

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2013-012
SEZ2013-0002 Yucatan Beach Stand

WHEREAS, Beverly Grady, Esq, authorized agent for Stingrays Raw Bar, Inc. has requested approval of a Special Exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 190± square feet of new deck at the side of the existing building; and

WHEREAS, the subject property is located at 250 Old San Carlos Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 24-46-23W3-00204.0010 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 17, 2013; 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 expand the area where outdoor consumption on premises is permitted to include 190± square feet of new deck at the side of the existing building subject to the following conditions:

RECOMMENDED CONDITIONS OF APPROVAL:

1. *Outdoor music or similar entertainment is prohibited. Indoor music and/or similar entertainment is restricted to occur only within the enclosed walls and further restricted to the following hours: 11:00 AM to 11:00 PM from Monday through Thursday; 11 AM through 12:00 midnight on Friday and Saturday; and 11:00 AM through 10:00 PM on Sunday. Live music must be limited to non-amplified music.*
2. *The special exception is limited to on-premises consumption of alcoholic beverages in a 4690 square-foot area encompassing the indoor areas, both roofed patio/deck areas, and walk-in coolers as shown on the site plan, which is attached to this resolution as Exhibit B and hereby incorporated by reference.*

3. *The special exception is limited to a 4COP license for on-premise consumption of alcoholic beverages. The sale of alcoholic beverages on the subject property must comply with the provisions of LDC Section 34-1264(k) concerning sale of alcoholic beverages in restaurants. The terms and conditions of this approval as set forth in this resolution shall be deemed to equally apply should the applicant cease operation of a 4COP and operate under the terms of an SRX series license as defined by Florida law.*
4. *The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 11:00 AM and 12:00 midnight; between 11:00 AM and 1:00 AM on Friday and Saturday; and between 11:00 AM and 10:00 PM on Sunday.*
5. *A full menu of food, encompassing full-course meals, must be available and offered to indoor and outdoor seating during hours of operation for consumption on premises. The sale of alcoholic beverages must be incidental to the sale of food.*
6. *Gross revenues from sale of food and non-alcoholic beverages must not fall below 51% of total sales over any 12-month period, or over the period during which the business has been in operation if the business has not been in operation for 12 months or more. If sale of alcoholic beverages exceeds 49% of total sales, this approval will become null and void. The Town Manager may require an audit of the records of the business to verify compliance at applicant's sole cost and to be conducted by an independent auditor of the Town's selection in the Town's sole judgment.*
7. *The business must be in full compliance at all times with applicable provisions of state beverage law for the series of beverage license it holds.*
8. *The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles found in LDC Chapter 14, Article II.*
9. *This resolution does not grant consent for an awning or overhang proposed in the site plan to be constructed over the public right-of-way. The Town Council must address this matter separately.*
10. *Condition #9 above does not grant the owner or successor in interest undeniable right to development order approval.*

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding approval of special exceptions, 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
Jim Steele	AYE/NAY		

DULY PASSED AND ADOPTED THIS **17th** day of **SEPTEMBER 2013**.

Local Planning Agency of the Town of Fort Myers Beach

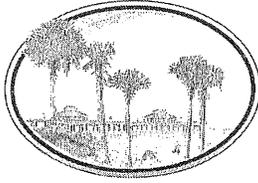
By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk



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

TYPE OF CASE: Special Exception
CASE NUMBER: SEZ2013-0002
LPA HEARING DATE: September 17, 2013
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Stingrays Raw Bar, Inc
Beverly Grady, authorized agent

Request: A special exception to expand the outdoor consumption on premises (4COP) approval to include an additional 190 square feet on a proposed new deck

Subject property: See *Exhibit A*

Physical Address: 250 Old San Carlos Boulevard Fort Myers Beach, Florida
33919

STRAP #: 24-46-23W3-00204.0010

FLU: Pedestrian Commercial

Zoning: DOWNTOWN

Current use(s): Bar & Restaurant

Adjacent zoning and land uses:

North: Retail/Commercial
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Pedestrian Commercial

South: Retail/Commercial/Parking lot
DOWNTOWN
Pedestrian Commercial

East: Sky Bridge

West: Hotel/Motel & Retail/Commercial
DOWNTOWN & CPD
Pedestrian Commercial

II. BACKGROUND AND ANALYSIS

Background:

The applicant has requested a special exception in the DOWNTOWN zoning district in order to expand the area where outdoor consumption on premises is permitted to include 190 ± square feet of a proposed new deck adjacent to the side of the existing building on the subject property. See *Exhibit B*.

Land Development Code (LDC) Section 34-1264(a)(2)(a)(2) requires a special exception for any establishment that wants to provide outdoor seating where patrons can consume alcoholic beverages.

The Yucatan Beach Stand, located at 250 Old San Carlos Boulevard, is a bar and restaurant that was originally granted a special exception by Resolution 07-29 (see *Exhibit C*) approving outdoor consumption on premises in conjunction with a 4COP liquor license. The subject property is located on Old San Carlos Boulevard in the Times Square/Downtown Core Area of Fort Myers Beach.

The subject property applied for and was granted a building permit, COM12-0088, with a scope of work listed as follows: 'Build deck area for smoking.' The permit was issued on 9/5/13, however when Town officials inspected the deck to close out the permit, it was discovered that what had been constructed was not what had been approved. The deck area was constructed with a roof and patrons of the Yucatan were observed consuming alcoholic beverages on the deck. This was a direct violation of the building permit and a violation of the special exception approved by Resolution 07-29.

The contractor has worked with Building Department Staff to resubmit revised plans reflecting the actual installed deck; however, the revised building permit issue cannot completely be resolved and finalized until it passes zoning plan review. Zoning plan review will not approve the plans until the special exception is approved by Town Council.

Analysis:

The subject property, which includes The Yucatan Beach Stand and its required parking, is located in the DOWNTOWN zoning district and is within walking distance to Times Square, Lynn Hall Memorial Park and Crescent Beach Family Park as well as numerous hotels, motels and rental properties. This district is known for a variety of establishments offering a range of food and beverage options, so a request for outdoor consumption on premises in this area is not a unique or unusual request, and Town Council approved the initial special exception in 2007, see *Exhibit C* for Resolution 07-29.

The regulations for the DOWNTOWN zoning district are found in LDC Section 34-678, and encourage restaurants to provide outdoor seating areas located on porches or patios, largely between enclosed buildings and the street.

The request for the additional outdoor consumption area on the subject property can be seen on *Exhibit B* as the area highlighted in yellow, the area approved by Resolution 07-29 is highlighted in pink, and measured approximately 190± square feet in size.

While not located between the building and the street, the deck area is located between the building and the parking lot, which Staff believes is an appropriate location and consistent with the regulations found in LDC Section 34-678.

The request for an additional 190± square feet requires 2 additional parking spaces for a grand total of 42 required spaces pursuant to LDC Section 34-2020(d)(2)h. LDC Section 34-676(1), however, allows for a 50% reduction in parking spaces for all properties located on Old San Carlos Boulevard. The subject property currently provides 30 spaces on site, thus the additional area does not result in the need for more parking spaces. Furthermore, as shown on the attached *Exhibit D*, the deck area, while encroaching into the parking aisle, does not reduce the drive width below the minimum required for two-way traffic of 22’.

Resolution 07-29 included 10 conditions of approval. Staff is recommending that all 10 conditions of approval carry over to this approval, with minor modifications to conditions 1 and 2.

Condition 1 has been modified to remove the language: *“a copy of the seating plan is attached hereto as Exhibit “B” and hereby incorporated by reference.”* That Exhibit B does not match the Exhibit B referenced in this application nor does it reflect the seating modifications made by this application.

Condition 2 has been modified to reflect the requested change in square feet allowed for consumption on premises from 4,500 to 4,690.

Findings and Conclusions:

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

As contemplated in the Comprehensive Plan, the Times Square/Downtown area has continued to emerge as a vibrant urban core for the Town, and as such, that area can support a more intensive variety of uses that are appealing and attractive to residents and visitors alike. The applicant’s request to provide additional outdoor covered area for its patrons is consistent with this policy.

Furthermore, the request of this application reflects an after-the-fact amendment to an existing special exception approval to include additional area for consumptions on premises. Therefore changed conditions, i.e. the new deck, do exist that make approval of the request appropriate.

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

The subject property is located in the Pedestrian Future Land Use category 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.”

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. The applicant’s request is consistent with this vision.

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 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)). Outdoor dining, both on private and on public property is encouraged by the Comprehensive Plan and the Land Development Code.

The applicant’s request is appropriate at this site because it is a request to amend a prior Council-approved special exception. Approval of the applicant’s request, along with conditions recommended by Staff, will ensure that all performance standards are met.

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

The applicant’s request will have no negative effects on the environmentally critical areas and natural resources of Fort Myers Beach because the subject property is located in an established commercial district, landward of the coastal construction line(s) and far from environmentally critical areas and sensitive natural resources. Staff has recommended a condition of approval to require that any outdoor lights meet with the Sea Turtle lighting requirements.

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. The Comprehensive Plan’s vision for this area does not require that it be transformed from an intensively commercial area into a primarily residential district or any other use. It possesses a vibrant mix of uses, and as 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 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 not limited to §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

Staff recommends **APPROVAL WITH CONDITIONS** of the requested special exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 190± square feet of new deck at the side of the existing building. Recommended conditions for approval are as follows:

1. Outdoor music or similar entertainment is prohibited. Indoor music and/or similar entertainment is restricted to occur only within the enclosed walls and further restricted to the following hours: 11:00 AM to 11:00 PM from Monday through Thursday; 11 AM through 12:00 midnight on Friday and Saturday; and 11:00 AM through 10:00 PM on Sunday. Live music must be limited to non-amplified music.
2. The special exception is limited to on-premises consumption of alcoholic beverages in a 4690 square-foot area encompassing the indoor areas, both roofed patio/deck areas, and walk-in coolers as shown on the site plan, which is attached to this resolution as *Exhibit B* and hereby incorporated by reference.
3. The special exception is limited to a 4COP license for on-premise consumption of alcoholic beverages. The sale of alcoholic beverages on the subject property must comply with the provisions of LDC Section 34-1264(k) concerning sale of alcoholic beverages in restaurants. The terms and conditions of this approval as set forth in this resolution shall be deemed to equally apply should the applicant cease operation of a 4COP and operate under the terms of an SRX series license as defined by Florida law.
4. The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 11:00 AM and 12:00 midnight; between 11:00 AM and 1:00 AM on Friday and Saturday; and between 11:00 AM and 10:00 PM on Sunday.
5. A full menu of food, encompassing full-course meals, must be available and offered to indoor and outdoor seating during hours of operation for consumption on premises. The sale of alcoholic beverages must be incidental to the sale of food.
6. Gross revenues from sale of food and non-alcoholic beverages must not fall below 51% of total sales over any 12-month period, or over the period during which the business has been in operation if the business has not been in operation for 12 months or more. If sale of alcoholic beverages exceeds 49% of total sales, this approval will become null and void. The Town Manager may require an audit of the

records of the business to verify compliance at applicant's sole cost and to be conducted by an independent auditor of the Town's selection in the Town's sole judgment.

7. The business must be in full compliance at all times with applicable provisions of state beverage law for the series of beverage license it holds.
8. The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles found in LDC Chapter 14, Article II.
9. This resolution does not grant consent for an awning or overhang proposed in the site plan to be constructed over the public right-of-way. The Town Council must address this matter separately.
10. Condition #9 above does not grant the owner or successor in interest undeniable right to development order approval.

