

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 03- 36

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

WHEREAS, the subject property is located at 1131 First Street, Ft. Myers Beach, 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 October 14, 2002, and after giving full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons, the LPA recommended approval of the Applicant's Special exception request 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 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.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES the requested special exception.

## FINDINGS AND CONCLUSIONS:

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

1. The applicant did demonstrate compliance with the Fort Myers Beach Comprehensive Plan.
2. The applicant did demonstrate compliance with the Land Development Code of the Town of Fort Myers Beach.
3. The applicant did demonstrate compliance with the other applicable town ordinances or codes.
4. That the Special Exception, as conditioned, is consistent-with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan..
5. That the Special Permit, as conditioned, meets all performance and locational standards set forth for the proposed use.

## 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 must cease no later than 11 PM in the "Deck Extension" area.
- 4.The service of alcoholic beverages in the outdoor seating area shall be limited to the hours of 11 AM and 12 midnight, 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 a 6 foot pvc fence. The FPL box will also be screened with plantings made up of silver/green buttonwoods that are at least 36 inches tall.

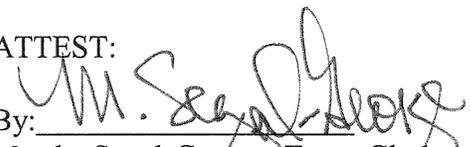
The foregoing resolution was adopted by the Fort Myers Beach Town Council

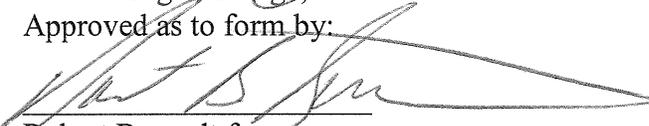
upon being put to a vote, the result was as follows:

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

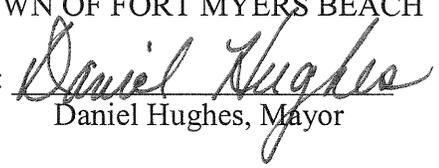
**ADOPTED** this 10th day of November, 2003.

ATTEST:

By:   
Marsha Segal-George, Town Clerk  
Approved as to form by:

  
Robert Burandt for  
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By:   
Daniel Hughes, Mayor

