

RESOLUTION NUMBER 16-04

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
SEZ 2015-0007 – Expansion of Outdoor Seating Area
And Outdoor Consumption on Premises
For Pierside Grill Restaurant**

WHEREAS, Martin York, applicant and co-owner of the subject property, filed an application to obtain a special exception to expand the outdoor consumption on premises (4COP) approval for the Pierside Grill Restaurant to include an additional 320 square foot area in Times Square consistent with Administrative Code 1-2; and

WHEREAS, Applicant has indicated the STRAP number for the subject property is 24-46-23-W3-00021.0000, and the subject property is legally described as indicated on attached Exhibit A; and

WHEREAS, the subject property is physically located at 1000 Estero Boulevard, Fort Myers Beach, Florida, and within the Downtown and EC zoning districts; and

WHEREAS, a duly advertised public hearing was held before the Local Planning Agency (LPA) on February 9, 2016; and

WHEREAS, the LPA recommended approval subject to certain conditions after full and complete consideration to the Applicant's request, recommendations of Town staff, documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-84; and

WHEREAS, on February 16, 2016 and March 7, 2016, the Town Council held duly advertised public hearings to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by LDC s. 34-88; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. **Determination.**

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, Special Exception SEZ2015-0007 expanding the outdoor consumption on premises (4COP) approval for the Pierside Grill Restaurant to include an additional 320 square foot area in Times Square, as

depicted on attached Exhibit B is APPROVED, subject to the conditions set forth in this Resolution.

2. Conditions.

- a. Approval of the special exception does not exempt the subject property from any provisions of the LDC. The conditions contained in COP2013-0003 Administrative Approval remain in effect except as modified herein.
- b. The area of expansion into Times Square is limited to 320 square feet and is limited to locations depicted on attached Exhibit B. No outdoor entertainment is approved.
- c. Hours of operation for the Times Square outdoor seating area are from 11:00 AM to 11:00 PM.
- d. A License Agreement, consistent with the requirements of Administrative Code 1-2, must be applied for, and be approved, prior to the use being established in Times Square.
- e. Property owner will be responsible for the replacement and relocation of two benches from the business extension area, for use by the public, to other areas within Times Square as approved by the Public Works Director.

3. Findings and Conclusions of Law.

In accordance with LDC s. 34-88, the Town Council finds as follows:

- a. There are changed or changing conditions that make approval of the special exception request appropriate.
- b. The request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- c. The request meets or exceeds all performance and locational standards set forth for the proposed use.
- d. The request will have no negative effects on environmentally critical areas and natural resources.
- e. The request will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.

- f. The requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

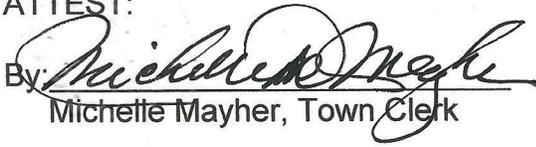
THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Mandel, seconded by Council Member Andre and upon being put to a vote the results was as follows:

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|-----------------------|-----|-----------------------|-----|
| Anita Cereceda, Mayor | Aye | Dan Andre, Vice Mayor | Aye |
| Rexann Hosafros | Aye | Alan Mandel | Aye |
| Summer Stockton | Aye | | |

DULY PASSED AND ADOPTED this 7th day of March, 2016.

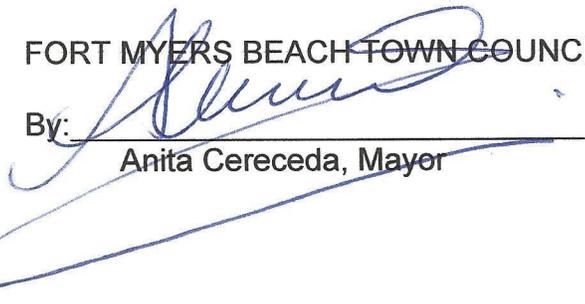
ATTEST:

By:

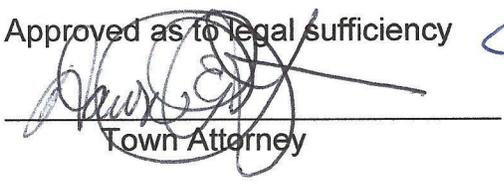

Michelle Mayher, Town Clerk

FORT MYERS BEACH TOWN COUNCIL

By:


Anita Cereceda, Mayor

Approved as to legal sufficiency

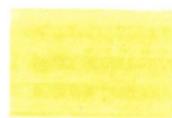

Town Attorney

Exhibits

- A: Legal and Sketch of entire parcel
- B: Proposed Outdoor Seating Area

Pierside Grill and Famous Blowfish Bar cafe seating



 = Service access to pierside & DQ