IV. CONCLUSION

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 WITH CONDITIONS** of the requested special exception in the DOWNTOWN zoning district to expand the area where outdoor consumption on premises is permitted to include 190± square feet of new deck at the side of the existing building.

Exhibits:

- Exhibit A – Legal Description
- Exhibit B – Revised Survey & Site plan
- Exhibit C – Resolution 07-29
- Exhibit D – Site plan with dimension

Parcel lying westerly of SR 865
Blocks 4 & 5, Business Center
Section 24, T. 46 S., R. 23E
Estero Island, Lee County, Florida

EXHIBIT A

A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, as shown on the plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at page 9 of the public records of Lee County, Florida which tract or parcel is described as follows:

Beginning at the northerlymost corner of Lot 1, Block 4 run S 64 degrees 00'09" E along the southwesterly line of Fourth Street for 155.10 feet to a concrete monument on the northwesterly line of SR 865 (85 feet wide); thence run S 25 degrees 59'51" W along said northwesterly line for 210.66 feet to a concrete monument on the centerline of a vacated alley 20 feet wide; thence run N 22 degrees 23'59" W along said centerline for 87.06 feet to a concrete monument; thence run N 25 degrees 59'51" E along said centerline for 72.86 feet to a concrete monument; thence run N 64 degrees 00'09" W along a southeasterly prolongation of the southwesterly line of Lot 2 of said Block 4 and the southwesterly line of said lot for 90 feet to a concrete monument on the southeasterly line of San Carlos Boulevard (66 feet wide); thence run N 25 degrees 59'51" E along said southeasterly line for 80 feet to the Point of Beginning.

Containing 19,033 square feet more or less.

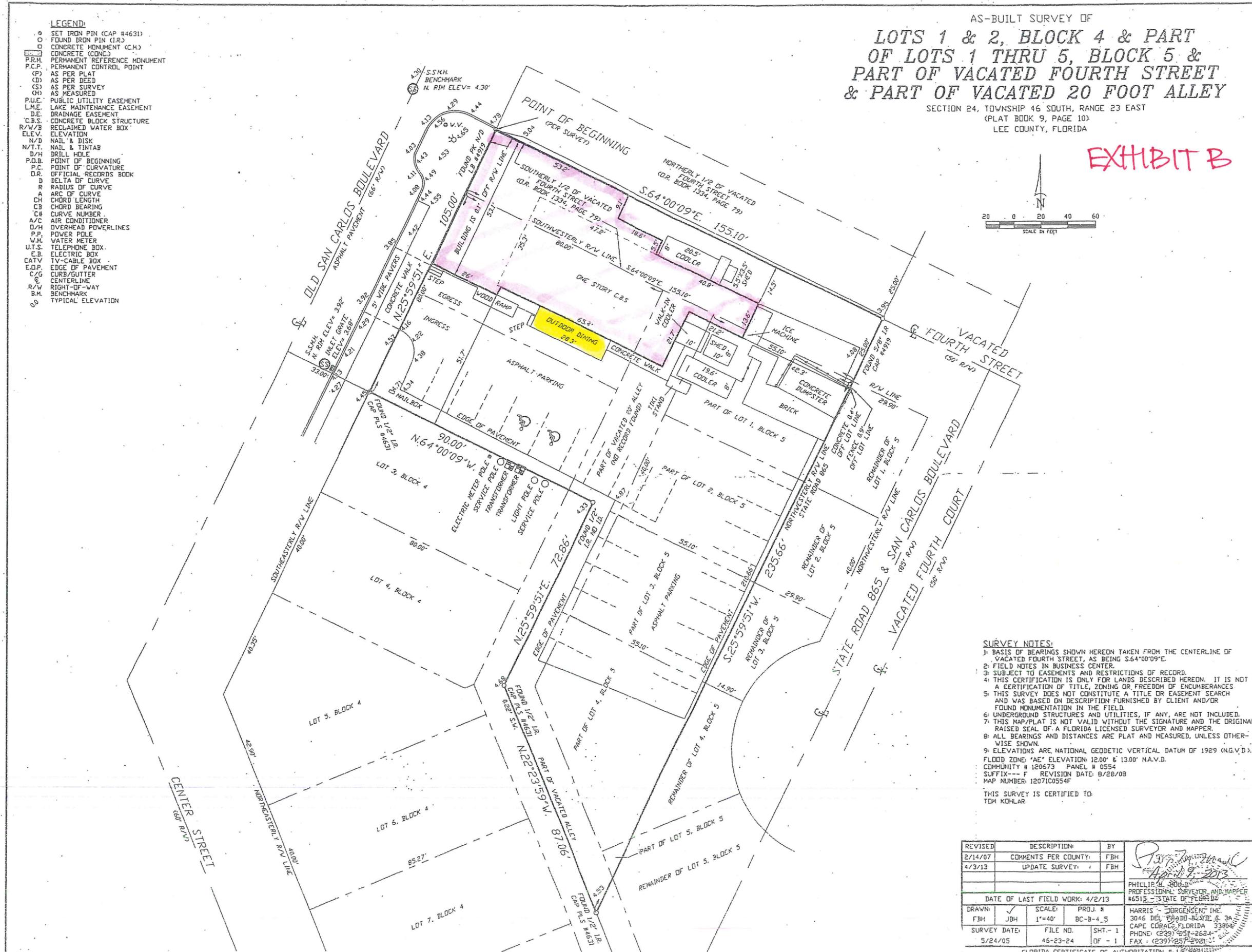
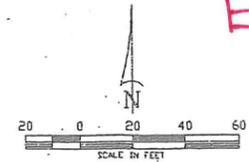
LEGEND:

- 9 SET IRON PIN (CAP #4631)
- 0 FOUND IRON PIN (I.R.)
- CONC. CONCRETE MONUMENT (C.M.)
- CONC. CONCRETE (CONC.)
- P.R.M. PERMANENT REFERENCE MONUMENT
- P.C.P. PERMANENT CONTROL POINT
- (P) AS PER PLAT
- (D) AS PER DEED
- (S) AS PER SURVEY
- (M) AS MEASURED
- P.U.E. PUBLIC UTILITY EASEMENT
- L.M.E. LAKE MAINTENANCE EASEMENT
- D.E. DRAINAGE EASEMENT
- C.B.S. CONCRETE BLOCK STRUCTURE
- R/W/S RECLAIMED WATER BOX
- ELEV. ELEVATION
- N/D NAIL & DISK
- N/T.T. NAIL & TINTAB
- D/H DRILL HOLE
- P.O.B. POINT OF BEGINNING
- P.C. POINT OF CURVATURE
- D.R. OFFICIAL RECORDS BOOK
- D DELTA OF CURVE
- R RADIUS OF CURVE
- A ARC OF CURVE
- CH CHORD LENGTH
- CB CHORD BEARING
- C# CURVE NUMBER
- A/C AIR CONDITIONER
- O/H OVERHEAD POWERLINES
- P.P. POWER POLE
- V.M. WATER METER
- U.T.S. TELEPHONE BOX
- E.B. ELECTRIC BOX
- CATV TV-CABLE BOX
- E.D.P. EDGE OF PAVEMENT
- C/G CURB/GUTTER
- C CENTERLINE
- R/W RIGHT-OF-WAY
- B.M. BENCHMARK
- 0.0 TYPICAL ELEVATION

AS-BUILT SURVEY OF
**LOTS 1 & 2, BLOCK 4 & PART
 OF LOTS 1 THRU 5, BLOCK 5 &
 PART OF VACATED FOURTH STREET
 & PART OF VACATED 20 FOOT ALLEY**

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 (PLAT BOOK 9, PAGE 10)
 LEE COUNTY, FLORIDA

EXHIBIT B



SURVEY NOTES:

- 1) BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE CENTERLINE OF VACATED FOURTH STREET, AS BEING S.64°00'09"E.
- 2) FIELD NOTES IN BUSINESS CENTER.
- 3) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
- 6) UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
- 7) THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 8) ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
- 9) ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.). FLOOD ZONE: 'AE' ELEVATION: 12.00' & 13.00' N.A.V.D.
- COMMUNITY # 120673 PANEL # 0554
- SUFFIX --- F REVISION DATE: 8/28/08
- MAP NUMBER: 1207100554F

THIS SURVEY IS CERTIFIED TO:
 TOM KOHLAR

REVISED	DESCRIPTION	BY
2/14/07	COMMENTS PER COUNTY	FBH
4/3/13	UPDATE SURVEY	FBH
DATE OF LAST FIELD WORK: 4/2/13		
DRAWN: FBH	SCALE: 1"=40'	PROJ. # BC-B-4_5
SURVEY DATE: 5/24/05	FILE NO. 45-23-24	SHT. - 1 OF - 1

PHILIP M. JORGENSEN
 PROFESSIONAL SURVEYOR AND MAPPER
 #6515 - STATE OF FLORIDA

HARRIS - JORGENSEN, INC.
 3046 DEL Prado Blvd S. # 30
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 591-2554
 FAX: (239) 591-2521

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 9921

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-29

WHEREAS, Applicant Thomas F. Kolar ("Applicant") has requested a Special Exception for the Yucatan Beach Stand to be located at 250 Old San Carlos Boulevard, Fort Myers Beach, Florida ("subject property") to permit a 4-COP liquor license in conjunction with a restaurant use that is located within 500 feet of a park, dwelling units under separate ownership, and other establishments primarily engaged in the sale of alcoholic beverages for consumption on premises, and that does not meet the requirements to qualify for the restaurant exception to the location standards of Land Development Code (LDC) section 34-1264(b); and

WHEREAS, Applicant has indicated the subject property's current STRAP number is 24-46-23-W3-00204.0010. The legal description of the subject property is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on June 19, 2007, at which time the LPA recommended that the Town Council approve the Applicant's request, subject to various conditions as set forth more fully in the LPA Resolution 2007-12; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council of the Town of Fort Myers Beach on August 13, 2007 and at the hearing, the Town Council gave full and complete consideration to the recommendations of the LPA, the record adduced before the LPA, the recommendations of staff, related documents, the request of Applicant and the testimony of Applicant, staff, and other interested persons as required by the Town of Fort Myers Beach Land Development Code Section 34-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

Based upon presentations by Applicant, staff, and other interested persons at hearing, review of the application, and the standards for granting special exceptions, the Town Council hereby **APPROVES** Applicant's request for a special exception to permit a 4-COP liquor license in conjunction with the subject property located within 500 feet of a park, dwelling units, and other establishments primarily engaged in the sale of alcoholic beverages for consumption on premises, with such approval subject to the following conditions:

CONDITIONS OF APPROVAL:

1. Outdoor music or similar entertainment is prohibited. Indoor music and/or similar entertainment is restricted to occur only within the enclosed walls and further restricted to the following hours: 11:00 AM to 11:00 PM from Monday through Thursday; 11:00 AM through 10 PM on Sunday; and 11 AM through Midnight on Friday and Saturday. Live music must be limited to non-amplified music. A copy of the seating plan is attached hereto as Exhibit "B" and hereby incorporated by reference.

2. The Special Exception is limited to on-premises consumption of alcoholic beverages in a 4500 square-foot area encompassing the indoor areas, roofed patio/deck area, and walk-in coolers as shown on the site plan, which is attached to this Resolution as Exhibit "C" and hereby incorporated by reference.

