

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 02-40

WHEREAS, Snug Harbor Restaurant has filed an application for a Special Permit in the Pedestrian Commercial district for consumption on premises (a 2COP license – beer and wine) with outdoor seating for a restaurant; and,

WHEREAS, the subject property is located at 1131 First Street, Fort Myers Beach, in S24-T46S-R23E, Lee County, Florida and the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00004.0000, and the legal description is provided in Exhibit A which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 17, 2002, when the LPA made the following recommendation:

That the Town Council approve the request subject to the following conditions:

1. The Special Exception is limited to on premises consumption of alcoholic beverages in conjunction with outdoor seating, limited to a 4-COP SRX beverage license to be used in conjunction with the group 3 restaurant as approved under VAR2001-00053.
2. The total outdoor seating capacity is limited to a total of 170 seats. The location of the outdoor seating area is as specified in Exhibits B, C and D which are attached hereto and incorporated herein by reference. The outdoor seating is further limited to no more than 60 of the 170 seats in the "Courtyard area".
3. Outdoor music or entertainment is limited to 11 PM and live music is limited to non-amplified acoustical music.
4. The outdoor seating will only be used in conjunction with the service of alcoholic beverages between the hours of 11 AM and 12 AM, Monday through Thursday and between the hours of 11 AM and 1 AM, Friday and Saturday and between the hours of 12 PM and 10 PM on Sunday.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES the requested special permit with the following conditions:

1. The Special Exception is limited to on premises consumption of alcoholic beverages in conjunction with outdoor seating, limited to a 4-COP SRX beverage license to be used in conjunction with the group 3 restaurant as approved under VAR2001-00053.
2. The total outdoor seating capacity is limited to a total of 170 seats. The location of the outdoor seating area is as specified in Exhibits B, C and D which are attached hereto and incorporated herein by reference. The outdoor seating in the "Courtyard area" is further limited to no more than 60 of the 170 total seats.
3. Outdoor music or entertainment is limited to 11 PM and live music is limited to non-amplified acoustical music.
4. The outdoor seating will only be used in conjunction with the service of alcoholic beverages between the hours of 11 AM and 12 AM, Monday through Thursday

and between the hours of 11 AM and 1 AM, Friday and Saturday and between the hours of 12 PM and 10 PM on Sunday.

FINDINGS AND CONCLUSIONS:

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

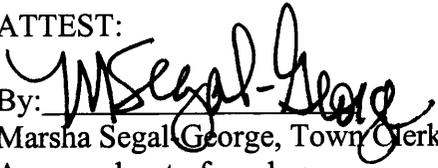
1. The applicant did comply with Section 34-1264 (2) b. which places the burden of proof upon the applicant to demonstrate that approval will not have any adverse affect on surrounding properties.
2. That there is no error or ambiguity in the Land Development Code or Town Plan which must be corrected by the Special Permit.
3. That the character and nature of the surrounding area make approval of the Special Permit, as conditioned, appropriate.
4. That the Special Permit, as conditioned, is consistent 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 all performance and locational standards set forth for the proposed use.
6. That urban services will 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:

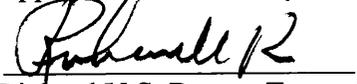
Howard Rynearson	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Bill Thomas	<u>Absent</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Terry Cain	<u>Aye</u>

Adopted this 14th day of October, 2002.

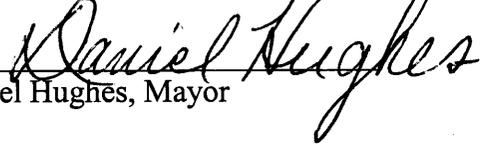
ATTEST:

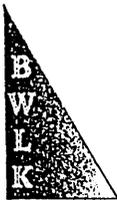
By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH,

By: 
Daniel Hughes, Mayor



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

RECEIVED

AUG 07 2002

A Tract or Parcel of Land
Lying in
Section 24, Township 46 South, Range 23 East
Town of Fort Myers Beach, Lee County, Florida

