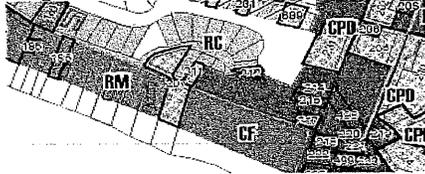


Case # _____
 Planner _____

Date Received _____
 Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

Application for Public Hearing

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

Project Name: <i>CERMAKS Surf Club LLC</i>
Authorized Applicant: <i>BRUCE CERMAK</i>
LeePA STRAP Number(s): <i>19-46-24-W4-0150E.001A</i>

Current Property Status:
Current Zoning: <i>DOWN TOWN</i>
Future Land Use Map (FLUM) Category: <i>PEDESTRIAN COMMERCIAL</i>
Platted Overlay? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no FLUM Density Range:

Action Requested	Additional Form Required
<input checked="" type="checkbox"/> Special Exception	Form PH-A
<input type="checkbox"/> Variance	Form PH-B
<input type="checkbox"/> Conventional Rezoning	Form PH-C
<input type="checkbox"/> Planned Development	Form PH-D
<input type="checkbox"/> Master Concept Plan Extension	Form PH-E
<input type="checkbox"/> Appeal of Administrative Action	Form PH-F
<input type="checkbox"/> Development of Regional Impact	Schedule Appointment
<input type="checkbox"/> Other (cite LDC section number: _____)	Attach Explanation

Town of Fort Myers Beach
Department of Community Development
 2523 Estero Boulevard
 Fort Myers Beach, FL 33931
 (239) 765-0202

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I - General Information

A. Applicant:

Name(s):	Carmar's Surf Club LLC / Bruce Carmar		
Address: Street:	1167 Estero Blvd.		
City:	Ft. Myers Beach	State:	FL - Zip Code: 33931
Phone:	239 463 9256		
Fax:	239 463 3118		
E-mail address:	BruceCarmar@aol		

B. Relationship of applicant to property (check appropriate response)

<input type="checkbox"/> Owner (indicate form of ownership below)	
<input type="checkbox"/> Individual (or husband/wife)	<input type="checkbox"/> Partnership
<input type="checkbox"/> Land Trust	<input type="checkbox"/> Association
<input type="checkbox"/> Corporation	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Timeshare Condo
<input type="checkbox"/> Authorized representative (attach authorization(s) as Exhibit AA-1)	
<input type="checkbox"/> Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)	
<input type="checkbox"/> Town of Fort Myers Beach (Date of Authorization: _____)	

C. Agent authorized to receive all correspondence:

Name:	William E. Whitley		
Mailing address: Street:	22501 Buccaneer Lagoon		
City:	Ft. Myers Beach	State:	FL - Zip Code: 33931
Contact Person:	Gene Whitley		
Phone:	463-0203	Fax:	463 5010
E-mail address:	Call 980-0375		

D. Other agents:

Name(s):	Dave Easterbrook		
Mailing address: Street:	123 Pavilion Ave		
City:	Ft. Myers Beach	State:	FL - Zip Code: 33931
Phone:	239 980-3091	Fax:	
E-mail address:	Five Beach Bums@aol.com		

Use additional sheets if necessary, and attach to this page.

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 Planner _____

Date Received _____
 Date of Sufficiency/Completeness _____

PART II – Nature of Request

Requested Action (check applicable actions):

<input checked="" type="checkbox"/> Special Exception for: <i>outside Alcohol Consumption w/ Food</i>
<input type="checkbox"/> Variance for:
<input type="checkbox"/> Conventional Rezoning from _____ to: _____
<input type="checkbox"/> Planned Development
<input type="checkbox"/> Rezoning (or amendment) from _____ to: _____
<input type="checkbox"/> Extension/reinstatement of Master Concept Plan
<input type="checkbox"/> Public Hearing of DRI
<input type="checkbox"/> No rezoning required
<input type="checkbox"/> Rezoning from _____ to: _____
<input type="checkbox"/> Appeal of Administrative Action
<input type="checkbox"/> Other (explain):

PART III – Waivers

Waivers from application submittal requirements: Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director’s approval(s) as Exhibit 3-1.

Code Section Number	Describe Item

PART IV – Property Ownership

<input type="checkbox"/> Single owner (individual or husband and wife)
Name:
Address: Street:
City: State: Zip Code:
Phone: Fax:
E-mail Address:

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Planner _____

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<input type="checkbox"/> Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)
Attach Disclosure Form as Exhibit 4-1
Attach list of property owners as Exhibit 4-2
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved
For condominiums, timeshare condominiums, and subdivisions, see instructions.