3. The Special Exception is limited to a 4COP license for on-premises consumption of alcoholic beverages. The sale of alcoholic beverages on the subject property must comply with the provisions of LDC Section 34-1264(k) concerning sale of alcoholic beverages in restaurants. The terms and conditions of this approval as set forth in this Resolution shall be deemed to equally apply should the applicant cease operation of a 4COP and operate under the terms of an SRX series license as defined by Florida law.

4. The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 11:00 AM and 12:00 midnight; between 11:00 AM and 1 AM on Friday and Saturday; and between 11:00 AM and 10 PM on Sunday.

5. A full menu of food, encompassing full-course meals, must be available and offered to indoor and outdoor seating during hours of operation for consumption on premises. The sale of alcoholic beverages must be incidental to the sale of food.

6. Gross revenues from sale of food and non-alcoholic beverages must not fall below 51% of total sales over any 12-month period, or over the period during which the business has been in operation if the business has not been in operation for 12 months or more. If sale of alcoholic beverages exceeds 49% of total sales, this approval will become null and void. The Town Manager may require an audit of the records of the business to verify compliance, with the audit at applicant's sole cost and to be conducted by an independent auditor of the Town's selection in the Town's sole judgment.

7. The business must be in full compliance at all times with applicable provisions of state beverage law for the series of beverage license it holds.

8. The use must comply at all times with lighting standards, including the regulations for the protection of Sea Turtles found in LDC Chapter 14, Article II.

9. This resolution does not grant consent for an awning or overhang proposed in the site plan to be constructed over the public right-of-way. The Town Council must address this matter separately.

10. Condition #9 above does not grant the owner or successor in interest undeniable right to development order approval.

FINDINGS AND CONCLUSIONS

In accordance with the requirements of Sections 34-84 and 34-88 of the LDC regarding consideration of eligibility for a Special Exception, the Town Council makes the following findings and reach the following conclusions:

1. Changed or changing conditions exist that make the requested approval, as conditioned, appropriate.

Comprehensive Plan (Comp Plan) policy 3-D-1 envisions "revitalizing downtown as a lively, inviting, comfortable, and safe public environment." In keeping with this policy, improvements including spacious sidewalks and a pedestrian plaza at the north end of Old San Carlos Boulevard, have contributed to the pedestrian-friendliness of this area. The Town Council **does** find that these changes make approval of the requested Special Exception appropriate, as conditioned.

2. The requested special exception, as conditioned:

- a) Is consistent with the goals, objectives, policies and intent of The Town of Fort Myers Beach Comprehensive Plan; and

The subject property is in the Pedestrian Commercial FLUM category, on Old San Carlos Boulevard. Comp Plan Policy 4-B-6, regarding the Pedestrian Commercial district, states that commercial activities must contribute to the pedestrian-oriented public realm. The proposed restaurant/bar use with its partially enclosed, roofed dining area fronting on the sidewalk, will invite pedestrian patrons and contribute to the pedestrian-oriented character of Old San Carlos Boulevard. The Town Council finds that the request is consistent with the goals, objectives, policies, and intent of the Comp Plan.

- b) Will protect, conserve, or preserve environmentally critical areas and natural resources; and

The immediate vicinity of the subject property is developed and is not designated by the Comp Plan as environmentally critical. No net change in impervious area is requested, and no environmental concerns appear to be directly implicated in this request for special exception. Through the development order and building permit process, the Applicant will be required to address the turtle protection lighting standards in condition #9 above.

- c) Does meet or exceed all performance and locational standards set forth for the proposed use in Chapter 34 of the LDC; and

A restaurant is a use permitted by right in the Downtown zoning district. The applicant's site plan proposes 30 parking spaces. For 4500 square feet of total area of restaurant use, LDC Section 34-2020 requires 36 parking spaces. For 700 square feet of area within a restaurant used for a bar or cocktail lounge, LDC Section 34-2020 requires an additional 4 spaces, for a total of 40 required spaces for the requested use. In the Downtown zoning district, for properties fronting on Old San Carlos Boulevard, LDC Section 34-676(a)(1) reduces the required parking by 50%, thus requiring only 20 parking spaces for the requested restaurant/bar with COP. The parking proposed on the site plan meets this requirement.

The requested use requires a special exception because the outdoor seating area is within 500 feet of a park, dwelling units under separate ownership, and other establishments primarily engaged in the sale of alcoholic beverages for consumption on premises, but otherwise the Town Council

finds that all locational standards for alcoholic beverage service will be met according to the applicant's site plan.

- d) Will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property and

The existing surrounding uses include parking lots, retail stores, lodging establishments, and restaurants, many of which hold 2COP or 4COP beverage licenses. Residential uses are separated from the subject property by hotels, retail stores, parking lots, and other restaurants. The Town Council finds that the requested use, as conditioned, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance, or other detriment to persons or property.

- e) Will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use as set forth in the LDC:

With the recommended conditions, the Town Council finds that the requested use will meet the regulations of LDC chapter 34, Article IV, Division 5 regarding on-premises consumption of alcoholic beverages, will comply with the general zoning provisions applicable to the Downtown zoning district, and will comply with the other applicable general zoning provisions and supplemental regulations set forth in LDC Chapter 34.

The Town Council finds that Applicant has demonstrated that the requested Special Exception, as conditioned, complies with the standards of the LDC Section 34-88 and with:

- a) The Town of Fort Myers Beach Comprehensive Plan; and
b) The requirements of the LDC, including but not limited to LDC Section 34-88; and
c) Any other applicable town ordinances or codes.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Meador and seconded by Councilmember Shenko, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor aye Charles Meador, Jr. aye
Larry Kiker, Vice Mayor nay William Shenko, Jr. aye
Herb Acken aye

DULY PASSED AND ADOPTED THIS 13TH DAY OF AUGUST, 2007, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: Dennis C. Boback
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

By: Anne Dalton, Esquire

ATTEST:

By: Michelle D. Mayher, Town Clerk

Town Attorney

EXHIBIT "A"

Town of Fort Myers Beach

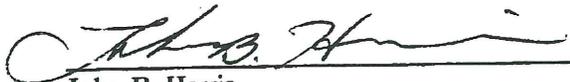
F M B SEZ 2007 0 0 0 0 1

DESCRIPTION: (Per Harris - Jorgensen, Inc.)

A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, and a portion of the South Half of vacated Fourth Street, all as shown on the Plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at Page 9 of the Public Records of Lee County, Florida which tract or parcel is described as follows:

Beginning at the intersection of the centerline of the aforesaid Fourth Street and the Southeasterly right-of-way line of San Carlos Boulevard (66 feet wide); thence run S.64°00'09"E. along the centerline of said Fourth Street for 155.10 feet to a point of the Northwesterly line of SR 865 (85 feet wide); thence run S.25°59'51"W. along said Northwesterly line for 235.66 feet to a point on the centerline of a vacated alley 20 feet wide; thence run N.22°23'59"W. along said centerline for 87.06 feet; thence run N.25°59'51"E. along said centerline for 72.86 feet; thence run N.64°00'09"W. along a Southeasterly prolongation of the Southwesterly line of Lot 2 of said Block 4 and the Southwesterly line of said Lot 2 for 90 feet to the Southeasterly right-of-way line of said San Carlos Boulevard; thence run N.25°59'51"E. along said Southeasterly right-of-way line for 105 feet to the point of beginning. Containing 22,910 square feet, more or less.

Bearings hereinabove mentioned are derived from the Florida Department of Transportation right-of-way maps for SR 865.

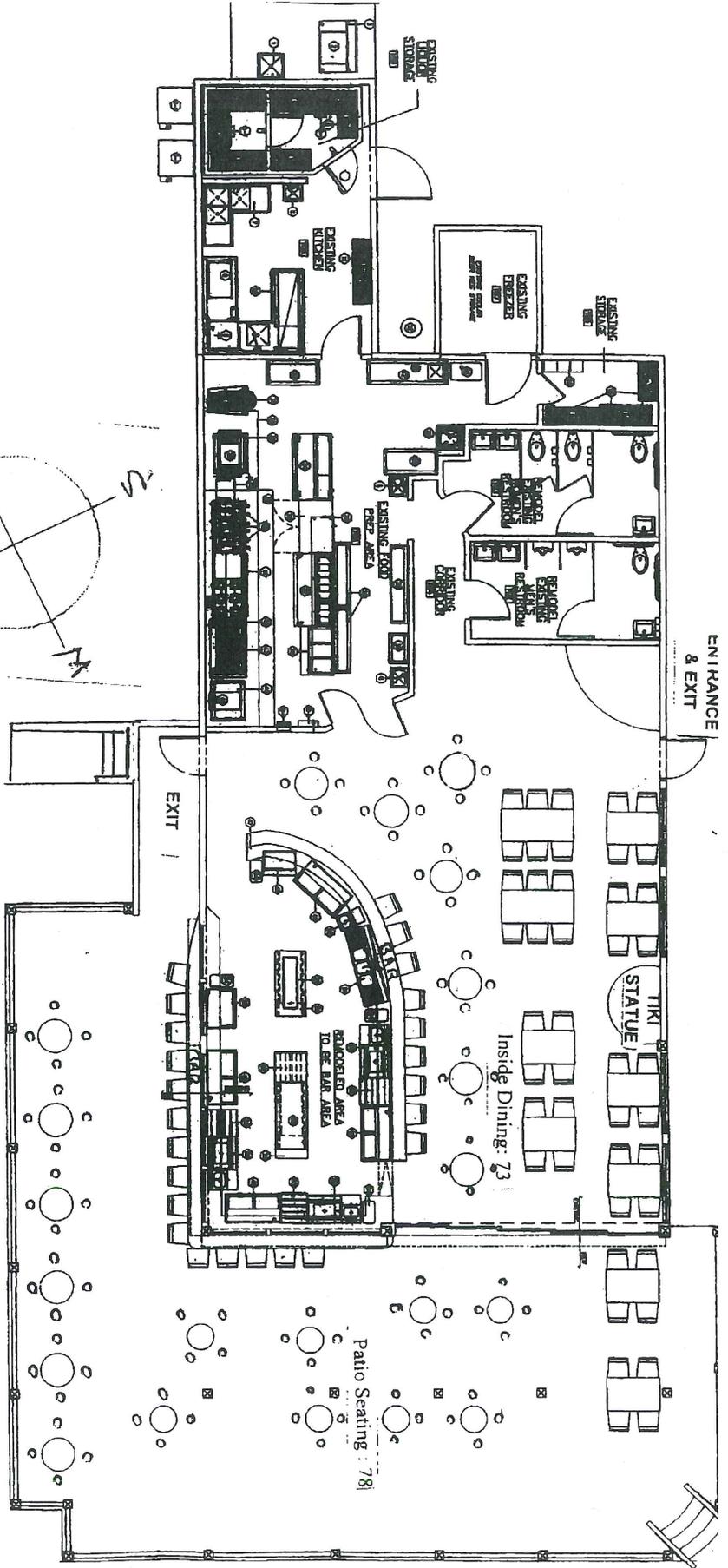
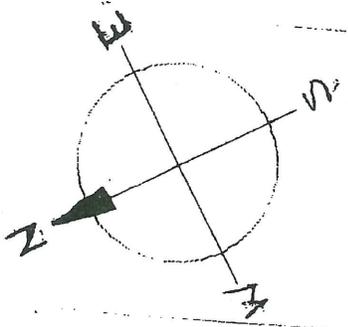


John B. Harris
P.S.M. #4631
January 5, 2007

EXHIBIT

7-2

Legal. Resc.