# 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 885 (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 885.

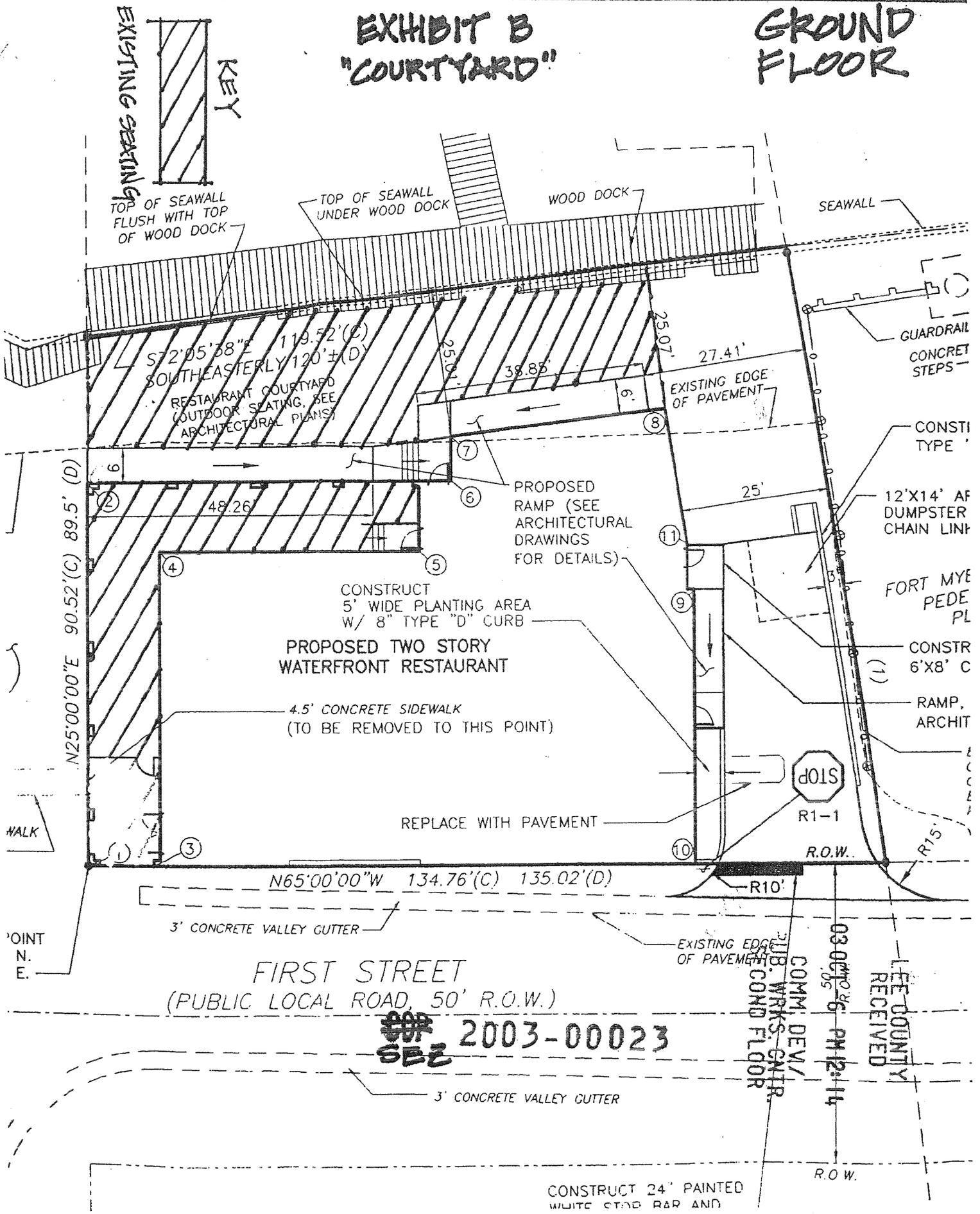
Applicant's Legal Checked

by Am 010CT03

SEZ 2003-00023

# EXHIBIT B "COURTYARD"

# GROUND FLOOR



**SEE 2003-00023**

CONSTRUCT 24' PAINTED  
WHITE STD BAR AND

COP

2003-00.023

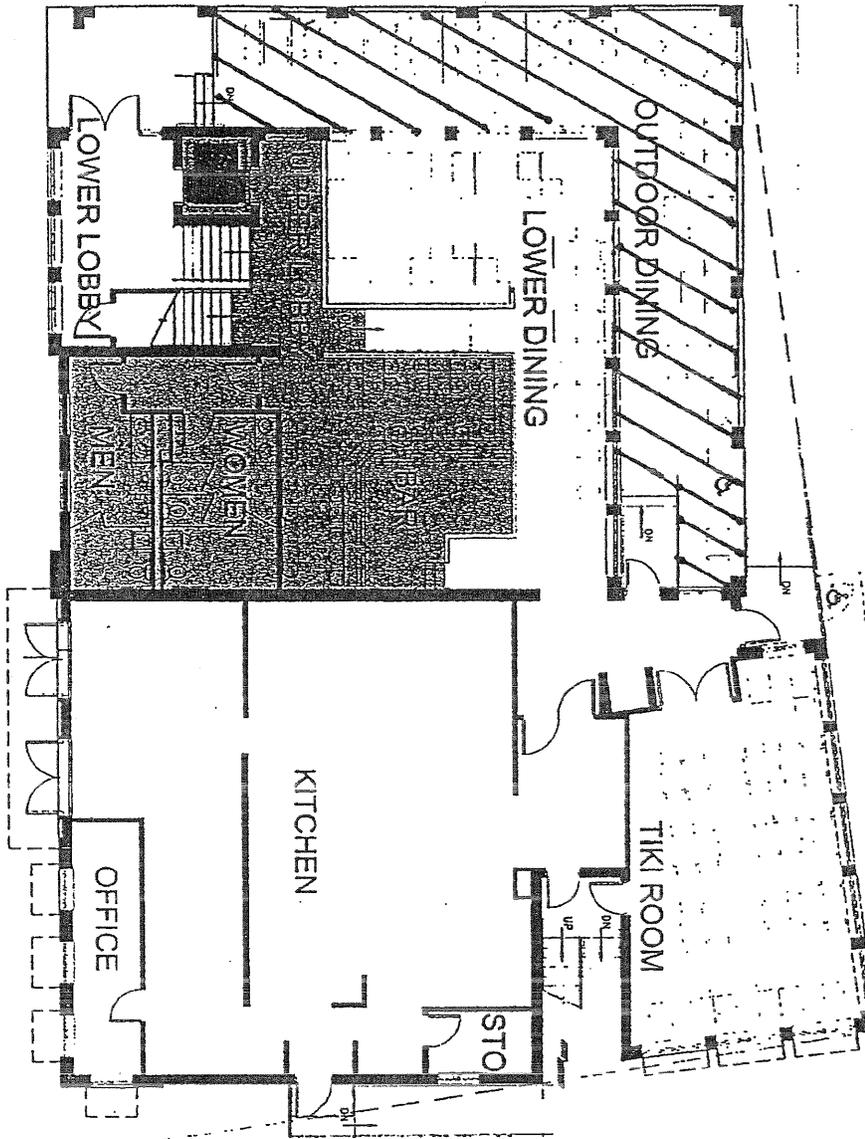
# EXHIBIT C "COVERED PORCH"

## FIRST FLOOR

EXISTING SEATING



KEY



GROUND FLOOR PLAN  
0 4' 8' 16'