PART V – Property Information

A. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:
Subdivision name: <u>Cresant Park Addition</u>
Plat Book Number: <u>4</u> Page: <u>46</u> Unit: Block: <u>E</u> Lot: <u>1</u>
If no:
Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

B. Boundary Survey

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida.
--

C. STRAP Number(s):

<u>19-46-24W4-0150E.001A</u>

D Property Dimensions:

Area: <u>9800 +/-</u> square feet <u>.22</u> acres +/-
Width along roadway: <u>131</u> feet +/- Depth: <u>103</u> feet +/-

E. Property Street Address:

<u>1167 Estero Boulevard</u>

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Date of Sufficiency/Completeness _____

F. General Location of Property (from Sky Bridge or Big Carlos Pass Bridge):

Attach Area Location Map as Exhibit 5-3

G. Property Restrictions (check applicable):

<input checked="" type="checkbox"/> There are no deed restrictions or covenants on this property that affect this request.
<input type="checkbox"/> Restrictions and/or covenants are attached as Exhibit 5-4
<input type="checkbox"/> A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

H. Surrounding property owners:

Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6
Attach two sets of mailing labels as Exhibit 5-7
Attach a map showing the surrounding property owners as Exhibit 5-8

I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)

<input type="checkbox"/> Low Density	<input type="checkbox"/> Marina
<input type="checkbox"/> Mixed Residential	<input type="checkbox"/> Recreation
<input type="checkbox"/> Boulevard	<input type="checkbox"/> Wetlands
<input checked="" type="checkbox"/> Pedestrian Commercial	<input type="checkbox"/> Tidal Water
Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

J. Zoning: (see official zoning map, as updated by subsequent actions)

<input type="checkbox"/> RS (Residential Single-family)	<input type="checkbox"/> CM (Commercial Marina)
<input type="checkbox"/> RC (Residential Conservation)	<input type="checkbox"/> CO (Commercial Office)
<input type="checkbox"/> RM (Residential Multifamily)	<input type="checkbox"/> CB (Commercial Boulevard)
<input type="checkbox"/> VILLAGE	<input type="checkbox"/> SANTINI
<input type="checkbox"/> SANTOS	<input checked="" type="checkbox"/> DOWNTOWN
<input type="checkbox"/> IN (Institutional)	<input type="checkbox"/> RPD (Residential Planned Dev.)
<input type="checkbox"/> CF (Community Facilities)	<input type="checkbox"/> CPD (Commercial Planned Dev.)
<input type="checkbox"/> CR (Commercial Resort)	<input type="checkbox"/> EC (Environmentally Critical)
<input type="checkbox"/> BB (Bay Beach)	

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART VI – Affidavit

**Application Signed by a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

See attached explanatory notes for instructions

I, Bruce Cermak, as mgr / owner
of Cermak's Surf Club LLC, swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and
that:

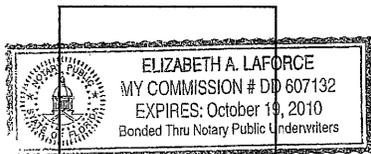
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action

Cermak's Surf Club LLC _____
Name of Entity (corporation, LLC, partnership, etc) Signature
mgr / owner _____
Title of Signatory Typed or Printed Name

State of FL
County of LEE

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this 3-26-10 by Bruce Cermak
who is personally known to me or who has produced _____
as identification.

Elizabeth A. LaForce _____
Signature of person administering oath Typed or Printed Name



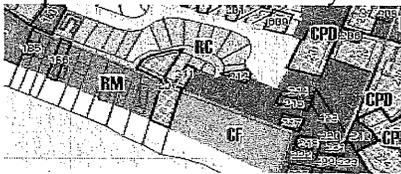
SEAL:

Amendment

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Planner _____

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Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

TOWN OF
FORT MYERS BEACH

JUN 15 2011

RECEIVED BY

Supplement PH-A

**Additional Required Information for a
Special Exception Application**

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: <u>Cermaks Surf Club, LLC</u>
Authorized Applicant: <u>Bruce Cermak</u>
LeePA STRAP Number(s): <u>19-46-24-W4-DISE.001A</u>

Current Property Status:
Current Zoning: <u>Downtown</u>
Future Land Use Map (FLUM) Category: <u>Pedestrian Commercial</u>
Platted Overlay? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no FLUM Density Range:

Requested Action:
<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:
<input checked="" type="checkbox"/> Use of premises in the <u>downtown</u> zoning district for:
<u>"Special Exception"</u>

PART I
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

CONSTRUCT OUTSIDE (1020 S.F.) PATIO FOR CONSUMPTION OF FOOD AND ALCOHOL. THE ADDITIONAL AREA TO BE CONTAINED AND MONITORED WITH A DENSE 42" HIGH PLANT HEDGE OR RAILING. A SERVICE BAR IS REQUESTED ON THE PROPOSED WOOD PATIO. THE HOURS OF USE REQUESTED IS FROM 9 AM. - 2 AM. DAILY.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
THESE REQUESTS FOLLOW THE DOWN TOWN COMPREHENSIVE PLAN.

