. EXP – Cigarette Exporter (\$100)		210.15(1)	Transports tax-exempt cigarettes into state under bond for delivery beyond the borders of this state.

51. TWD – Tobacco Wholesale Dealer (\$25)		210.40	Tobacco products means loose tobacco suitable for smoking, snuff, snuff flour, etc. Does not include cigarettes or cigars. Licensed as distributor for sale to retailers. Additional requirements to be met.
52. CMFG – Cigarette Manufacturer (\$100)		210.15(1)	Any domestic person or entity with a valid permit under 26 U.S.C. s. 5712 which manufactures, fabricates, assembles, processes, or labels a finished cigarette.
53. CIMP – Cigarette Importer (\$100)		210.15(1)	Any domestic person or entity with a valid permit under 26 U.S.C. s. 5712 who imports into the United States, directly or indirectly , a finished cigarette for sale or distribution.
54. 13CT – Caterer (\$1820)		561.20	Permits any caterer licensed by the Division of Hotels and Restaurants under chapter 509 and deriving at least 51% of its gross revenue from the service of food and non-alcoholic beverages to sell or serve alcoholic beverages for consumption on the premises of any catered event at which the licensee is also providing prepared food. All alcoholic beverages must be purchased from a licensed vendor.
55. SWP – Sacramental Wine, Permit		564.03(2)	Any religious order, monastery, church or religious body, or any minister, pastor, priest or rabbi may obtain a permit to purchase Wine, from a distributor or retailer for sacramental purposes.

**ADMINISTRATIVE APPROVAL  
TOWN OF FORT MYERS BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COP2012-0004**

WHEREAS John Lallo, president of J.D. Lallo Inc and owner of the subject property, applied for administrative approval of a change in alcohol license series from a 2COP to a 4COP under the provisions of Fort Myers Beach Land Development Code (LDC) Chapter 34, Article IV, Division 5; and

WHEREAS the subject property is located at 1005 Estero Boulevard, Fort Myers Beach, FL and is legally described in the attached **Exhibit A**; and

WHEREAS the current zoning of the subject property is DOWNTOWN; and

WHEREAS the applicant submitted an application containing the information required by LDC Section 34-1264(c)(1) to the Town; and

WHEREAS the subject property contains a building and deck housing a restaurant with a 2COP alcohol license commonly known as 'Pete's Time Out' with patron seating inside the building, on the covered deck and on the patio within the Town of Fort Myers Beach right-of-way leased from the Town on an annual basis as illustrated on the attached **Exhibit B**; and

WHEREAS LDC Section 34-1264(a)(1) allows the director to approve administratively an application for consumption on premises in conjunction with a restaurant, provided the additional requirements of LDC Sections 34-1264(b)(2)a and 34-1264(b)(3) are met; and

WHEREAS LDC Section 34-1264(b)(2)a requires that a restaurant (1) be in full compliance with state requirements, (2) serve cooked, full-course meals, prepared daily on the premises, (3) provide beverages from a service bar only to patrons ordering meals, or in a cocktail lounge for patrons waiting to be seated at dining tables with no exterior indication that the cocktail lounge is within the building, and (4) comply with the additional requirements of LDC Section 34-1264(k); and

WHEREAS the subject property **is located** within 500 feet of the real property comprising public park facilities in that the property comprising the Lee County Lyn Hall Memorial Park and the Lee County Crescent Beach Family Park are within 500 feet; and

WHEREAS the director makes the following findings of fact:

1. All applicable standards have been met;
2. There will be no deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises;
3. The premises are suitable in regard to their location, site characteristics, and intended purpose;

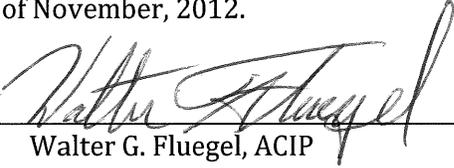
4. All the preceding clauses introduced by "WHEREAS" are incorporated herein as findings of fact;

NOW, THEREFORE, the Director **APPROVES** the requested administrative approval of a consumption-on-premises permit,

