

**RESOLUTION NUMBER 16-06
RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
SEZ2016-0001 Outdoor Seating and Consumption on Premises
for Fish House Restaurant**

WHEREAS, Greg Stuart, authorized agent for Barry Greenfield, applicant and lessor of the subject property, filed applications to obtain a special exception in the DOWNTOWN zoning district for the new Fish House Restaurant, comprised of 4,176 square feet +/-, which includes 772 square feet +/- of Outdoor Seating for consumption on premises (4 COP – SRX); and, to approve 772 square feet of outdoor seating for the new Fish House Restaurant located at 320 Old San Carlos Boulevard; and

WHEREAS, Applicant has indicated the STRAP number for the subject property is 24-46-23-W3-00203.0020, and the subject property is legally described as indicated on attached Exhibit A; and

WHEREAS, the subject property is physically located at 320 Old San Carlos Boulevard, Fort Myers Beach, Florida, 33931 and within the Downtown zoning district; and

WHEREAS, a duly advertised public hearing was held before the Local Planning Agency (LPA) on February 9th 2016; and

WHEREAS, the LPA recommended approval subject to certain conditions after full and complete consideration of the Applicant's request, recommendations of Town staff, documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-84; and

WHEREAS, on February 16, 2016, the Town Council held a duly advertised public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by LDC s. 34-88; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. **Determination.**

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, the Town Council approves the following:

Special Exception. (SEZ2016-0001) The Town Council grants **APPROVAL** of: (a) a special exception to permit consumption on premises (4COP - SRX) approval for the Fish House Restaurant comprised of 4,176 square foot +/-, which includes 772 square feet +/- for Outdoor Seating, as shown on the Site Plan attached as Exhibit B and Floor Plan attached as Exhibit C; and, (b), outdoor seating for the new Fish House Restaurant as depicted on attached Exhibits B and C.

2. Conditions.

- a. Approval of this special exception does not exempt the subject property from any provisions of the LDC. The Special Exception is limited to on-premise consumption of alcoholic beverages in the 4,176 square foot +/- Fish House Restaurant, including the 772 square feet +/- of Outdoor Seating as shown on the Site Plan attached as Exhibit B and Floor Plan attached as Exhibit C.
- b. No outdoor entertainment is approved.
- c. The hours of operation during which alcoholic beverages may be served on-premises are limited to Monday through Thursday between the hours of 7:00 AM and 12:00 midnight; between 7:00AM and 1:00AM on Friday and Saturday; and between 7:00 AM and 10:00PM on Sunday.
- d. 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 the Town's Land Development Code.
- e. The restaurant use requires 17 parking spaces, 16 spaces if a bike rack with 4 spaces is provided. Prior to Town staff signing the State of Florida Department of Business and Professional Regulation form so that the applicant can obtain the issuance of the Consumption on Premise from the State, the March 15th 2011 Joint Use Parking Agreement, Instrument #2011000063720, must be amended to allocate 16 parking spaces for the new Fish House Restaurant located at 320 Old San Carlos Boulevard.

3. Findings and Conclusions of Law.

- a. **Special Exception.** In accordance with LDC s. 34-88, the Town Council finds as follows:
 - (1) There are changed or changing conditions that make approval of the special exception request appropriate.

- (2) The request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- (3) The request meets or exceeds all performance and locational standards set forth for the proposed use.
- (4) The request will have no negative effects on environmentally critical areas and natural resources.
- (5) The request will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
- (6) The requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Vice Mayor Andre, seconded by Council Member Hosafros and upon being put to a vote the results was as follows:

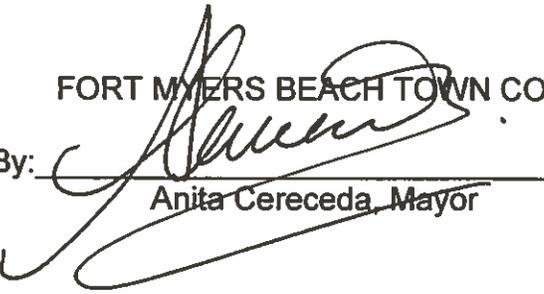
Anita Cereceda, Mayor	aye	Dan Andre, Vice Mayor	aye
Rexann Hosafros	aye	Alan Mandel	aye
Summer Stockton	aye		

DULY PASSED AND ADOPTED this 16th day of February, 2016.