NOT TO SCALE - SEE SITE PLAN

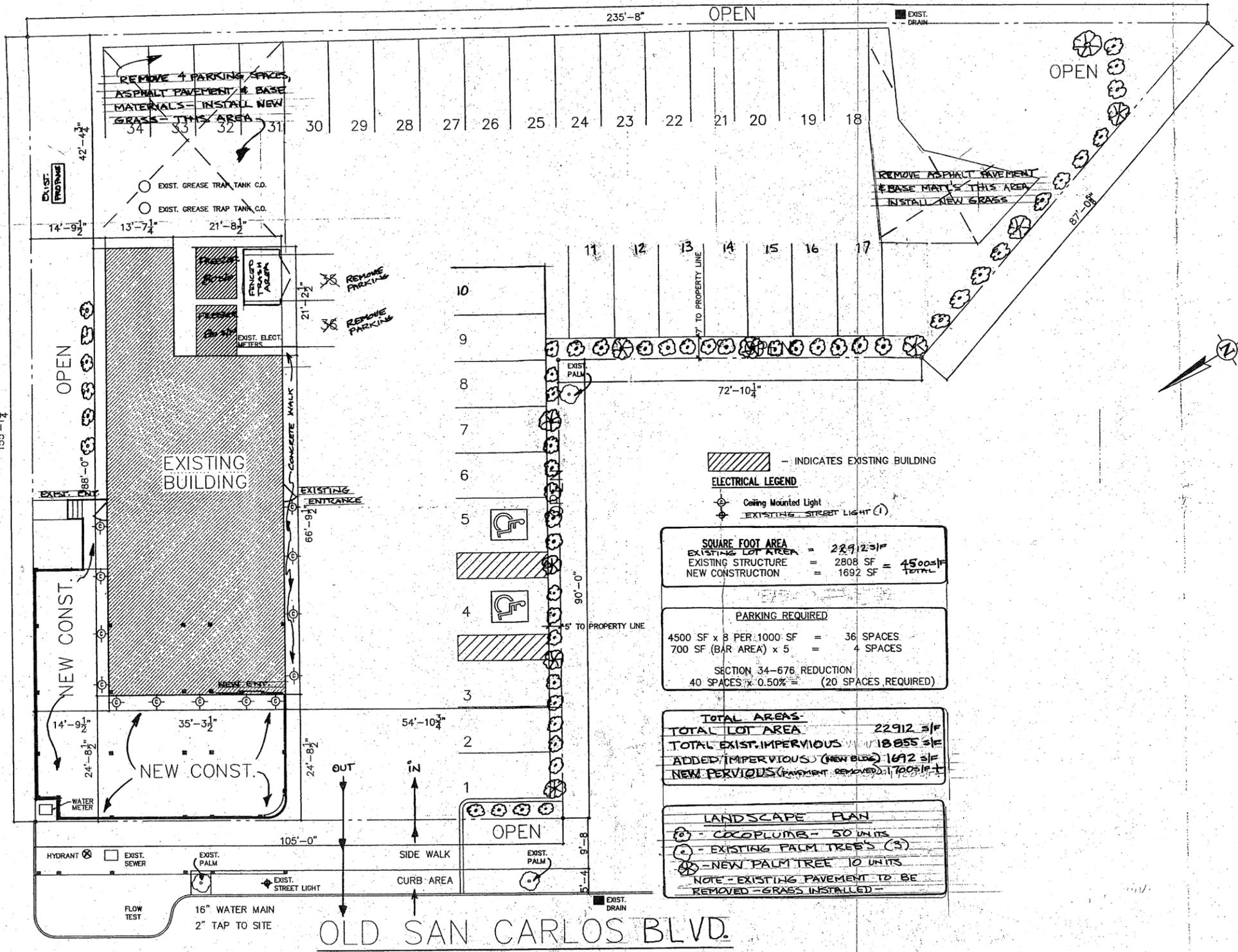
EXHIBIT (B)

Town of Fort Myers Beach

FMB SEZ 200700001

STATE ROAD # 865 - SAN CARLOS BLVD. & BRIDGE

ALL PAVED

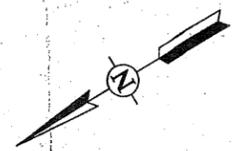


SQUARE FOOT AREA
 EXISTING LOT AREA = 22912 SF
 EXISTING STRUCTURE = 2808 SF
 NEW CONSTRUCTION = 1692 SF
TOTAL = 4500 SF

PARKING REQUIRED
 4500 SF x 8 PER 1000 SF = 36 SPACES
 700 SF (BAR AREA) x 5 = 4 SPACES
 SECTION 34-676 REDUCTION
 40 SPACES x 0.50% = (20 SPACES REQUIRED)

TOTAL AREAS
 TOTAL LOT AREA 22912 SF
 TOTAL EXIST. IMPERVIOUS 18855 SF
 ADDED IMPERVIOUS (NEW BLDG) 1692 SF
 NEW PERVIOUS (PAVEMENT REMOVED) 1700 SF

LANDSCAPE PLAN
 COCOPLUM - 50 UNITS
 EXISTING PALM TREES (3)
 NEW PALM TREE 10 UNITS
 NOTE - EXISTING PAVEMENT TO BE REMOVED - GRASS INSTALLED -



REVISIONS

THIS PLAN HAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:
J.C. KOSINSKI ENGINEERING, INC.
 JOSEPH C. KOSINSKI, P.E.
 135 GULFVIEW AVENUE
 BEACH, FLORIDA 33931
 (239) 872-2179

YUCATAN GRILL
 250 OLD SAN CARLOS BLVD., F.M.B., FL

checked by JCK	date 11-16-06
drawn by	job no.
scale AS NOTED	

SHEET NO.
P



Town of Fort Myers Beach
 FMB SEZ 200700001

SITE PLAN
 1" = 10'-0"

EXHIBIT
 4
 10/2 - Site Plan

WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS OF THE JOB. "JCK ENGINEERING, INC." MUST BE NOTIFIED IN WRITING OF ANY VARIATION IN THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS. "JCK ENGINEERING, INC." HEREBY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER COPYRIGHTS IN THE PLANS, IDEAS AND DESIGNS. THESE PLANS, IDEAS AND DESIGNS ARE NOT TO BE COPIED OR CHANGED IN ANY MANNER OR FOR ANY PURPOSE. ANY ERRORS MUST IMMEDIATELY BE REPORTED TO JCK ENGINEERING, INC. PRIOR TO THE COMMENCEMENT OF ANY WORK.

- LEGEND:**
- SET IRON PIN (CAP #4631)
 - FOUND IRON PIN (I.R.)
 - CONCRETE MONUMENT (C.M.)
 - CONCRETE (CONC.)
 - ▭ P.R.M. PERMANENT REFERENCE MONUMENT
 - P.C.P. PERMANENT CONTROL POINT
 - (P) AS PER PLAT
 - (D) AS PER DEED
 - (S) AS PER SURVEY
 - (M) AS MEASURED
 - P.U.E. PUBLIC UTILITY EASEMENT
 - L.M.E. LAKE MAINTENANCE EASEMENT
 - D.E. DRAINAGE EASEMENT
 - C.B.S. CONCRETE BLOCK STRUCTURE
 - R/W/B RECLAIMED WATER BOX
 - ELEV. ELEVATION
 - N/D NAIL & DISK
 - N/T.T. NAIL & TINTAB
 - D/H DRILL HOLE
 - P.O.B. POINT OF BEGINNING
 - P.C. POINT OF CURVATURE
 - O.R. OFFICIAL RECORDS BOOK
 - D DELTA OF CURVE
 - R RADIUS OF CURVE
 - A ARC OF CURVE
 - CH CHORD LENGTH
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 - E.B. ELECTRIC BOX
 - CATV TV-CABLE BOX
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 - C/G CURB/GUTTER
 - C CENTERLINE
 - R/W RIGHT-OF-WAY
 - B.M. BENCHMARK
 - ∅ TYPICAL ELEVATION

AS-BUILT SURVEY OF
**LOTS 1 & 2, BLOCK 4 & PART
 OF LOTS 1 THRU 5, BLOCK 5 &
 PART OF VACATED FOURTH STREET
 & PART OF VACATED 20 FOOT ALLEY**
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 (PLAT BOOK 9, PAGE 10)
 LEE COUNTY, FLORIDA

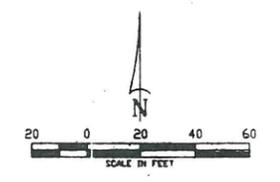
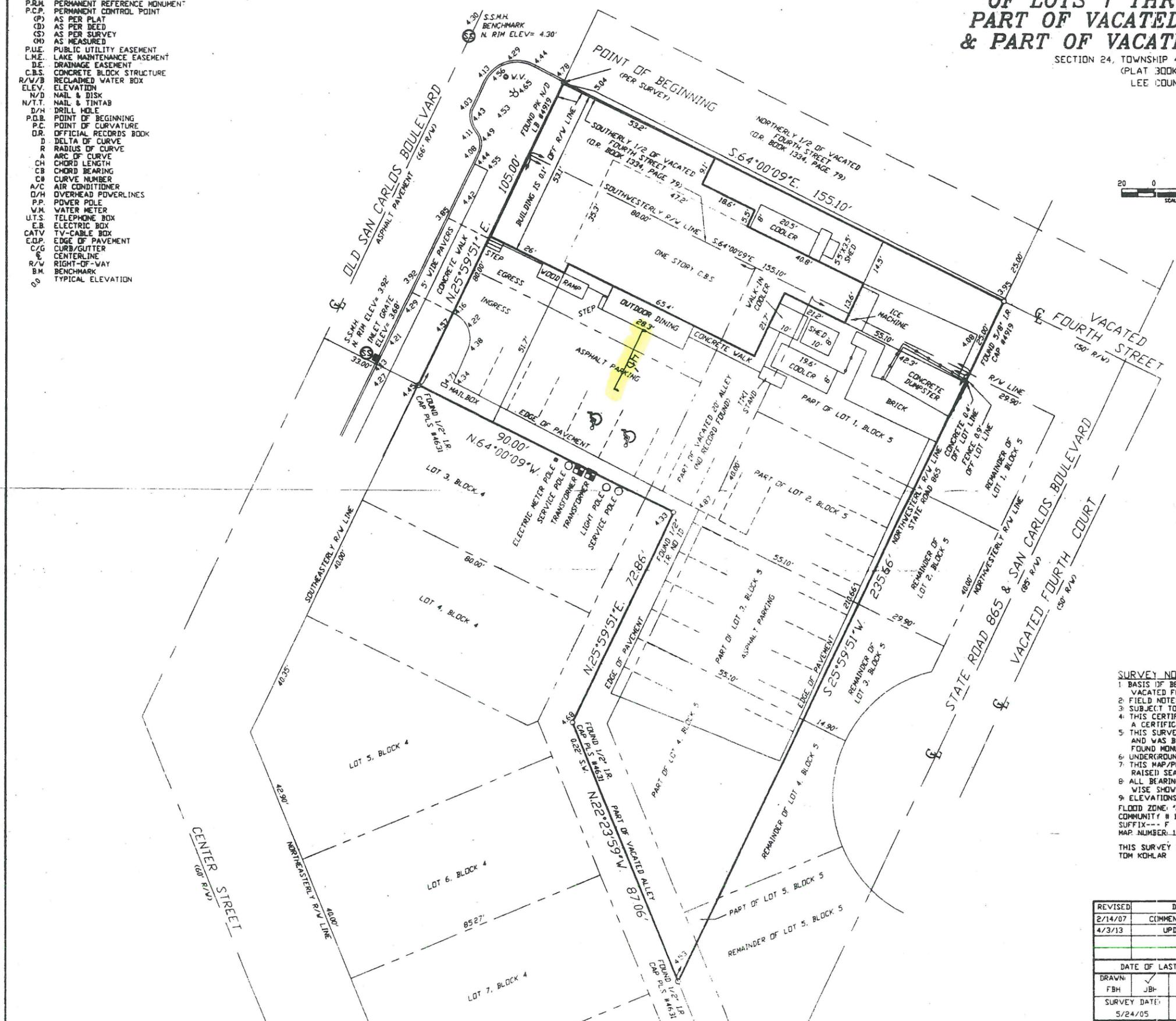


EXHIBIT D



SURVEY NOTES:

1. BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE CENTERLINE OF VACATED FOURTH STREET, AS BEING S 64° 00' 09" E.
2. FIELD NOTES IN BUSINESS CENTER.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.). FLOOD ZONE: "AE" ELEVATION: 12.00' & 13.00' N.A.V.D.