**SUBJECT TO** the following conditions:

1. The 4COP license is limited to a restaurant located at 1005 Estero Boulevard and the deck area. This approval does not include the leased Town right-of-way outdoor patio area. Any expansion of the 4COP (i.e. liquor) into the leased Town right-of-way outdoor patio area designated for consumption on premises will require a special exception for consideration of approval.
2. The leased Town right-of-way outdoor patio area shall be limited to the service of wine and beer only.
3. Seating and service of alcohol at the service bar shall be limited to patrons ordering meals and dining at the service bar.
4. Alcoholic beverage consumption on premises on the subject property is approved in conjunction with a restaurant use as defined in the LDC only. 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.
5. The establishment must at all times in operation be licensed as a restaurant pursuant to Chapter 509, *Florida Statutes*, and must derive at least 51% of gross revenues from the sale of food and non-alcoholic beverages, in accordance with Section 562.45(2)(a), *Florida Statutes*. This administrative approval does not authorize the operation of any establishment that does not comply with *F.S.* Section 562.45(2)(a).
6. The applicant must comply with all requirements set forth in Section 34-1264(b)(2) and 3401264(k).

DULY ADOPTED this 9<sup>th</sup> day of November, 2012.

By:   
Walter G. Fluegel, ACIP  
*Director of Community Development*  
Town of Fort Myers Beach

OR2077 P82931

CHARLIE GREEN LEE CTY FL

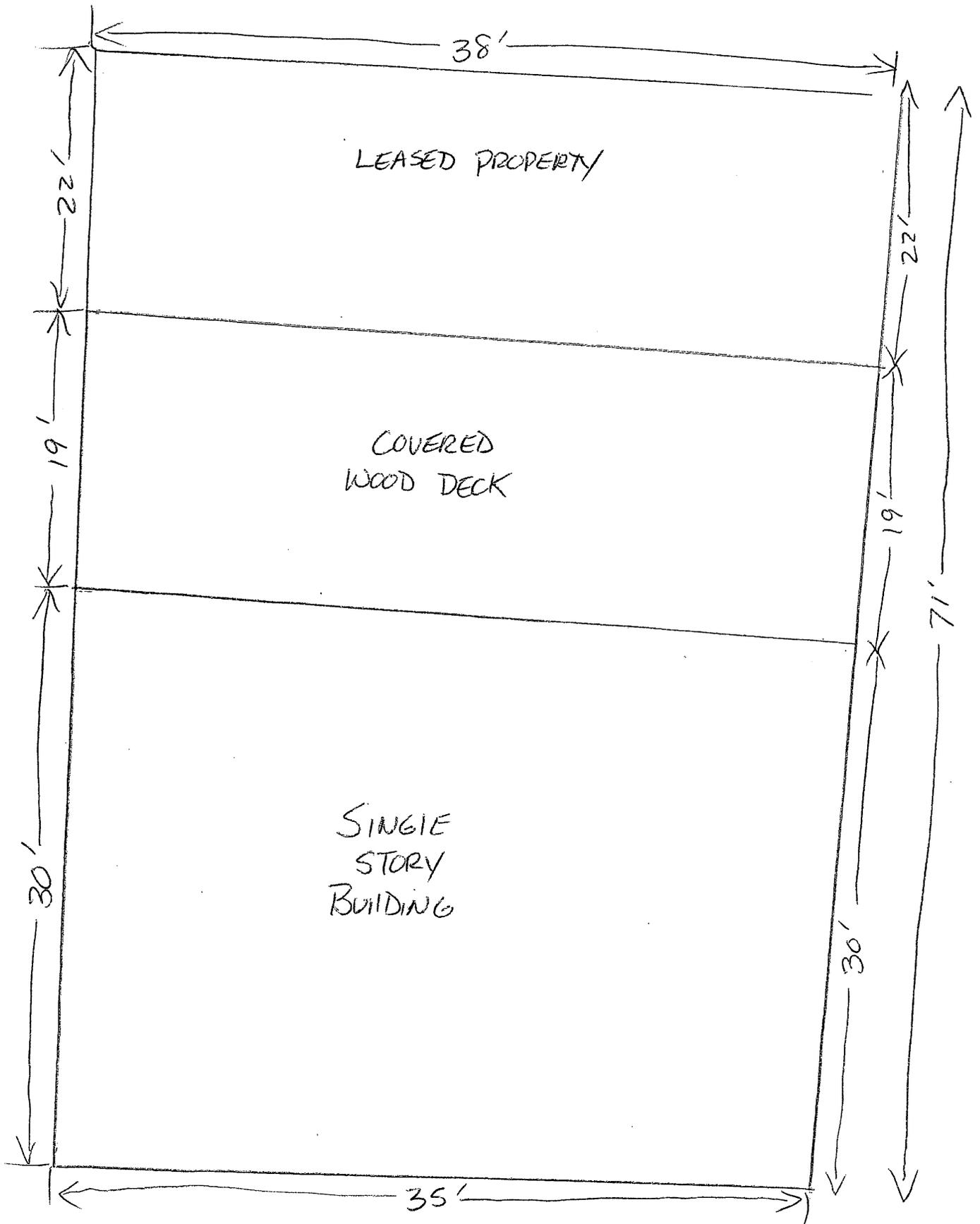
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EXHIBIT A

