

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 99-46

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING / ~~DENYING~~ THE REQUEST FOR CONSUMPTION ON PREMISES

WHEREAS, Fort Myers Beach Movie Theater has filed an application for a Special Permit in the CT (Tourist Commercial) district for consumption on premises (a 2COP license – beer and wine); and

WHEREAS, the subject property is located at 6425 & 6445 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as: Section 34, Township 46 South, Range 24 East; and,

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 34-46-24-W4-00045.0000 & 34-46-24-W4-00046.000; and,

WHEREAS, a public hearing was advertised and held on December 13, 1999, before the Fort Myers Beach Town Council who gave full and complete consideration to the recommendations of the staff and the Local Planning Agency, the documents on file with Lee County, and the testimony of all interested persons; and,

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

1. The Special Permit is limited to the indoor movie theater use only. Any change in the use of this property will require a new approval in accordance with the Town of Fort Myers Beach's LDC.
2. The sale of beer and wine may only occur during the hours of 12noon to 11PM.
3. All sales must be conducted within the theater, no sales or consumption may occur outside of the building.
4. This approval is limited to a 2-COP license only. If any other type of license is sought, a new approval in accordance with the Town's LDC will be required.

FINDINGS AND CONCLUSIONS:

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

1. The applicant did / ~~did not~~ comply with Section 34-1264 (2) b. which places the burden of proof upon the applicant to demonstrate that approval will not have any adverse affect on surrounding properties.
2. That there is no error or ambiguity in the Land Development Code or Town Plan which must be corrected by the Special Permit.
3. That the character and nature of the surrounding area make approval of the Special Permit, as conditioned, appropriate/ ~~inappropriate~~.
4. That the Special Permit, as conditioned, is consistent/ ~~inconsistent~~ with the goals, objectives, policies and intent of the Town Plan, and the densities, intensities and general uses set forth in the Town Plan and Land Development Code.
5. That the Special Permit, as conditioned, meets / ~~does not~~ meet all performance and locational standards set forth for the proposed use.
6. That urban services will / ~~will not~~ be available and adequate to serve the proposed use when it is constructed.
7. That there are no environmentally critical areas or natural resources to be adversely affected by the Special Permit, as conditioned.

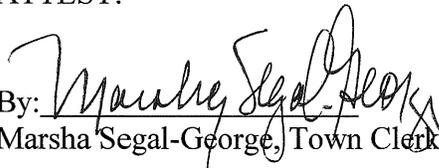
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

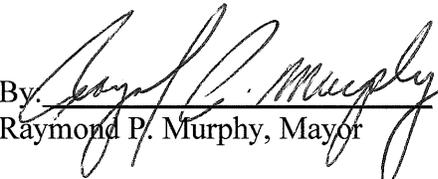
Anita T. Cereceda	aye
Daniel Hughes	aye
John Mulholland	aye
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY ~~DENIED~~/GRANTED this 13th day of December, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
 Marsha Segal-George, Town Clerk

By:   
 Raymond P. Murphy, Mayor

Approved as to form by:

  
 Richard V.S. Roosa, Town Attorney