COMMUNITY # 120673 - PANEL # 0554
 SUFFIX --- F REVISION DATE: 8/28/08
 MAP NUMBER: 12071C0554F

THIS SURVEY IS CERTIFIED TO:
 TOM KOHLAR

REVISED	DESCRIPTION	BY
2/14/07	COMMENTS PER COUNTY	FBH
4/3/13	UPDATE SURVEY	FBH
DATE OF LAST FIELD WORK: 4/2/13		
DRAWN: ✓	SCALE: 1"=40'	PROJ. # BC-B-4.5
FBH		
SURVEY DATE: 5/24/05	FILE NO. 46-23-24	SHT. - 1 OF - 1

PHILLIP H. MOULD
 APRIL 9, 2013
 PROFESSIONAL SURVEYOR AND MAPPER
 #6515 - STATE OF FLORIDA

HARRIS - JORGENSEN, INC.
 3046 DEL PRADO BLVD. S. 3A
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 257-2684
 FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

July 18, 2013

Ms. Leslee Dulmer, Zoning Coordinator
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, Florida 33931

VIA E-MAIL (Leslee@fortmyersbeachfl.gov)
AND REGULAR U. S. MAIL

RE: Response to SEZ2013-0002 Request for Additional Information
250 Old San Carlos Boulevard / Stingrays Raw Bar, Inc.

Dear Ms. Dulmer:

We are in receipt of your letter dated July 1, 2013 requesting additional information which posed the following questions:

Question: *The application does not adequately state how the property qualifies for the special exception and what impact granting the request could have on surrounding properties. Please respond by addressing the considerations listed under LDC Section 34-88(2).*

Response: **Considerations.**

a. Whether there exist changed or changing conditions which make approvals of the request appropriate.

Pursuant to Resolution 07-29, the Town Council found that the subject property was consistent with all provisions of Section 34-88(2) and was approved for the serving of alcoholic beverages outdoors. Comprehensive Plan Policy 3-D-1 envisions "revitalizing Downtown as lively, inviting, comfortable, and safe public environment." In keeping with this policy, improvements including spacious sidewalks, and a pedestrian plaza at the north end of Old San Carlos Boulevard have contributed to the pedestrian-friendliness of this area. This request which is consistent with the prior approved request is in compliance with this policy and the Plan.

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

The subject property is in the Pedestrian Commercial FLUM category on Old San Carlos Boulevard. Comprehensive Plan Policy 4-B-6 regarding the Pedestrian Commercial District states that commercial activities must contribute to the pedestrian-oriented public realm. The existing restaurant, alcoholic beverage service on the deck expansion which is requested with its partially enclosed roofed dining area fronting on

the sidewalk will invite pedestrian patrons and contribute to the pedestrian-oriented character of Old San Carlos Boulevard.

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

A restaurant is a use permitted by right in the Downtown zoning district. The restaurant is providing adequate parking as required by the Land Development Code. The requested use requires a special exception because the outdoor seating area is within 500 feet of a park and dwelling units under separate ownership. But otherwise this location is similar to the many other restaurants located along Old San Carlos and in Times Square where the staff has recommended approval that all locational standards for alcoholic beverage service are met.

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

The immediate vicinity of the subject property is developed and is not designated as environmentally critical. No net change in impervious area is requested and no environmental concern is raised by this request.

h. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

The existing surrounding uses include parking lots, retail stores, lodging establishments and restaurants, many of which hold 2COP or 4COP beverage licenses. This restaurant is already approved for outdoor serving by the Town. Residential uses are separated from the subject property by hotels, retail stores, parking lots and other restaurants. Therefore it is consistent with the existing and planned uses.

i. Whether the requested use will be in compliance with applicable general zoning provisions and supplement regulations pertaining to the use set forth in this chapter.

With the proposed condition on hours as set forth in the Narrative, we believe that this request which has been previously approved will be consistent with the general zoning provisions and supplemental regulations.

Question: Site Plan-Supplement Exhibit 1 & 2 It is unclear from the site plan provided (Supplement Exhibit 1&2) what is the existing building and approved consumption on premises areas and what is the proposed 'new' areas. The Narrative mentions this area is outlined in yellow but none of the copies provided include the yellow distinction. Please provide a site plan that clearly delineated between existing and proposed areas.

Response: Enclosed is the same exhibit but it has highlighted the expanded outdoor seating in yellow and highlighted the existing area of the restaurant which is approved for

Ms. Leslee Dulmer, Zoning Coordinator
July 18, 2013
Page 3

serving alcoholic beverages in pink. We believe that that satisfies the delineation between existing and proposed areas.

Please provide a dimension between the end of the required parking spaces and the edge of the proposed new outdoor dining area to determine compliance with minimum drive aisle width per LDC Section 34-2016.

Response: We have enclosed a copy of the survey and show the dimension of the distance of 40 feet from the proposed outdoor seating into the parking lot and you will see that the drive aisle is further than 40 feet. Therefore, the design complies with 34-2016 providing sufficient maneuvering room.

We respectfully submit that this application should be deemed sufficient and scheduled for the next available local planning agency hearing.

Very truly yours,

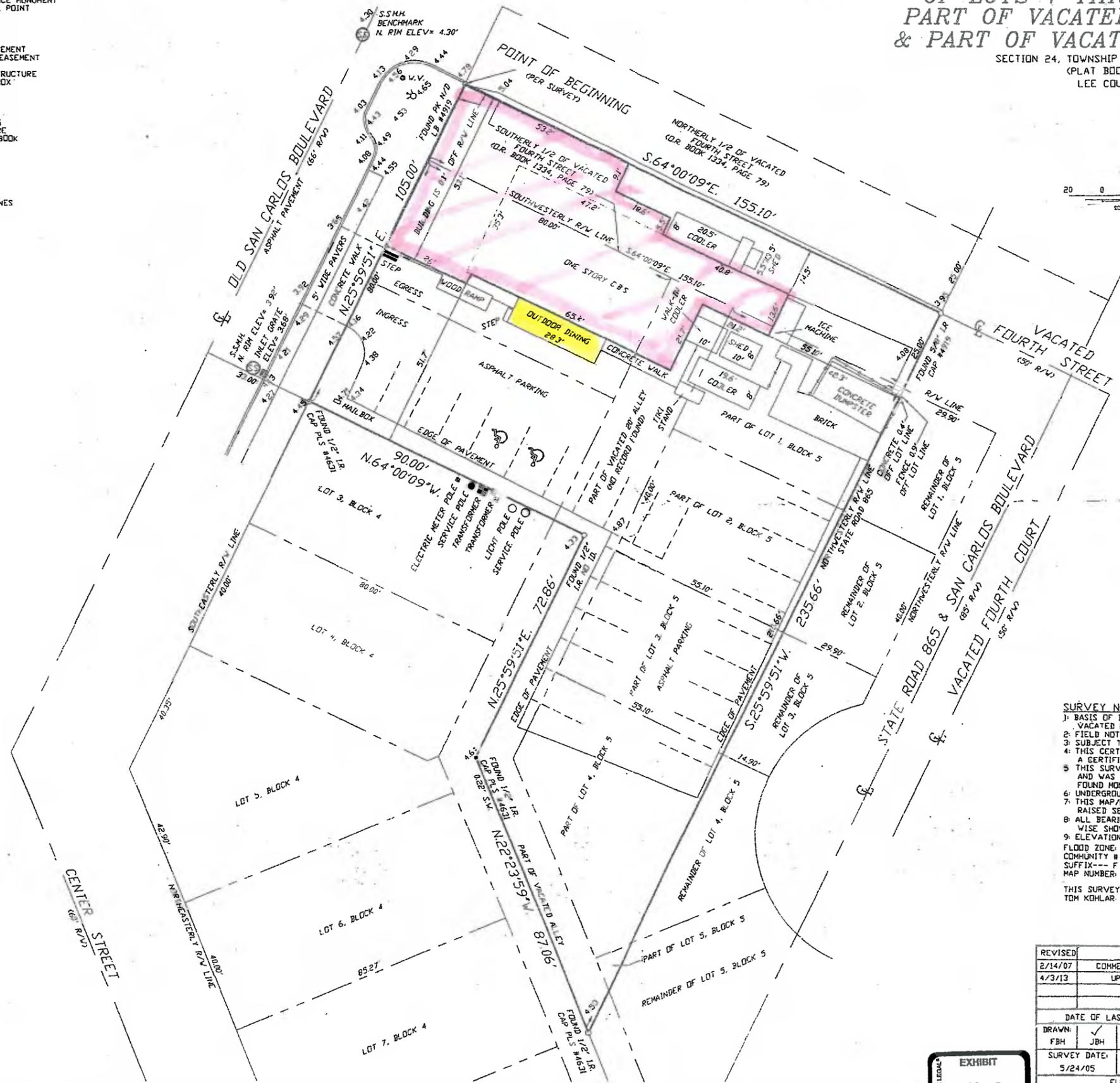
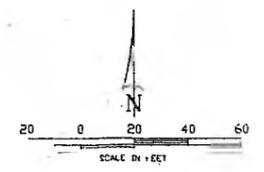
ROETZEL & ANDRESS, LPA


Beverly Grady

BG/ro
Enclosures
-Copy of Exhibit 5-2 highlighted
-Large survey w/outdoor seating highlighted

- LEGEND:**
- SET IRON PIN (CAP #4631)
 - FOUND IRON PIN (I.R.)
 - CONCRETE MONUMENT (C.M.)
 - ▭ CONCRETE (CONC)
 - PRM PERMANENT REFERENCE MONUMENT
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AS-BUILT SURVEY OF
**LOTS 1 & 2, BLOCK 4 & PART
 OF LOTS 1 THRU 5, BLOCK 5 &
 PART OF VACATED FOURTH STREET
 & PART OF VACATED 20 FOOT ALLEY**
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 (PLAT BOOK 9, PAGE 10)
 LEE COUNTY, FLORIDA



SURVEY NOTES:

- 1) BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE CENTERLINE OF VACATED FOURTH STREET, AS BEING S.64°00'09"E.
- 2) FIELD NOTES IN BUSINESS CENTER.
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- 4) THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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THIS SURVEY IS CERTIFIED TO:
 TOM KOHLAR.