From the Southwest corner of Block 2 of Crescent Park Addition, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 4, at Page 46, on the East line of Section 24, Township 46 South, Range 23 East, run Northwesterly at an included angle of  $69^{\circ} 54'$  with said Section line along the North line of the County Road right-of-way for 744.56 feet to the point of beginning of the lands herein described; thence run Northwesterly along a perpendicular to said County Road 49.47 feet; thence Northwesterly parallel to said County Road 35 feet; thence deflect left  $83^{\circ} 21'$  and run Southwesterly to the Northerly right-of-way of first mentioned road; thence deflect left  $95^{\circ} 37'$  and run Southwesterly along said right-of-way for 40 feet to the point of beginning.

PROPERTY SKETCH FOR PARCEL  
24-46-23-W3-00007.0000  
1005 ESTERO BLVD FT MYERS BCH FL

EXHIBIT B

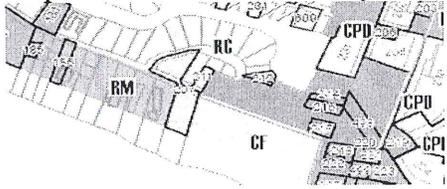


APPROX. SQ FOOTAGE 2590'

Case # 582202-0003  
 Planner \_\_\_\_\_

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

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



Zoning Division

**Application for Public Hearing**

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

Project Name:	<i>Petes Time Out</i>
Authorized Applicant:	<i>John W. Lallo</i>
LeePA STRAP Number(s):	<i>24-46-23-W3-00007, 0000</i>

Current Property Status:	
Current Zoning:	<i>Down Town</i>
Future Land Use Map (FLUM) Category:	<i>PEDESTRIAN COMMERCIAL</i>
Platted Overlay? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	FLUM Density Range: <i>N/A</i>

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

**PART I – General Information**

**A. Applicant:**

Name(s):	PETES TIME OUT		
Address: Street:	1005 ESTERO BLVD		
City:	Ft. Myers Bch	State:	FL Zip Code: 33931
Phone:	239 8724221		
Fax:	239 4634984		
E-mail address:	JLAILO@COMCAST.NET		

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

<input checked="" type="checkbox"/>	Owner (indicate form of ownership below)		
<input checked="" type="checkbox"/>	Individual (or husband/wife) - Land	<input type="checkbox"/>	Partnership
<input type="checkbox"/>	Land Trust	<input type="checkbox"/>	Association
<input checked="" type="checkbox"/>	Corporation - Business	<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:	(SAME)		
Mailing address: Street:			
City:	State:	Zip Code:	
Contact Person:			
Phone:	Fax:		
E-mail address:			

**D. Other agents:**

Name(s):	(NONE)		
Mailing address: Street:			
City:	State:	Zip Code:	
Phone:	Fax:		
E-mail address:			

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

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

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

### PART II – Nature of Request

Requested Action (check applicable actions):

<input checked="" type="checkbox"/> Special Exception for: <b>4COP</b>
<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
<b>34-202(a)(2)</b>	<b>Boundary survey</b>

### PART IV – Property Ownership

<input checked="" type="checkbox"/> <b>Single owner</b> (individual or husband and wife)
Name: <b>JOAN W. AND DEBORAH L. LALLO</b>
Address: Street: <b>14577 EAGLE RIDGE DR</b>
City: <b>FT MYERS</b> State: <b>FL</b> Zip Code: <b>33912</b>
Phone: <b>239 872 4221</b> Fax: <b>239-463 4984</b>
E-mail Address: <b>JLALLO@COMCAST.NET</b>

<input type="checkbox"/> <b>Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)</b>
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:
Subdivision name:
Plat Book Number:     Page:     Unit:     Block:     Lot:
If no: <u>Attached</u>
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):**

<u>26-46-23-W3-00007,0000</u>
-------------------------------

**D Property Dimensions:**

Area: <u>2590'</u> <u>square feet</u> acres
Width along roadway: <u>35</u> feet     Depth: <u>71</u> feet

**E. Property Street Address:**

<u>1005 ESTERO BLVD FT. MYERS BEH FL 33931</u>
--

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

<i>TIME SQUARE TO THE NE OF TRAFFIC LIGHT</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 checked="" type="checkbox"/> Pedestrian Commercial	<input type="checkbox"/> Tidal Water
Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

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

**PART VI – Affidavit**

**Application Signed by Individual Owner or Authorized Applicant**

I, JOHN W LALLO, 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.