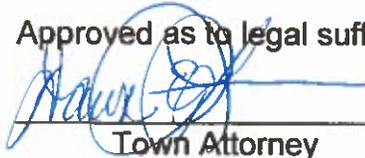
ATTEST:

FORT MYERS BEACH TOWN COUNCIL

By: 
Michelle Mayher, Town Clerk

By: 
Anita Cereceda, Mayor

Approved as to legal sufficiency


Town Attorney

Exhibits

- A: Legal Description of Entire Parcel
- B: Fish House Restaurant Site Plan
- C: Fish House Restaurant Floor Plan

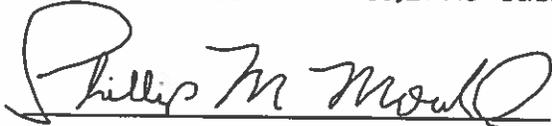
EXHIBIT A
Legal Description

DESCRIPTION:

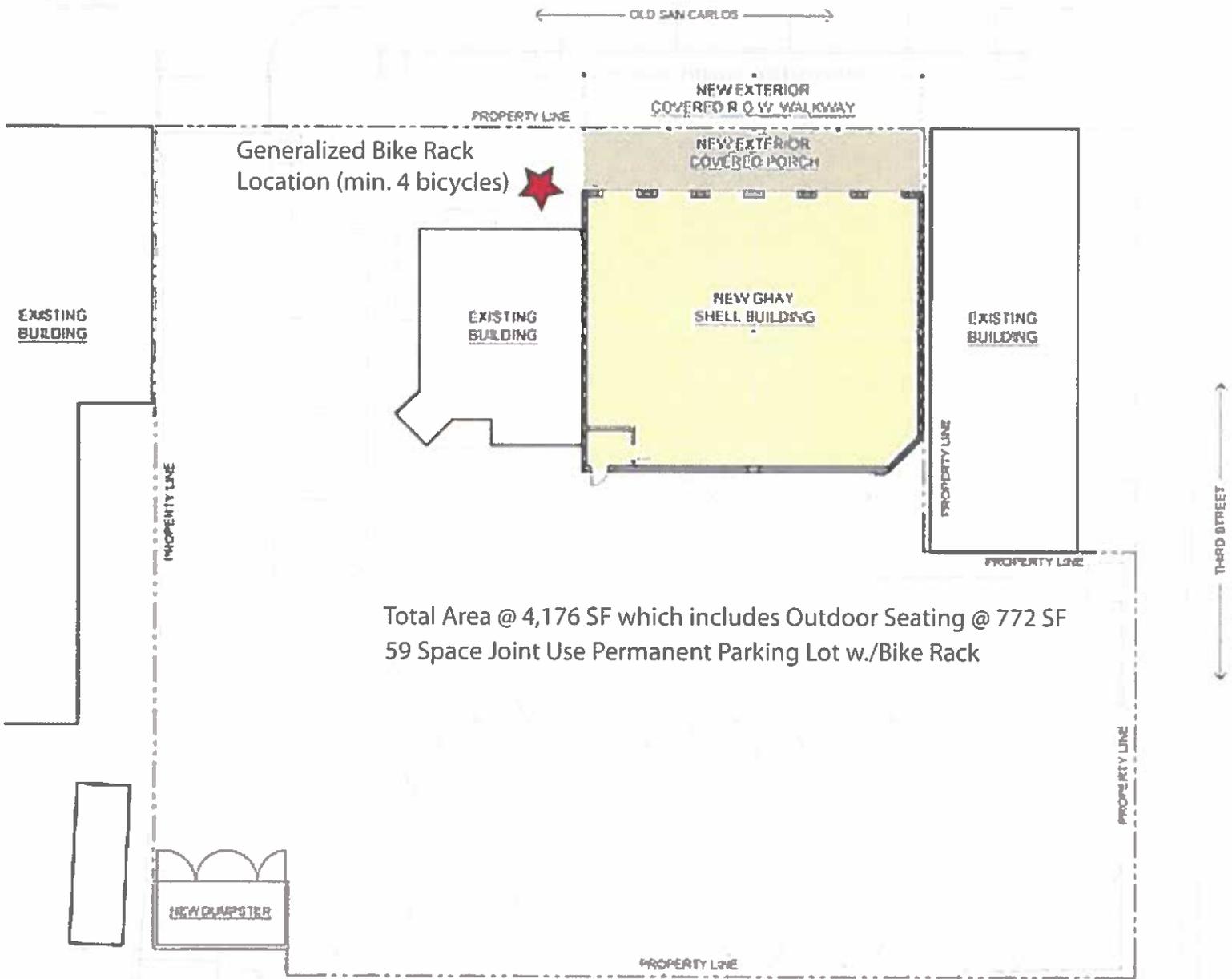
A TRACT OR PARCEL OF LAND BEING LOTS 2, 3, 4, 5, 6, 22 AND 23, BLOCK 3, BUSINESS CENTER, AS RECORDED IN PLAT BOOK 9, PAGE 10, AND THE NORTHERLY HALF OF VACATED FOURTH STREET, AS RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 79, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF THE AFORESAID LOT 22; THENCE RUN S.25°56'20"W. FOR 160.00 FEET TO THE SOUTHEASTERLY CORNER OF THE AFORESAID LOT 6; THENCE RUN N.64°03'40"W. FOR 4.90 FEET; THENCE RUN S.25°56'20"W. FOR 25.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE AFORESAID VACATED FOURTH STREET; THENCE RUN N.64°03'40"W. FOR 155.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD (66 FEET WIDE); THENCE RUN N.25°56'20"E. ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE FOR 145.00 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 2; THENCE RUN S.64°03'40"E. FOR 80.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE RUN N.25°56'20"E. FOR 40.00 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 23, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THIRD STREET (50 FEET WIDE); THENCE RUN S.64°03'40"E. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 80.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 26,277.5 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
LS #6515
JANUARY 26, 2015