REVISED	DESCRIPTION	BY
2/14/07	COMMENTS PER COUNTY	FBH
4/3/13	UPDATE SURVEY	FBH
DATE OF LAST FIELD WORK: 4/2/13		
DRAWN: FBH	SCALE: 1"=40'	PROJ. # BC-B-4.5
SURVEY DATE: 5/24/05	FILE NO. 46-23-24	SHT. - 1 OF - 1

PHILLIP M. BOWEN
 PROFESSIONAL SURVEYOR AND MAPPER
 #6512 - STATE OF FLORIDA

HARRIS - JORGENSEN, INC.
 3045 DEL PRADO BLVD. S. 3A
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 544-2624
 FAX: (239) 257-2781

FLORIDA CERTIFICATE OF AUTHORIZATION # LC 6581

EXHIBIT
5-2

AND EXHIBITS 1 AND 2 TO SUPPLEMENT



Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

July 1, 2013

Beverly Grady, Esq.
Roetzel & Andress
2320 First Street Suite1000
Fort Myers, FL 33901

Re: SEZ2013-0002
250 Old San Carlos Blvd
Stingrays Raw Bar, Inc.

Dear: Ms. Grady,

The Community Development Department has reviewed the information provided for the above zoning application. The Town of Fort Myers Beach Land Development Code (LDC) required additional information for the application to be found sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various other Town reviewing departments.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the LDC requires that this application be considered withdrawn. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

Leslee Dulmer
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

Community Development

2523 Estero Blvd Fort Myers Beach, Florida 33931

Phone: 239-765-0202 Fax: 239-765-0591

ZONING REVIEW – Leslee Chapman

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

The application does not adequately state how the property qualifies for the special exception and what impact granting the request could have on surrounding properties. Please respond by addressing the considerations listed under LDC Section 34-88(2).

Site Plan- Supplement Exhibit 1 & 2

It is unclear from the site plan provided (Supplement Exhibit 1&2) what is the existing building and approved consumption on premises areas and what is the proposed 'new' areas. The Narrative mentions this area is outlined in yellow but none of the copies provided include the yellow distinction. Please provide a site plan that clearly delineated between existing and proposed areas.

Please provide a dimension between the end of the required parking spaces and the edge of the proposed new outdoor dining area to determine compliance with minimum drive aisle width per LDC Section 34-2016.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Leslee Dulmer
Zoning Coordinator
239-765-0202 ext 105



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies and one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: SEZ2013-0002 DATE: 5/3/13

Site Address: 250 Old San Carlos Blvd.

STRAP Number: 24-46-23-W3-00204.0010

Applicant: Stingrays Raw Bar, Inc., c/o Beverly Grady Phone: 239-337-3850

Contact Name: Beverly Grady, Roetzel & Andress Phone: 239-337-3850

Email: bgrady@ralaw.com Fax: 239-337-0970

Current Zoning District: Downtown

Future Land Use Map (FLUM) Category: Pedestrian Commercial

FLUM Density Range: n/a Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Special Exception | PH-A |
| <input type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other – cite LDC Section: _____ | attach on separate sheet |

PART I – General Information

A. Applicant*: Stingrays Raw Bar, Inc., c/o Beverly Grady Phone: 239-337-3850

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: Roetzel & Andress, 2320 First Street, Suite 1000, Ft. Myers FL 33901

Email: bgrady@ralaw.com Fax: 239-337-0970

Contact Name: Beverly Grady Phone: 239-337-3850

B. Relationship of Applicant to subject property:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* |
| <input checked="" type="checkbox"/> Corporation* | <input type="checkbox"/> Association* | <input type="checkbox"/> Condominium* |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
- Variance from LDC Section _____ - _____
- Conventional Rezoning from _____ to _____
- Planned Development
 - Rezoning from _____ to Commercial PD Residential PD
 - Amendment. List the project number: _____
 - Extension/reinstatement of Master Concept Plan. List project number: _____
- Appeal of Administrative Action
- Vacation Right-of-Way Easement
- Other. Please Explain: _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

- Code Section: _____ Description: _____
- Code Section: _____ Description: _____
- Code Section: _____ Description: _____

PART IV – Property Ownership

- Single Owner (individual or husband and wife)
 - Name: _____ Phone: _____
 - Mailing Address: _____
 - Email: _____ Fax: _____

Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- Complete Disclosure of Interest Form (see below)
- Attach list of property owners as Exhibit 4-1
- Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 24-46-23-W3-00204.0010

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 Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 of Stock
Stingrays Raw Bar, Inc.	_____
Thomas F. Kolar	100 %
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

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

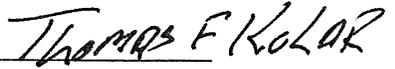
Name	Address

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 certificate of compliance, 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.



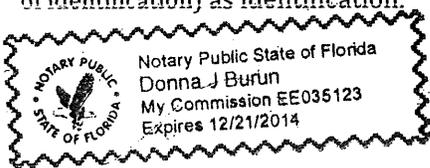
Signature

Thomas F. Kolar 

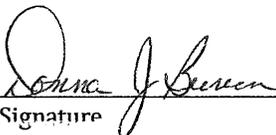
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on April 15, 2013 (date) by Thomas F. Kolar (name of person providing oath or affirmation), who is personally known to me or who has produced FL Drivers License (type of identification) as identification.



(SEAL)



Signature

Donna J Burun

Printed Name

PART V - Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00204.0010

Property Address: 250 Old San Carlos Blvd.

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 105 _____ feet

Depth (please provide an average width if irregular in shape) 155 _____ feet

Frontage on street: 105 _____ feet. Frontage on waterbody: -0- _____ feet

Total land area: 22,910 _____ acres square feet

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

Turn right on 5th Street, then turn right on Old San Carlos Blvd. The business is located on the right.

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

There are no deed restrictions and/or covenants on the subject property.

A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- Attach a map showing the surrounding property owners as Exhibit 5-7.
- Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see 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"/> Platted Overlay |

H. Zoning (see official Zoning Map):

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

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Beverly Grady swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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 of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

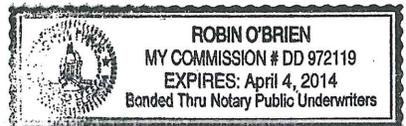
Beverly Grady
Signature of owner or authorized agent

4-24-13
Date

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4/24/2013 (date) by Beverly Grady (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

(SEAL)



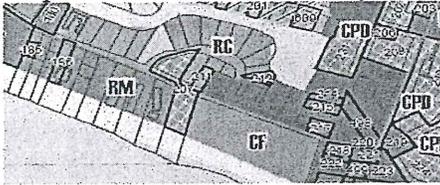
Robin O'Brien
Signature

ROBIN O'BRIEN
Printed Name

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: Stingrays Raw Bar, Inc., Expansion of Existing COP
Authorized Applicant: Stingrays Raw Bar, Inc., c/o Beverly Grady, Roetzel & Andress
LeePA STRAP Number(s): 24-46-23-W3-00204.0010

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

Requested Action:

<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:
<input checked="" type="checkbox"/> Use of premises in the <u>Downtown</u> zoning district for:
Expansion of existing COP

PART I
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

Applicant is requesting expansion of the existing Consumption on Premises (COP)

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
See attached Narrative Exhibit "A".

LETTER OF AUTHORIZATION

TO FORT MYERS BEACH COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that it is the owner of the property known as STRAP No. 24-46-23-W3-00204.0010, 250 Old San Carlos Boulevard, Fort Myers Beach, Florida.

The undersigned hereby designates BEVERLY GRADY, to be its agent to file an Application for Public Hearing regarding the above-referenced property.

STINGRAYS RAW BAR, INC.

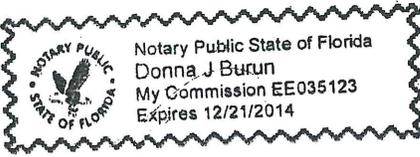
By: [Signature]
Thomas F. Kolar, President

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 15 day of April, 2013, by Thomas F. Kolar, the President of STINGRAYS RAW BAR, INC., on behalf of the corporation, who is personally known to me OR has produced a Florida driver's license as identification and who did (did not) take an oath.

[Signature]
Notary Public
My commission expires: 12-21-2014

[NOTARY STAMP/SEAL]



Parcel lying westerly of SR 865
Blocks 4 & 5, Business Center
Section 24, T. 46 S., R. 23E
Estero Island, Lee County, Florida

A tract or parcel of land lying in Blocks 4 and 5, and portions of a vacated alley lying between Blocks 4 and 5, as shown on the plat of Business Center, Section 24, Township 46 South, Range 23 East, Estero Island and recorded in Plat Book 9 at page 9 of the public records of Lee County, Florida which tract or parcel is described as follows:

Beginning at the northerlymost corner of Lot 1, Block 4 run S 64 degrees 00'09" E along the southwesterly line of Fourth Street for 155.10 feet to a concrete monument on the northwesterly line of SR 865 (85 feet wide); thence run S 25 degrees 59'51" W along said northwesterly line for 210.66 feet to a concrete monument on the centerline of a vacated alley 20 feet wide; thence run N 22 degrees 23'59" W along said centerline for 87.06 feet to a concrete monument; thence run N 25 degrees 59'51" E along said centerline for 72.86 feet to a concrete monument; thence run N 64 degrees 00'09" W along a southeasterly prolongation of the southwesterly line of Lot 2 of said Block 4 and the southwesterly line of said lot for 90 feet to a concrete monument on the southeasterly line of San Carlos Boulevard (66 feet wide); thence run N 25 degrees 59'51" E along said southeasterly line for 80 feet to the Point of Beginning.

Containing 19,033 square feet more or less.



EXHIBIT PH-B.1

YUCATAN NARRATIVE

This is a special exception request for consumption on premises (4-COP) for a new addition for the Yucatan Restaurant depicted in yellow on the attached site plan. The Yucatan exceeds 150 seats and is adding an additional 190 square feet to an approximately 4,500 foot restaurant. The Yucatan's menu features a variety of seafood and grilled entrees for both lunch and dinner.

The Yucatan restaurant has had a positive impact on the surrounding development because provides another fine dining choice for beach residents and tourists staying at the nearby hotels/motels that surround the property.

There are several restaurants, bars and hotels/motels within the surrounding 500 feet that have been approved for consumption on premises by the Town including: the Smokin' Oyster Brewery (SOB), the Lighthouse Tiki Bar, Top o' the Mast, Pierside, Burrito a Go Go, Wahoo Willies, Plaka, Pete's Timeout, Zushi Sushi, and Citrala's.

The Yucatan restaurant is located in the Downtown zoning district in the Times Square area. The purpose of the Downtown zoning district is to "create the desired quality and character for the center of pedestrian-oriented commercial activities within the town." LDC, Sec. 34-671. Old San Carlos is intended to serve as the Town's "Main Street." Yucatan is compatible with the intent of the Downtown zoning district and offers an eating option for both tourists and residents alike. The Downtown zoning district permits Open Residential, Lodging, and Retail, Office, and Civic uses. Consumption on premises is a permitted use if approved through an administrative application or a special exception.

The Yucatan is located in the Pedestrian Commercial Future Land Use Map category. The Pedestrian Commercial pursuant to Policy 4-B-6 of the Fort Myers Beach Comprehensive Plan is intended to be a "commercial district applied to the intense activity center of Times Square (including Old San Carlos and nearby portions of Estero Blvd)...Commercial activities must contribute to the pedestrian-oriented public realm..." The Yucatan furthers Policy 4-B-6 of the comprehensive plan because it is pedestrian-oriented and in close proximity and walking distance to nearby hotels/motels and other commercial establishments promoting the walk-ability of the Times Square district.