COMMUNITY DEVELOPMENT
COP 2002-00095
~~SEZ 2002-00025~~

A tract or parcel of land lying in the State of Florida, County of Lee, Town of Fort Myers Beach, Government Lot 1 (Island) of Section 24, Township 46 South, Range 23 East, which tract or parcel is more particularly described as follows:

Starting at the southwest corner of Lot 26, Block "E" of Crescent Park Addition Subdivision, according to the map or plat thereof as recorded in Plat Book 4 at Page 46 of the Public Records of said Lee County; thence N01°43'00"W along the east line of said Section 24, said line also being the east right-of-way line of Crescent Street for 21.95 feet; thence N65°00'00"W along the northerly right-of-way line of First Street (50.00 feet wide) for 99.57 feet to the Point of Beginning of the herein described parcel, said point being on the westerly right-of-way line of new State Road 865; thence continue N65°00'00"W along said northerly right-of-way line of First Street for 134.76 feet to the intersection of said northerly right-of-way line with the easterly right-of-way line of Old San Carlos Boulevard (63.00 feet wide); thence N25°00'00"E along said Old San Carlos Boulevard right-of-way line for 90.52 feet to a point on the concrete seawall on the waters of Matanzas Pass; thence S72°05'38"E along said seawall and along said waters of Matanzas Pass for 119.52 feet to a point on the west right-of-way line of the aforesaid new State Road 865, said point being on a curve concave to the west having a radius of 2824.79 feet; thence southerly along said curve for 106.52 feet through a central angle of 02°09'38", said curve having a chord bearing of S16°16'30"W and a chord distance of 106.51 feet to the Point of Beginning.

Said parcel being that portion of the property conveyed to Edmund J. Skorupski by Beach Marina, Inc. by Deed dated the 12th day of January, 1978 that is west of the right-of-way line of the New State Road 865.

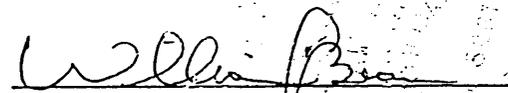
Said parcel subject to all easements, restrictions, reservations and rights-of-way.

Bearings are assumed along the easterly right-of-way line of Old San Carlos Boulevard as bearing N25°00'00"E.

Said parcel contains 0.29 acres, more or less.

The above description written to satisfy Lee County for a Development Order, however, the description as recorded in O.R. Book 1534, Page 1851 and in O.R. Book 2565, Page 800 should be used for title purposes.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


William E. Bear, R.L.S. 3261

32686DESC1

5/30/02

Applicant's Legal Checked
by Jm 9/9/02

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
ARWALD F. KAREH, PE, MISC., VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

EXHIBIT "A"

ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP
PAUL J. FURBER, PE

COURTYARD

REQUESTED AREA FOR OUTDOOR SEATING (yellow hi-lite)