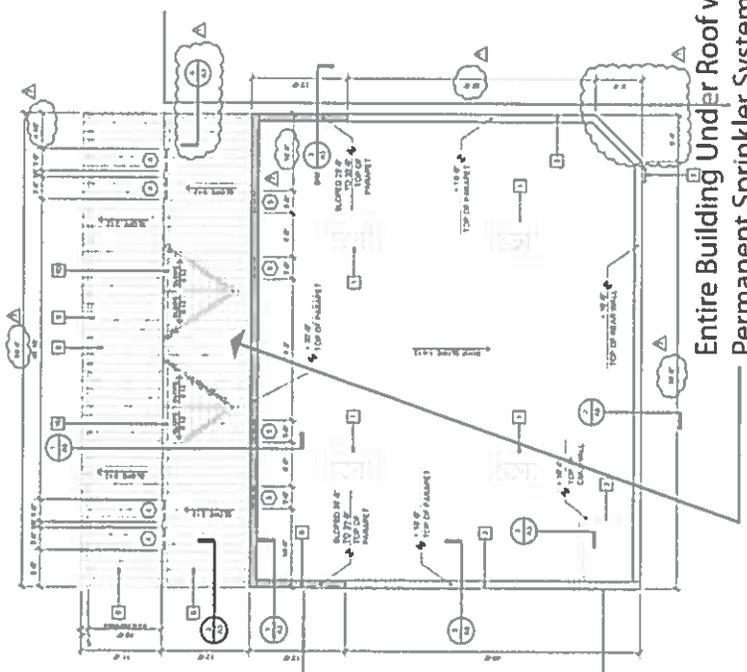
ARCHITECTURAL SITE PLAN

SCALE 1/16" = 1'-0"

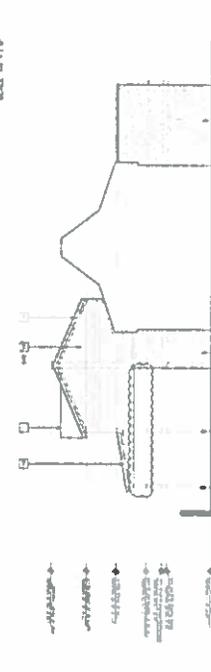
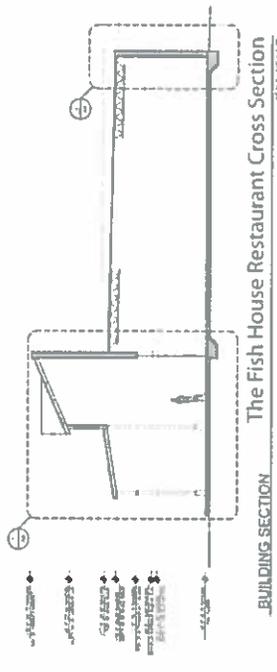
Note:
 03/15/2011 Joint-Use Agreement
 INSTR# 2011000063720, pg.2

Parking Space Calculations:
 Building Area _ 4,176 sf
 Downtown District Rest. Parking Requirement _
 4 per 1,000sf
 Parking Spaces Required _ 17
 Bike Rack Credit Adjustment _ 16 Parking Spaces
 Spaces Provided _ 59 Join Use Permanent Spaces

The Fish House Restaurant Site Plan Exhibit B
 320 Old San Carlos Blvd., Fort Myers Beach, FL 33931
 Strap #: 24-46-23-W3-00203.0020



Entire Building Under Roof w./ Permanent Sprinkler System



Old San Carlos Blvd. ROW
The Fish House Restaurant

772 SF +/- Outdoor Permanent Seating

Permanent Seating



The New Fish House Restaurant Floor Plan_4,176 SF/150 Person Capacity (Life Safety detail)

The Fish House Restaurant COP & Outdoor Seating Special Exception Floor Plan Exhibit C