The Yucatan restaurant fronts on Old San Carlos Boulevard, with the rear of the property on the bridge. To the north of the property is commercial property, including a CPD approved by the Town Council in Resolution FMB-01-03 for commercial uses including retail and restaurant. To the south of the subject property is also retail/commercial, including a parking lot and WINDS, a retail shop. To the east of the subject property is the bridge, and then commercial property consisting of the Lighthouse Island Resort CPD. To the west of the subject property is commercial property consisting of hotel/motel and Shipwreck retail. All of the surrounding properties are in the Downtown zoning district with a Future Land Use Map ("FLUM") classification of Pedestrian Commercial.

The special exception request is in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the LDC. The requested special exception is consistent with the goals, objectives, policies, and intent of the Town of Fort Myers Beach Comprehensive Plan. Therefore, the applicant respectfully requests approval of consumption on the premises with the following conditions:

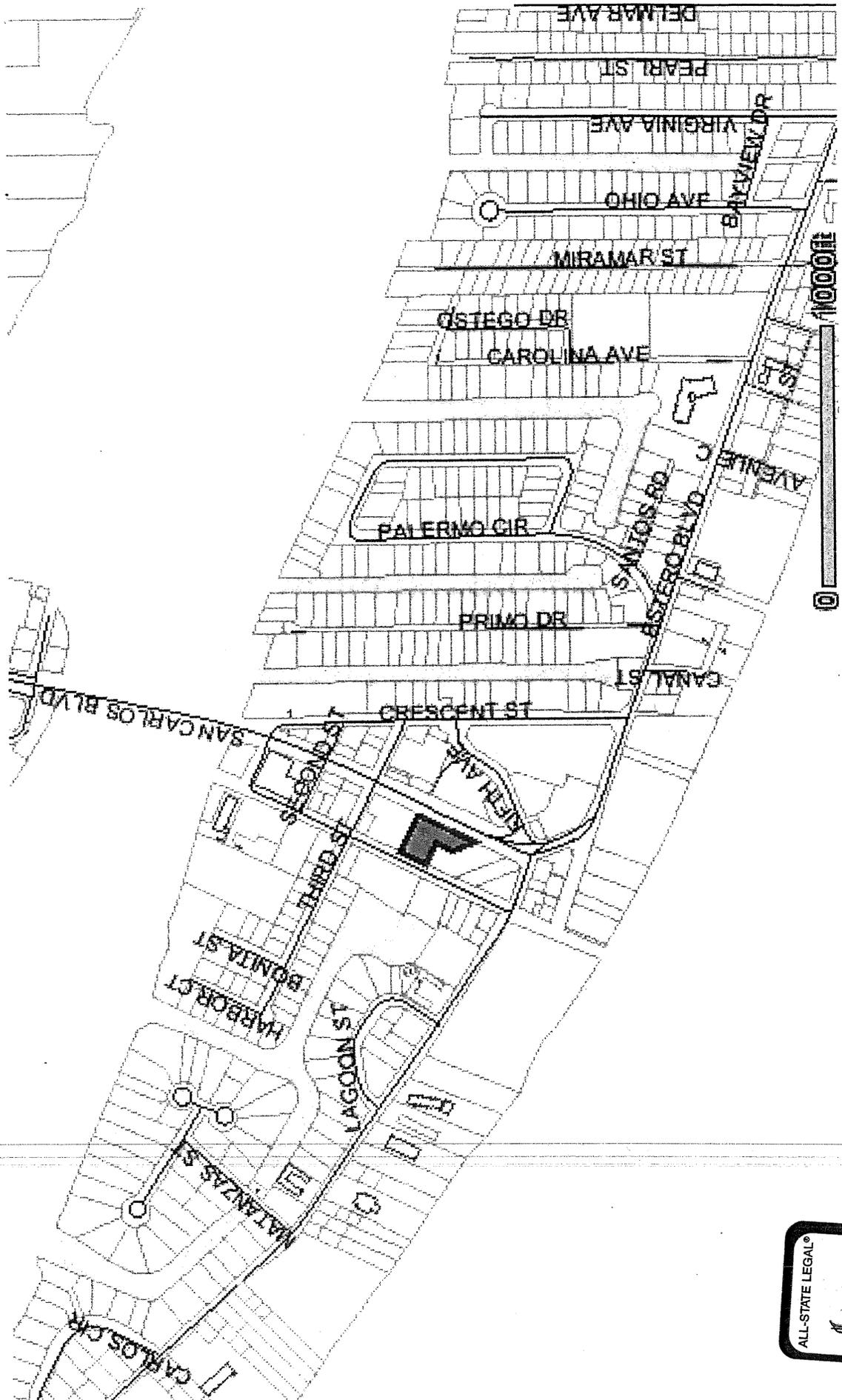
1. The approval of consumption on premises (4-COP) is limited to the 4,690 square foot restaurant (original restaurant plus new 190 square foot addition).

2. The hours of operation during which alcoholic beverages may be served on-premise are limited to Monday through Thursday 11:00AM and 12:00 midnight; between 11:00AM and 1:00AM on Friday and Saturday; and between 11:00AM and 10:00PM on Sunday.

Attached are the following exhibits:

Exhibit 1: Site plan showing requirements set forth in the application

Exhibit 2: Survey



ALL-STATE LEGAL®
 EXHIBIT
 5-3



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

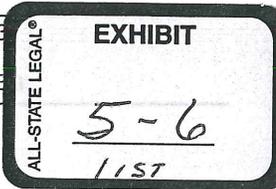
Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: 3/28/2013 2:04:04 PM
Buffer Distance: 500 ft
Parcels Affected: 129
Subject Parcels: 24-46-23-W3-00204.0010

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>
HUNTINGBURG PARTNERS LTD TODD MCGEE STE 1203 5294 SUMMERLIN COMMONS WAY FORT MYERS, FL 33907	24-46-23-W3-00006.0000 1133-1155 ESTERO BLVD/FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036
LALLO JOHN W + DEBORAH L 14577 EAGLE RIDGE DR FORT MYERS, FL 33912	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC
NESKES NOMIKI J + 1001 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #'S 201000023675 + 201000023676
STEER-MILL INC PO BOX 4026 FORT MYERS BEACH, FL 33932	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD
STEER-MILL INC PO BOX 4026 FORT MYERS BEACH, FL 33932	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH
BENCIN ENTERPRISES INC 927 PRESCOTT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00018.0000 1010 ESTERO BLVD FORT MYERS BEACH FL 33931	A PAR AS DESC IN OR 1234 PG 1371
WHITAKER WILLIAM D 15820 SAN ANTONIO CT FORT MYERS, FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OFSAN CARLOS DR DESC OR 1547 PG 1077
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00023.0000 950/81 ESTERO BLVD/OLD SAN CARLO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO, VA 22980	24-46-23-W3-00026.0000 645 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	PAR LYING E OF SAN CARLOS BLVD DESC OR 1534/1849 LESS CONDO/G/E PARCEL
FREELAND GEORGE T 4830 GRIFFIN BLVD FORT MYERS, FL 33908	24-46-23-W3-00026.0020 450 HARBOR CT FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWP 46 RGE 23 DESC OR 1447 PG 1434
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO, VA 22980	24-46-23-W3-00026.0030 441/445 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG AT A CONC MONUMENT 3 FT SE OF SELY COR MATANZAS VIEW RUN N 65 DE
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	24-46-23-W3-00201.0030 1025 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 1 PB 9 PG 9 LOTS 3 + 4

All data is current at time of printing and subject to change without notice.
 THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071
 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).



OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	24-46-23-W3-00201.0070 1047/1049 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.1 PB9 PG 9 LOT 7 LESS R/W OR 2364/2893
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0010 440 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 1
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 2
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0030 420 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 3 4 5
NAPPO JOSEPH + CHRISTINE 45 SAGAMORE AV OCEANPORT, NJ 07757	24-46-23-W3-00202.0060 1011 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 6
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0090 1037/1039 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 9 + 10
3 SUNS MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0110 1041 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 11
3 SUN MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0120 1051 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 12 LESS OR2325/0292
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	24-46-23-W3-00202.0130 CORNER LOT FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 13 + 14 LESS R/W OR 2311/2803
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	24-46-23-W3-00202.0150 1042/1044 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 15 LESS R/W OR 2311/2803
PIERHOUSE-FT MYERS BEACH LTD 1000 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0180 1030 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 18
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0190 1010 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 19
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0020 320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0090 1041 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 9 LESS OR 3176 PG 330
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0100 1049 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 10-13 + 16-18
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.014A 1067 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB9/9 LT 14 LESS PAR 3.014B R/W (OR2297/0492)
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES R/W OR2353/3036
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0190 1030 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 LESS OR 3176 PG 330
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00203.019A THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 AS DESC IN OR 3176 PG 330 BLDG ASSESSED ON 24-46-23-W3-00203.0190 AS INCOME PARCEL TILL 2008

All data is current at time of printing and subject to change without notice.
THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071
(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>
HOLLAND DENNIS TR 3933 MAALAEA BAY PL WAILUKU, HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU 18 E 865R/W LESR/W OR2353/3036
HUNTINGBURG PARTNERS LTD D TODD MCGEE STE 1203 5294 SUMMERLIN COMMONS WAY FORT MYERS, FL 33907	24-46-23-W3-00205.0070 PARKING LOTS FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510
HUNTINGBURG PARTNERS LTD D TODD MCGEE STE 1203 5294 SUMMERLIN COMMONS WAY FORT MYERS, FL 33907	24-46-23-W3-00206.0060 1150-1180 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK, NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00207.1000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9
TAYLOR JAMES L + PAULA SUE 11022 WEST 109TH ST OVERLAND PARK, KS 66210	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LOTS 1 + 2 LESS THE W 44
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2
BENSON BRADFORD J 927 PRESCOTT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 PT LOT 4 + ALL LOT 5
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427
PRIMEAU BEVERLY A TR EST 950 SAN CARLOS DR FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351
KROHN INVESTMENTS LLC PO BOX 2518 FORT MYERS BEACH, FL 33932	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2
GARDNER JOHN JOSEPH + MARSHA J 919 NORTH ST APT A FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3
TURTURRO RACHEL 929 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 4
HORN GWEN 923 THIRD ST APT A FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0050 923 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 5

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HOULIHAN MAURICE + MARY 917 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0060 917 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 6
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0010 940 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 1
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 2
SCHULZ AXEL + CORNELIA 926 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4
CLAYTON KATHRYN BEBEANNE TR 920 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 5
FOSTER STEPHEN ALLEN TR 914 THIRD ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 6
TYRELL PETER 1/2 + LITTLE HEATH HOUSE SHEETHANGER LANE - FELDEN HEMEL HEMPSTEAD HP3 0BG, UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0010 343 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 1 + 2
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 3 THRU 12 + VAC LAGOON R/W OR2858/1391 + OR2660/2863 +2736/3702
GROSS WAYNE + 185 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0130 185 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 13 + PT LOT 14
MAY S E PO BOX 61176 FORT MYERS, FL 33906	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15
JENKINS GEORGE D L PO BOX 280 TILLSONBURG, ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17
151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19
KEELER VIOLET RUTH TR 16243 CHARLESTON AVE FORT MYERS, FL 33908	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19
LISAY STEVEN E + CATHERINE M 925 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26
HOLBROOK LESLIE E + 5353 ST ROUTE 288 GALION, OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32
PURTELL JAMES F + JON R GUILLES PO BOX 2706 FORT MYERS BEACH, FL 33932	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 33
ARTRIP CHARLES J + BARBARA K 851 LAGOON ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-02500.00CE HDR: SAND CASTLE FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMOM AREA DESC OR 1463 PG 2328 + CPB 6 PG 230

