

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2003-36

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT  
MYERS BEACH

WHEREAS, Snug Harbor Restaurant has requested a Special Exception in the Downtown zoning District to expand an existing outdoor seating area associated with second floor for food service for restaurant and on premises consumption of alcoholic beverages; and

WHEREAS, the subject property is located at 1131 First Street, Ft. Myers Beach, in S24-T46S-R23E, Lee County, FL.; and

WHEREAS, 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 legally advertised and held before the Local Planning Agency (LPA) on October 14, 2002, and

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends 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 Snug Harbor Restaurant, as approved under VAR2001-00053.
2. The total outdoor seating capacity is limited to 235 seats ( an addition of 65 seats to the 170 seats approved under Resolution 02-40, Case No. COP2002-00095). The location of the outdoor seating is

specified in Exhibits B, C, and D, attached hereto and incorporated herein by reference. The outdoor seating is further limited to no more than 72 seats in the 2,500 +/- sq. ft. "Courtyard" area (Exhibit B) and no more than 60 seats in the additional 650 +/- sq. Ft. "Deck Extension" area (Exhibit D) approved for outdoor seating in conjunction with on premises consumption of alcoholic beverages outdoors by this request.

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.
5. The service area located adjacent to the bridge structure and First Street shall be screened off by the use of an appropriate fence. Staff recommended a 6 foot white pvc fence. The FPL box will also be screened with plantings made up of silver/green buttonwoods that are at least 36 inches tall.

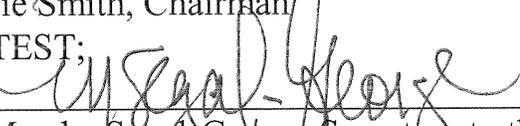
The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Zuba and seconded by LPA Member Hester and upon being put to a vote, the result was as follows:

Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	absent
Roxie Smith	yes
Jodi Hester	yes
Hank Zuba	yes
Nancy Mulholland	yes
Harold Huber	yes
Jane Plummer	no

DULY PASSED AND ADOPTED THIS 14th day of October, 2003.  
LPA of the Town of Fort Myers Beach

By:   
Roxie Smith, Chairman

ATTEST;

By:   
Marsha Segal-George Secretary to the LPA

# EXHIBIT "A"

## **DESCRIPTION:**

AS SHOWN IN OFFICIAL RECORDS BOOK 1534 AT PAGE 1851:) (O.R. BOOK 2585, PAGE 800)

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, GOVERNMENT LOT 1 (ISLAND) OF SECTION 24, TOWNSHIP 48 SOUTH, RANGE 23 EAST, WHICH TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF LOT 26, BLOCK "E" OF CRESCENT PARK ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4 AT PAGE 48 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 26, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID SECTION 24 A DISTANCE OF 21.95 FEET; THENCE NORTHWESTERLY AT AN ANGLE OF 83°17'00" NORTH TO NORTHWEST A DISTANCE OF 99.47 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG THE SAID LINE NORTHWESTERLY A DISTANCE OF 135.02 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 865 (SAN CARLOS BOULEVARD AS IT RUNS SOUTHWESTERLY FROM THE OLD MATANZAS PASS SWING BRIDGE); THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE PARALLEL WITH AND 33 FEET FROM THE CENTERLINE OF SAID ROAD A DISTANCE OF 89.5 FEET TO THE WATERS OF MATANZAS PASS AND A POINT ON THE LINE OF A SEAWALL; THENCE SOUTHEASTERLY ALONG SAID WATERS AND ALONG THE LINE OF SAID SEAWALL A DISTANCE OF 120 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF NEW STATE ROAD 885; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 105 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