LEE COUNTY  
RECEIVED

03 OCT -6 PM 12: 14

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

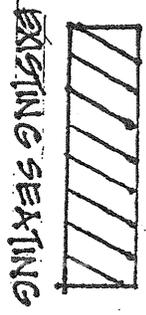
~~REV~~  
~~SEP~~

2003-00023

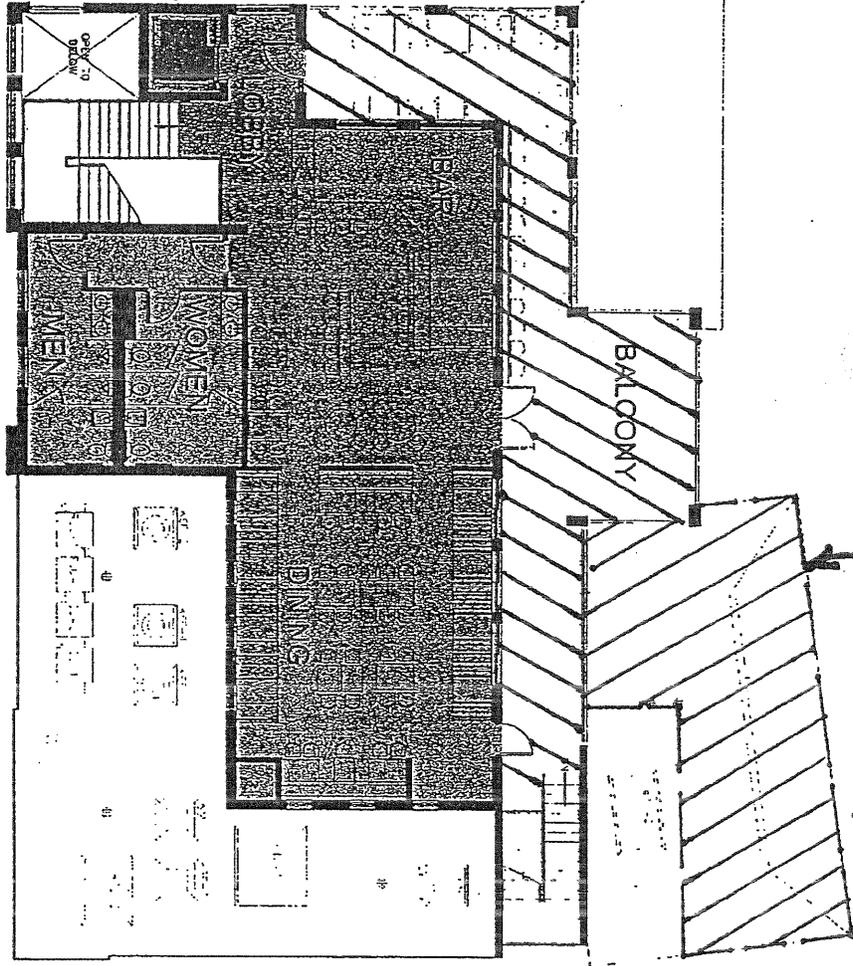
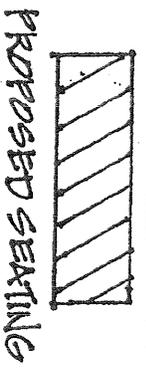
TITLE BLOCK GROUND FLOOR PLAN A-3	PROJECT NO. 03-0101 DATE 10/03/03	ARCHITECT KEVIN DONAHUE 10181 SIX MILE CYPRESS PARKWAY, C. FORT MYERS, FLORIDA 33912 TEL (941) 273-3556 FAX (941) 273-4636	CONTRACTOR THE FOWLER COMPANY 10181 SIX MILE CYPRESS PARKWAY, C. FORT MYERS, FLORIDA 33912 TEL (941) 273-3556 FAX (941) 273-4636	DONAHUE & COMPANY ARCHITECTS & DESIGNERS 1400 S PALMETTO PARK ROAD SUITE 300 FORT MYERS, FLORIDA 33901 TEL (941) 335-7700 FAX (941) 335-7700 WWW.DONAHUE-ARCHITECTS.COM
	REVISIONS NO. DATE DESCRIPTION 1 10/03/03	PROJECT IDENTIFICATION SNUG HARBOR RESTAURANT FORT MYERS BEACH, FLORIDA		

EXHIBIT D  
DECK EXTENSION

SECOND  
FLOOR



KEY



DECK  
EXTENSION  
(PROPOSED)



LEE COUNTY  
RECEIVED

03 OCT -6 PM 12: 14

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

2003-00023

PROJECT NO. 03-00023 SHEET NO. A-4 DATE 10/3/03 DRAWN BY [blank] CHECKED BY [blank]	PROJECT INFORMATION <b>SNUG HARBOR RESTAURANT</b> FORT MYERS BEACH, FLORIDA	<p>ARCHITECTS &amp; ENGINEERS  <b>DONAHUE &amp; COMPANY</b>          The New Architect<sup>SM</sup></p>
	ARCHITECT OF RECORD <b>ROHM DONAHUE</b> 10181 SIX MILE CYPRESS PARKWAY, C. FORT MYERS, FLORIDA 33912 TEL. (941) 275 3856 FAX (941) 275 4856	