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SAND CASTLE BEACH CLUB 905 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-02500.1010 905 ESTERO BLVD FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE OR1463-2328 UNITS 101-215 / 29 UNITS
MARINA VILLAGE AT SNUG HARBOR PO BOX 2430 FORT MYERS BEACH, FL 33932	24-46-23-W3-02800.00CE OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO COMMON ELEMENT PARCELS
HARBOUR HOUSE AT THE INN	24-46-23-W3-04200.00CE 450 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN DESC IN INST #2010000012068 COMMON ELEMENT
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0201 450 OLD SAN CARLOS BLVD 201 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 201
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0202 450 OLD SAN CARLOS BLVD 202 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 202
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0203 450 OLD SAN CARLOS BLVD 203 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 203
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0204 450 OLD SAN CARLOS BLVD 204 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 204
GHANEM GEORGE + ROSE 12891 TERABELLA WAY FORT MYERS, FL 33912	24-46-23-W3-04200.0205 450 OLD SAN CARLOS BLVD 205 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 205
BEASLEY MARK E + JULIE A 6872 DABNEY ST FORT MYERS, FL 33966	24-46-23-W3-04200.0206 450 OLD SAN CARLOS BLVD 206 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 206
GEZZER GEORGE M 5520 BRIAR LN WHITEHALL, PA 18052	24-46-23-W3-04200.0207 450 OLD SAN CARLOS BLVD 207 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 207
WILHELM THOMAS D + LYNNE E N 1303 PALISADES DR APPLETON, WI 54915	24-46-23-W3-04200.0208 450 OLD SAN CARLOS BLVD 208 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 208
ADVANTAIRA TRUST LLC 4753 ESTERO BLVD #1103 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0209 450 OLD SAN CARLOS BLVD 209 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 209
MOORE BOB D 128 FRONT ST RIPLEY, OH 45167	24-46-23-W3-04200.0210 450 OLD SAN CARLOS BLVD 210 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 210
SAWYER RICHARD R TR 8401 ESTERO BLVD #401 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0211 450 OLD SAN CARLOS BLVD 211 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 211
E + L HOMES LLC 1528 WINCHELL CT EAST LANSING, MI 48823	24-46-23-W3-04200.0212 450 OLD SAN CARLOS BLVD 212 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 212
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0213 450 OLD SAN CARLOS BLVD 213 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 213
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0214 450 OLD SAN CARLOS BLVD 214 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 214
SERRA LUIGI 26 SEQUOIA RD WOODBIDGE, ON L4H 1W6 CANADA	24-46-23-W3-04200.0215 450 OLD SAN CARLOS BLVD 215 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 215
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0216 450 OLD SAN CARLOS BLVD 216 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 216
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0217 450 OLD SAN CARLOS BLVD 217 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 217

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PROVENZANO FRANK R + KELLY L 2725 LOMBARDY CRES LASALLE, ON N9H 2L8 CANADA	24-46-23-W3-04200.0301 450 OLD SAN CARLOS BLVD 301 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 301
SOLANS ENRIC + ANTOINETTE 1821 BOULDER DR MOUNT PROSPECT, IL 60056	24-46-23-W3-04200.0302 450 OLD SAN CARLOS BLVD 302 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 302
SOLER JOHN H + SANDRA G 2363 WOODLAND DR ALLEN TOWN, PA 18103	24-46-23-W3-04200.0303 450 OLD SAN CARLOS BLVD 303 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 303
HOWARD GREGORY A PO BOX 44650 DETROIT, MI 48244	24-46-23-W3-04200.0304 450 OLD SAN CARLOS BLVD 304 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 304
KNISELY JAMES E + DEBRA M 3501 UNIVERSITY DR NE NEW PHILADELPHIA, OH 44663	24-46-23-W3-04200.0305 450 OLD SAN CARLOS BLVD 305 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 305
ADVANTAIRA TRUST LLC 914 MONTICELLO DR NAPERVILLE, IL 60563	24-46-23-W3-04200.0306 450 OLD SAN CARLOS BLVD 306 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 306
WHALLEY CHERYL M PO BOX 65 ARVA, ON N0M 1C0 CANADA	24-46-23-W3-04200.0307 450 OLD SAN CARLOS BLVD 307 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 307
POTLATCH DEVELOPMENTS LLC 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0308 450 OLD SAN CARLOS BLVD 308 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 308
OBERG JAMES + AMANDA 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0309 450 OLD SAN CARLOS BLVD 309 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 309
JAMIESON JAMES J + SHARON R 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0310 450 OLD SAN CARLOS BLVD 310 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 310
CAMPBELL GORDON + PAULETTE 311 CAVENDISH DR ANCASTER, ON L9G 3Z1 CANADA	24-46-23-W3-04200.0311 450 OLD SAN CARLOS BLVD 311 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 311
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0312 450 OLD SAN CARLOS BLVD 312 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 312
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0313 450 OLD SAN CARLOS BLVD 313 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 313
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0314 450 OLD SAN CARLOS BLVD 314 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 314
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0315 450 OLD SAN CARLOS BLVD 315 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 315
BAHLKE WILLIAM P + ALMEDA A 201 SE 2ND AVE # 316 GAINESVILLE, FL 32601	24-46-23-W3-04200.0316 450 OLD SAN CARLOS BLVD 316 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 316
CIARAMITA PETER J + LYNNE TR 6311 BALD EAGLE RD RACINE, WI 53406	24-46-23-W3-04200.0317 450 OLD SAN CARLOS BLVD 317 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 317
MILLER BRIAN 112 MILLER RD SPRING MILLS, PA 16875	24-46-23-W3-04200.0318 450 OLD SAN CARLOS BLVD 318 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 318
T + J HOMES SWFL LLC 450 OLD SAN CARLOS BLVD #G101 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G101 450 OLD SAN CARLOS BLVD G101 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G101
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G102 450 OLD SAN CARLOS BLVD G102 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G102

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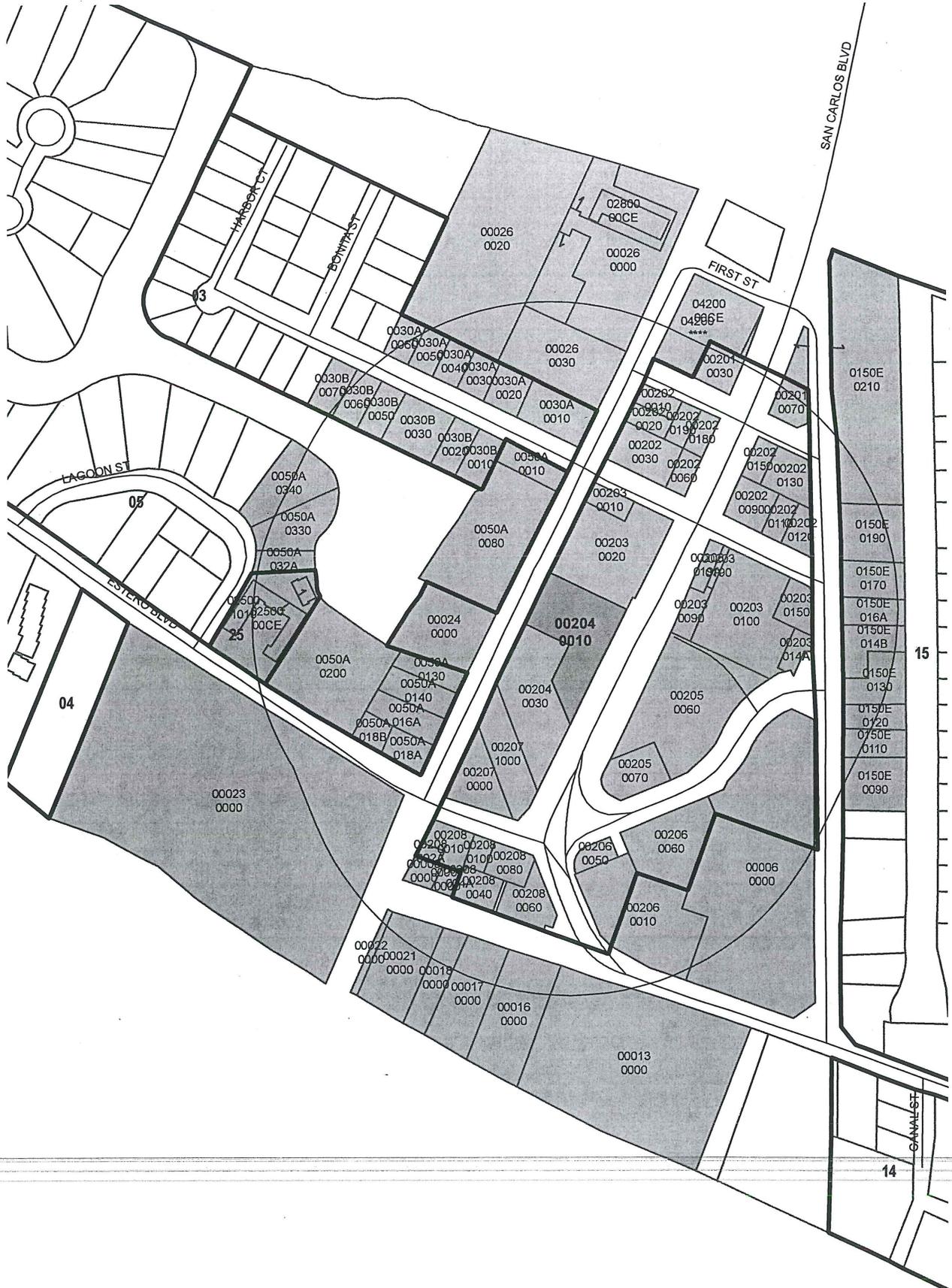
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OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G103 450 OLD SAN CARLOS BLVD G103 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G103
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G104 450 OLD SAN CARLOS BLVD G104 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G104
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G105 450 OLD SAN CARLOS BLVD G105 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G105
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G106 450 OLD SAN CARLOS BLVD G106 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G106
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G107 450 OLD SAN CARLOS BLVD G107 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G107
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G108 450 OLD SAN CARLOS BLVD G108 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G108
RICHARD JOHN W L/E 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036
RUDISILL GLENN E + NANCY A 3290 E BERLIN RD YORK, PA 17408	19-46-24-W4-0150E.0110 250 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 11 + VAC R/W + LAND ADJ CANAL LESS R/W
RUDISILL GLENN E + NANCY A 3290 E BERLIN RD YORK, PA 17408	19-46-24-W4-0150E.0120 270 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 12 VAC R/W + LAND ADJ CANAL LESS R/W DESC IN OR 2319/4512
GRANT JOSEPH H + DORIS M 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0130 300 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT13+E40 FT LT 14+VAC LES R/W OR2366/2077
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W +LAND ADJ CANAL
REICH EUGENE E + DORIS F TR 340 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484
BARR STANTON TR 9851 CLYDE RD FENTON, MI 48430	19-46-24-W4-0150E.0190 402/406 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 30 FT LOTS 18 + 19 + S 30 FT LOT 20 LESS R/W 2353/3036 LESS R/W OR 2370/0201
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	19-46-24-W4-0150E.0210 414/416 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADDN BLK E PB4/46 PT LTS 20THRU25LT 26 LES R/W OR 2353 PG 3036 + OR 3189 PG 3751

VARIANCE REPORT

3/28/2013

Subject Parcels: 1 Affected Parcels: 129 Buffer Distance: 500 ft



24-46-23-W3-00204.0010

26598.7632.66.25 0

265 Feet

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