SEZ ~~2002-0002~~

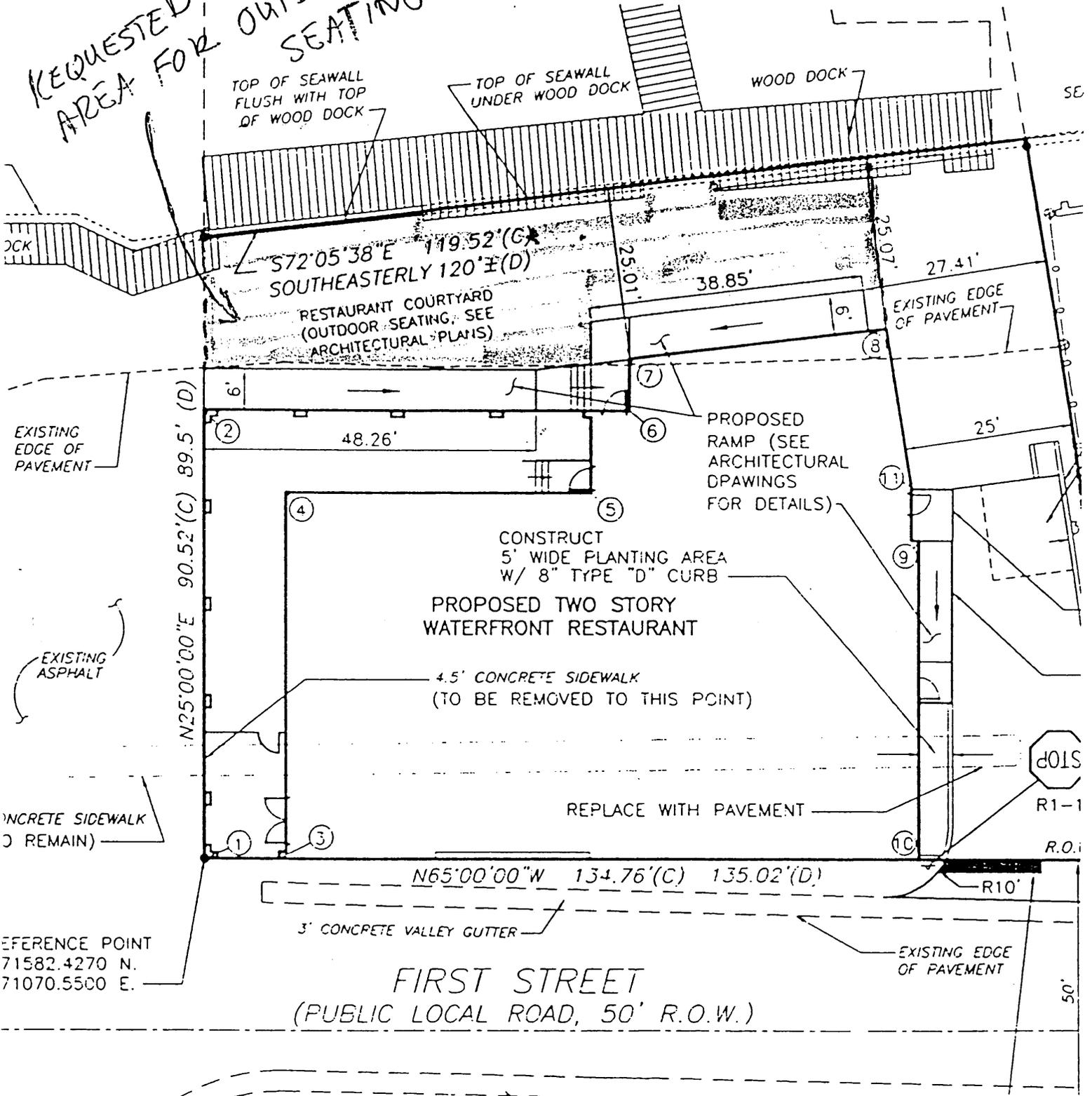