[Signature]  
Signature

JOHN W. LALLO  
Typed or Printed Name

State of Florida  
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed

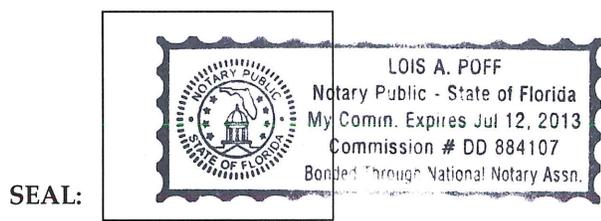
before me this 31st of October 2012 by JOHN WILLIAM LALLO  
(date) (name of person under oath or affirmation)

who is personally known to me or produced FL DL: L400479633690  
(type of identification)

as identification.

[Signature]  
Signature of person administering oath

LOIS A. POFF  
Typed or Printed Name



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

**STRAP#**

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
JOHN W. AND DEBORAH L. LAIC 14577 EAGLE RIDGE DR. FT. MYERS FL 33912	100%

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

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

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

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

Name and Address	Percentage
n/a	

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

Name and Address	Percentage
n/a	

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

Name, Address, and Office (if applicable)	Percentage
n/a	

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

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

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

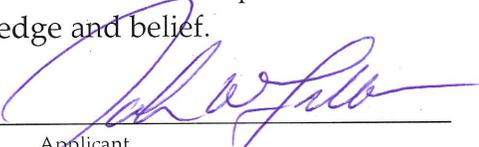
Name and Address

N/A

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

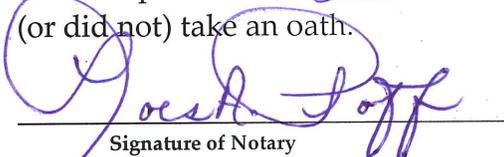
Signature

  
Applicant  
JOHN W. LALLO

Printed or typed name of applicant

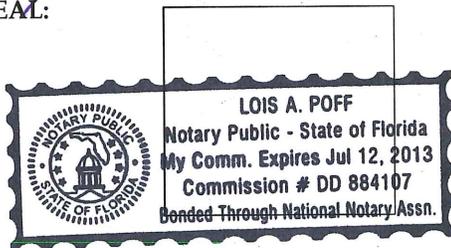
STATE OF FLORIDA  
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of October, 2012, by JOHN LALLO, who is personally known to me or who has produced FDL400479633690 as identification and who did (or did not) take an oath.

  
Signature of Notary

LOIS A. POFF  
Typed or Printed Name of Notary

SEAL:



10/31/2012

# VARIANCE REPORT

Subject Parcels: 1 Affected Parcels: 35 Buffer Distance: 500 ft

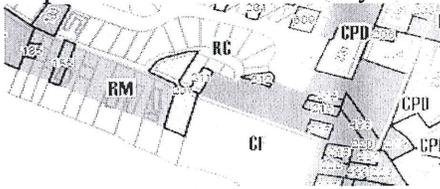


24-46-23-W3-00007.0000

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>Petes Time Out</i>
Authorized Applicant:	<i>John W. Lallo</i>
LeePA STRAP Number(s):	<i>24-46-23-W3-00007.0000</i>

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

**Requested Action:**

<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:	
	<i>NA</i>
<input checked="" type="checkbox"/> Use of premises in the <i>Downtown</i> zoning district for:	
	<i>4-COR</i>







