

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 00- 12

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING / ~~DENYING~~ THE REQUEST FOR SPECIAL PERMIT FOR  
CONSUMPTION ON PREMISES WITH OUTDOOR SEATING

WHEREAS, First Central Inv., Corp., as owner of the Edison Beach House has filed an application for a Special Permit in the CPD (Commercial Planned District) district for consumption on premises with outdoor seating; and,

WHEREAS, the subject property is located at 830 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as: Section 24, Township 46 South, Range 23 East: and,

WHEREAS, the applicant has indicated the property's current STRAP number are: 24-46-23-W3-00400.0010; and,

WHEREAS, a public hearing was advertised and held 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.

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 of 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 Lee 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.

Alcoholic beverages to be available at office desk from 12 noon to 8 p.m. only, sale limited to guests only and charged to occupied rooms. No bar or pool-side service.

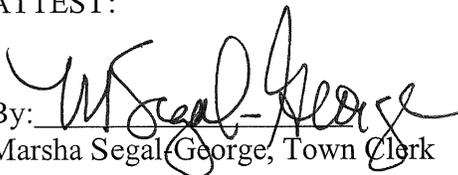
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

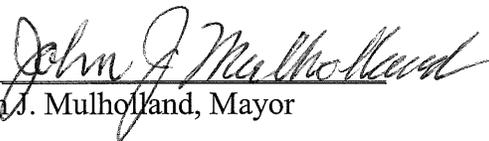
Anita T. Cereceda	aye
Daniel Hughes	aye
John Mulholland	nay
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY DENIED/GRANTED this 13th day of March, 2000.

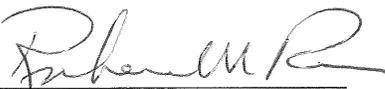
ATTEST:

TOWN OF FORT MYERS BEACH

By:   
 Marsha Segal-George, Town Clerk

By:   
 John J. Mulholland, Mayor

Approved as to form by:

  
 Richard V.S. Roosa, Town Attorney

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