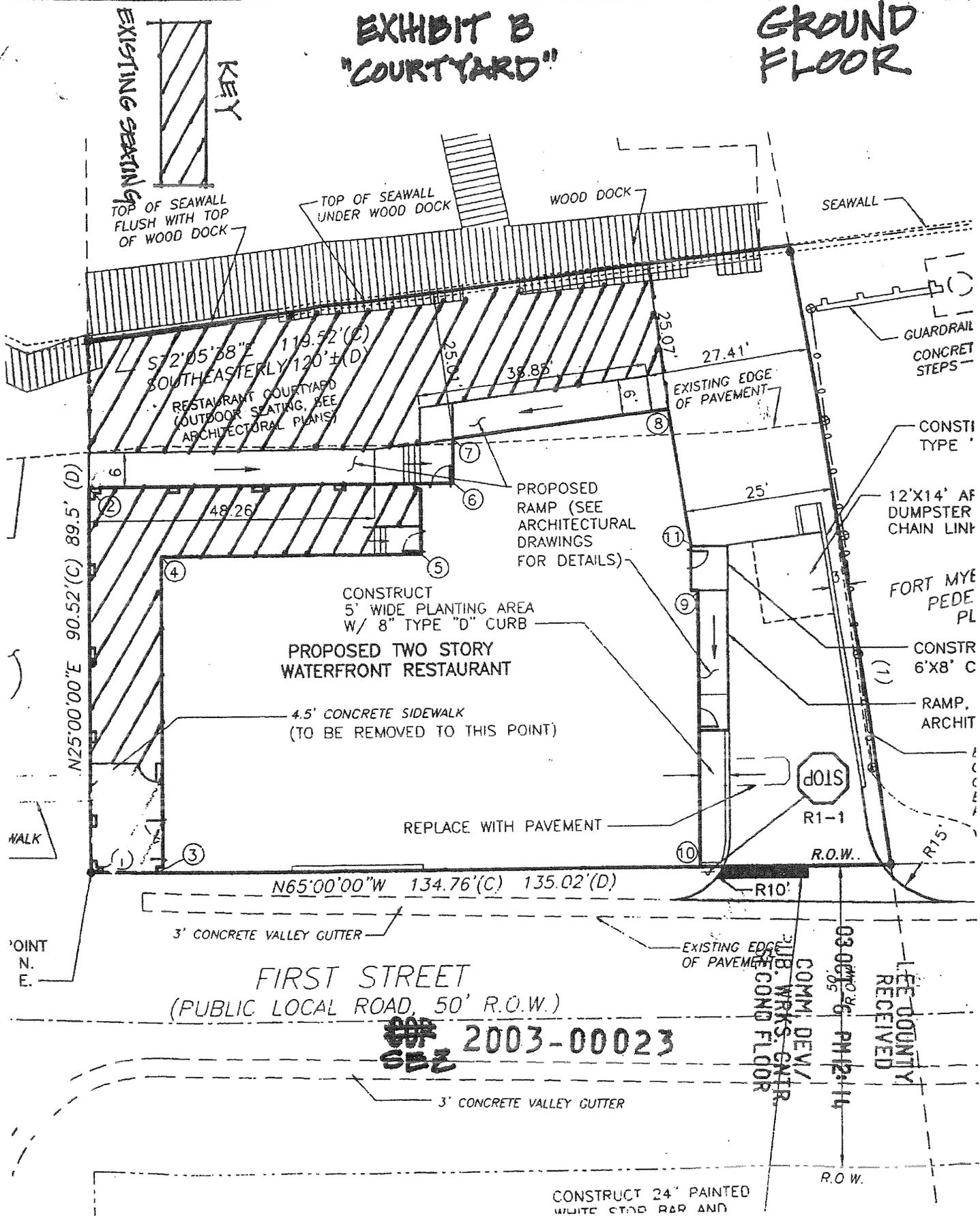
SAID PARCEL BEING THAT PORTION OF THE PROPERTY CONVEYED TO EDMUND J. SKORUPSKI BY BEACH MARINA, INC., BY DEED DATED THE 12TH DAY OF JANUARY, 1978, THAT IS WEST OF THE RIGHT-OF-WAY LINE OF THE NEW STATE ROAD 865.