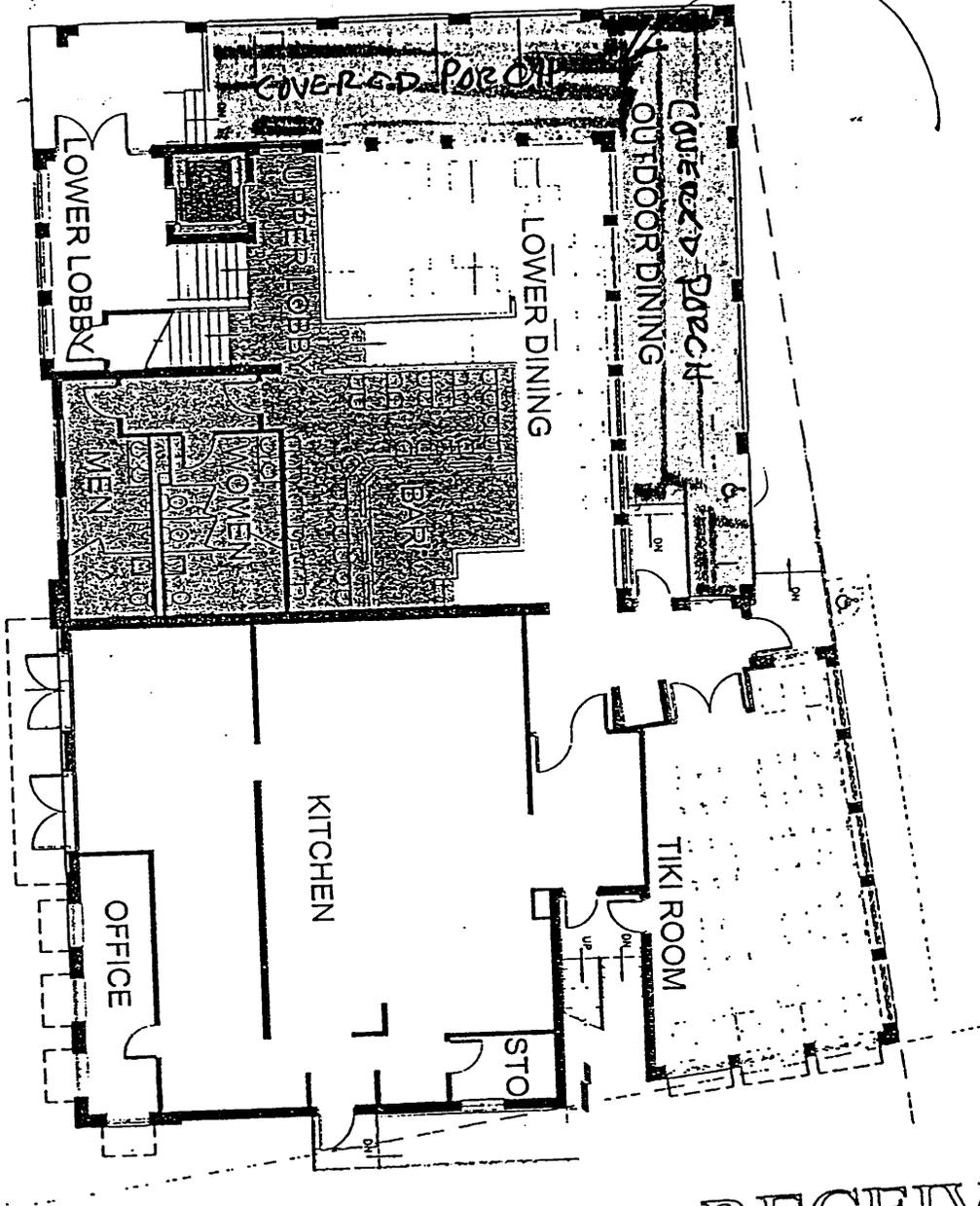