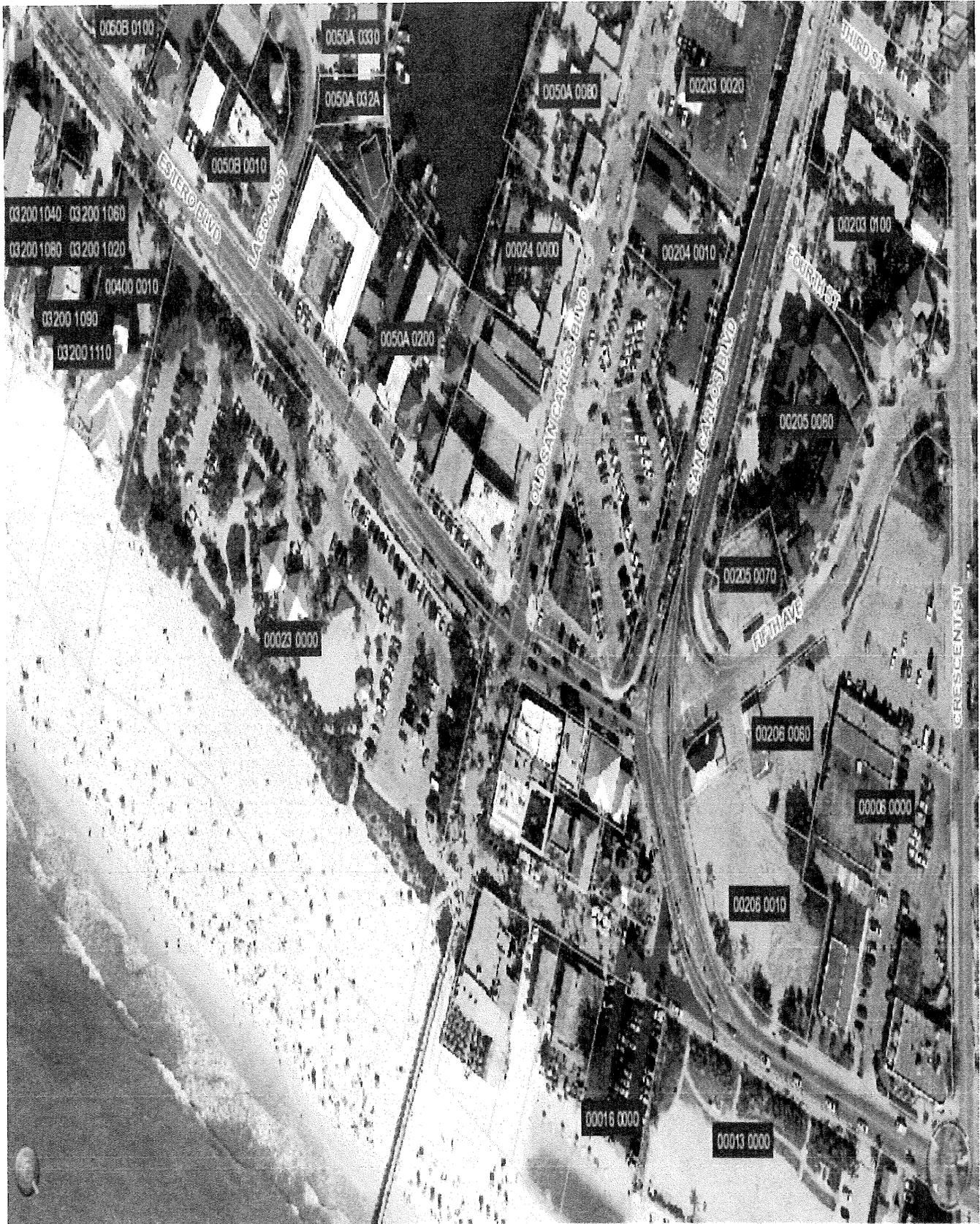
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CHARLIE GREEN LEE CTY FL

89 JUN 16 PM 12:52

SCHEDULE "A"

From the Southwest corner of Block 2 of Crescent Park Addition, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 4, at Page 46, on the East line of Section 24, Township 44 South, Range 23 East, run Northwesterly at an included angle of  $69^{\circ} 54'$  with said Section line along the North line of the County Road right-of-way for 744.56 feet to the point of beginning of the lands herein described; thence run Northwesterly along a perpendicular to said County Road 43.47 feet; thence Northwesterly parallel to said County Road 35 feet; thence deflect left  $83^{\circ} 21'$  and run Southwesterly to the Northerly right-of-way of first mentioned road; thence deflect left  $46^{\circ} 37'$  and run Southwesterly along said right-of-way for 40 feet to the point of beginning.



STRAP ▲	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value	*
24-46-23-W3-0050A.0200	925 ESTERO BLVD LLC	925 ESTERO BLVD, FORT MYERS BEACH	4-2005	\$3,200,000	\$972,998	\$972,998	