Applicant's Legal Checked  
by Amj 01OCT03

SEZ 2003-00023

# EXHIBIT B "COURTYARD"

# GROUND FLOOR



COP 2003-00.023

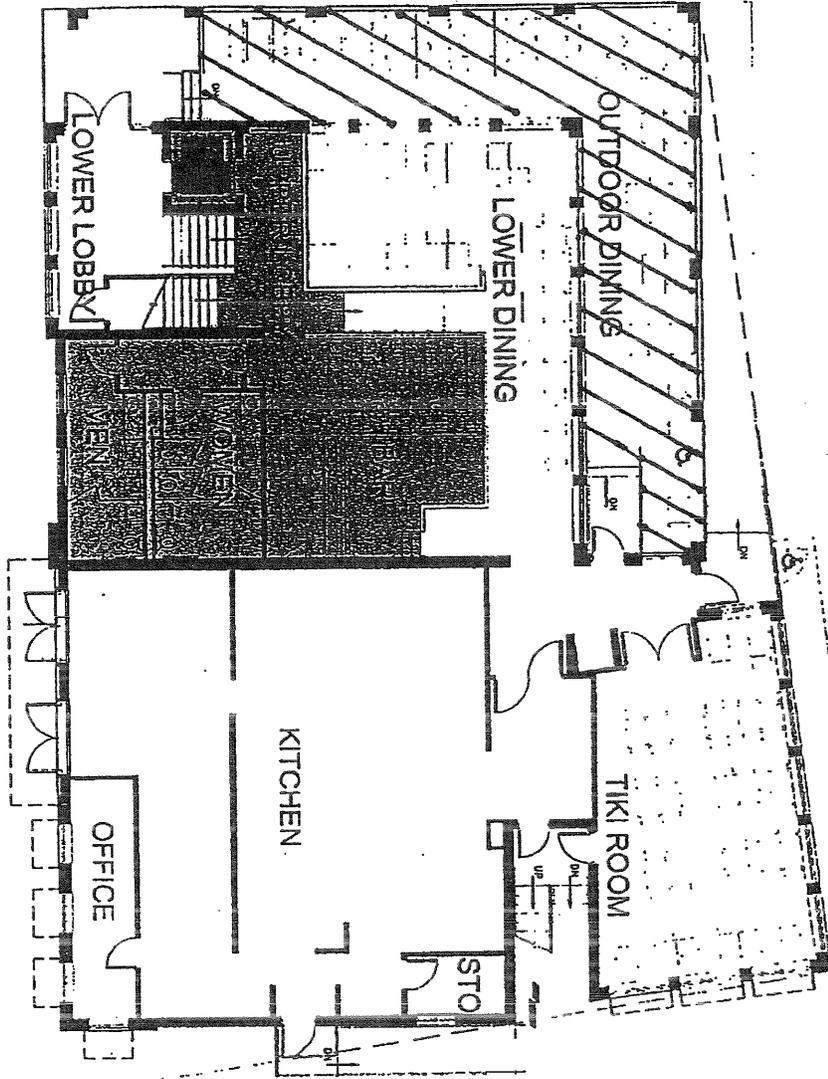
EXHIBIT C  
"COVERED PORCH"

FIRST  
FLOOR

EXISTING SEATING



KEY



GROUND FLOOR PLAN

LEE COUNTY  
RECEIVED

03 OCT -6 PM 12: 14

COMM. DEV./  
PUB. WRKS. CNTY.  
SECOND FLOOR

~~REV~~  
~~#~~

2003-00023

PROJECT NO. 03-00023 SHEET NO. A-3 DATE 10/3/03 DRAWN BY [unclear] CHECKED BY [unclear]	ARCHITECT <b>DONAHUE</b> & COMPANY, PC 1000 N. PALMETTO PARK BLVD SUITE 200 FORT MYERS, FLORIDA 33904 TEL. (941) 375-2456 FAX (941) 375-4856	CONTRACTOR <b>THE FOWLER COMPANY</b> 1014 SIX MILE CYPRESS PARKWAY, C FORT MYERS, FLORIDA 33912 TEL. (941) 275-2456 FAX (941) 275-4856	PROJECT DESCRIPTION <b>SNUG HARBOR RESTAURANT</b> FORT MYERS BEACH, FLORIDA
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