EXHIBIT "B"

1ST FLOOR



GROUND FLOOR PLAN
0 4 8 16'

EXHIBIT "C"

RECEIVED

AUG 07 2002

SEZ ~~2002-00025~~

COMMUNITY DEVELOPMENT

COP 2002-00095

SHEET NO. A-3	PROJECT NO. GROUND FLOOR PLAN	DATE 8/7/02	DRAWN BY KEVIN DONAHUE	PROJECT IDENTIFICATION SNUG HARBOR RESTAURANT FORT MYERS BEACH, FLORIDA <small>THE FOWLER COMPANY 10161 SIX MILE CYPRESS PARKWAY, C. FORT MYERS, FLORIDA 33912 TEL. (941) 275-3656 FAX (941) 275-4656</small>	DONAHUE & BLUMHER ARCHITECTS The New Architect™
		CHECKED BY KEVIN DONAHUE	SCALE AS SHOWN		

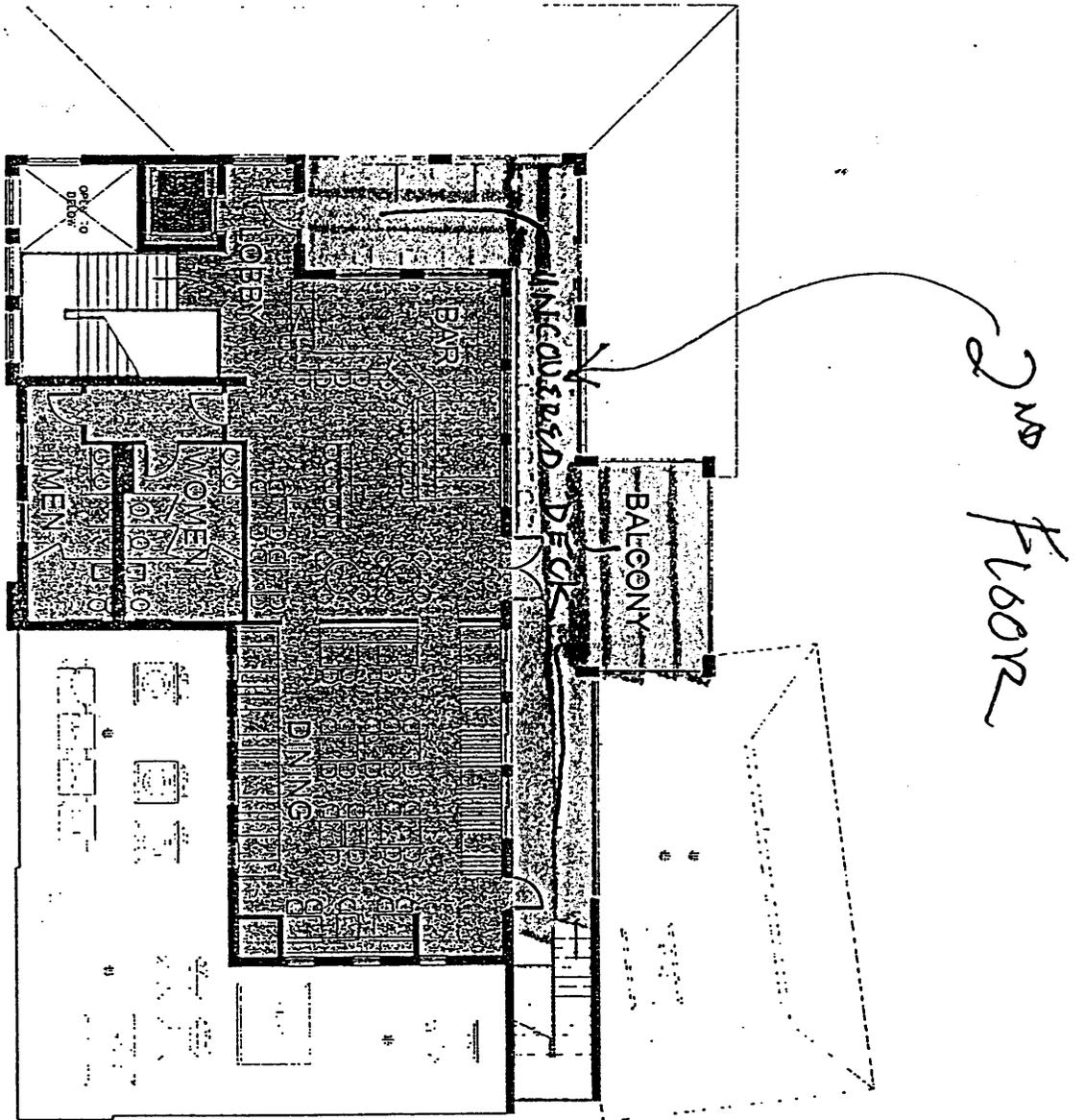


EXHIBIT "D"

PROJECT NO. 187-1718 DATE 1/11/01 SHEET NO. 187-1718-01	ARCHITECT DONAHUE & MOHR SOHN 10181 SIX MILE CYPRESS PARKWAY, C. FORT MYERS, FLORIDA 33912 TEL. (941) 275 3658 FAX (941) 275 4858	PROJECT SIGNIFICANCE SNUG HARBOR RESTAURANT FORT MYERS BEACH, FLORIDA	DONAHUE & MOHR SOHN The New Architect™
REVISIONS NO. DATE DESCRIPTION 1 1/11/01	CONTRACTOR THE FOWLER COMPANY 10181 SIX MILE CYPRESS PARKWAY, C. FORT MYERS, FLORIDA 33912 TEL. (941) 275 3658 FAX (941) 275 4858	187-1718-01 SNUG HARBOR RESTAURANT FORT MYERS BEACH, FLORIDA	187-1718-01 SNUG HARBOR RESTAURANT FORT MYERS BEACH, FLORIDA