For Consumption of Alcoholic Beverages (COP) license approval:

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

“Request for...”

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

“The property qualifies for a special exception because...”

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

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- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

“Granting the requested special exception could impact surrounding properties as follows...”

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Part 2 Submittal Requirements

Public Hearing Application Form. Applications for special exception consist of the Public Hearing form and the supplemental form PH-A. Both parts of the application form must be completed and submitted.

Site Plan. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

14-5
2009

Prepared by and return to:
Title Professionals of Florida
13241 University Drive, Suite 103
Fort Myers, Florida 33907
incidental to the issuance of a title insurance policy.
Parcel Identification Number: 19-46-24-W4-0150E.001A
File Number: 09001942TPF

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 10th day of April, 2009, by

J.Harold Chastain, Individually and as Trustee of the JHC 2003 Trust dated April 9, 2003,

hereinafter called the GRANTOR, to

Cermak's Surf Club, LLC.,

whose post office address is 1167 Estero Blvd., Fort Myers Beach, FL 33931,
hereinafter called the GRANTEE:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land, situate in Lee County, Florida, viz:

A lot or parcel of land comprised of part of Lot 1, Block "E" of CRESCENT PARK ADDITION, according to a map or plat thereof recorded in Plat Book 4, page 46, of the Public Records of Lee County, Florida, and part of the reserved strip of area lying East of said Block "E" and West of Block "D" of said Crescent Park Addition and part of the vacated street or drive lying between said reserved strip and said Block "E" and part of the unused street or drive lying between said reserved strip and Block "D", and part of the canal right-of-way shown on said plat, which lot or parcel is described as follows: From the SW Corner of said Block "E" run Southeasterly along the North line of Estero Boulevard for 80 feet to the Point of Beginning of the lands herein described; From said Point of Beginning, run North parallel with the West line of said Block "E" for 76.34 feet to a point on a prolongation of the line dividing the North 1/2 and the South 1/2 of Lot 2 of said Block "E"; thence run East along said prolongation for 137.5 feet to a point 112.68 feet West of the East line of said Block "D" thence run South 112.68 feet from and parallel with said East line of Block "D" for 126.75 feet to a point on the North line of Estero Boulevard, which point is 120 feet Northwesterly along said boulevard from the Southeast corner of said Block "E", thence run Northwesterly along said boulevard for 146.45 feet to the Point of Beginning.

This property is not the homestead of the Grantor(s) nor is it contiguous to the homestead of the Grantor(s).

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2008 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has hereunto has signed and sealed these presents the date set forth above.

Signed, sealed and delivered in our presence:
(TWO WITNESSES REQUIRED)

WITNESSES:

Robert J. McGinley
Signature of Witness
Printed Name of Witness: ROBERT J. MCGINLEY

J. Harold Chastain
Signature of Witness
Printed Name of Witness: J. Harold Chastain, Individually and as Trustee

Donna J. Davis
Signature of Witness
Printed Name of Witness: Donna J. Davis

STATE OF FLORIDA

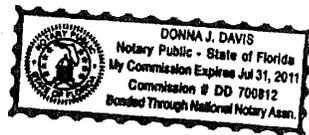
COUNTY OF Manatee

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared J. Harold Chastain, Individually and as Trustee of the JHC 2003 Trust dated April 9, 2003, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that: he, she and/or they, executed the same, and an oath was not taken. (Check one) Said person(s) is/are personally known to me.

Donna J. Davis Said person(s) provided the following type of identification _____
WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of April, 2009.

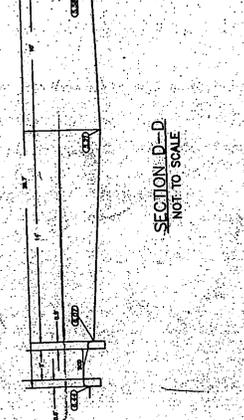
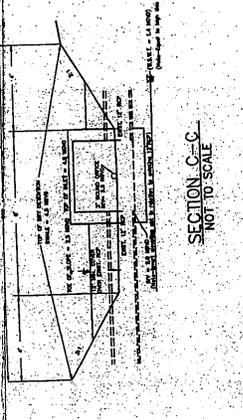
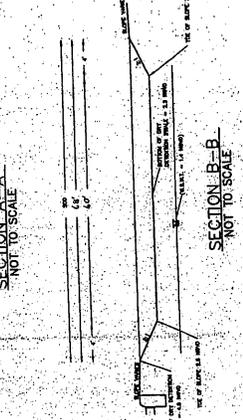
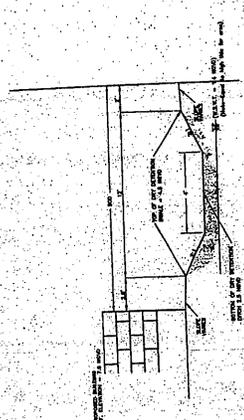
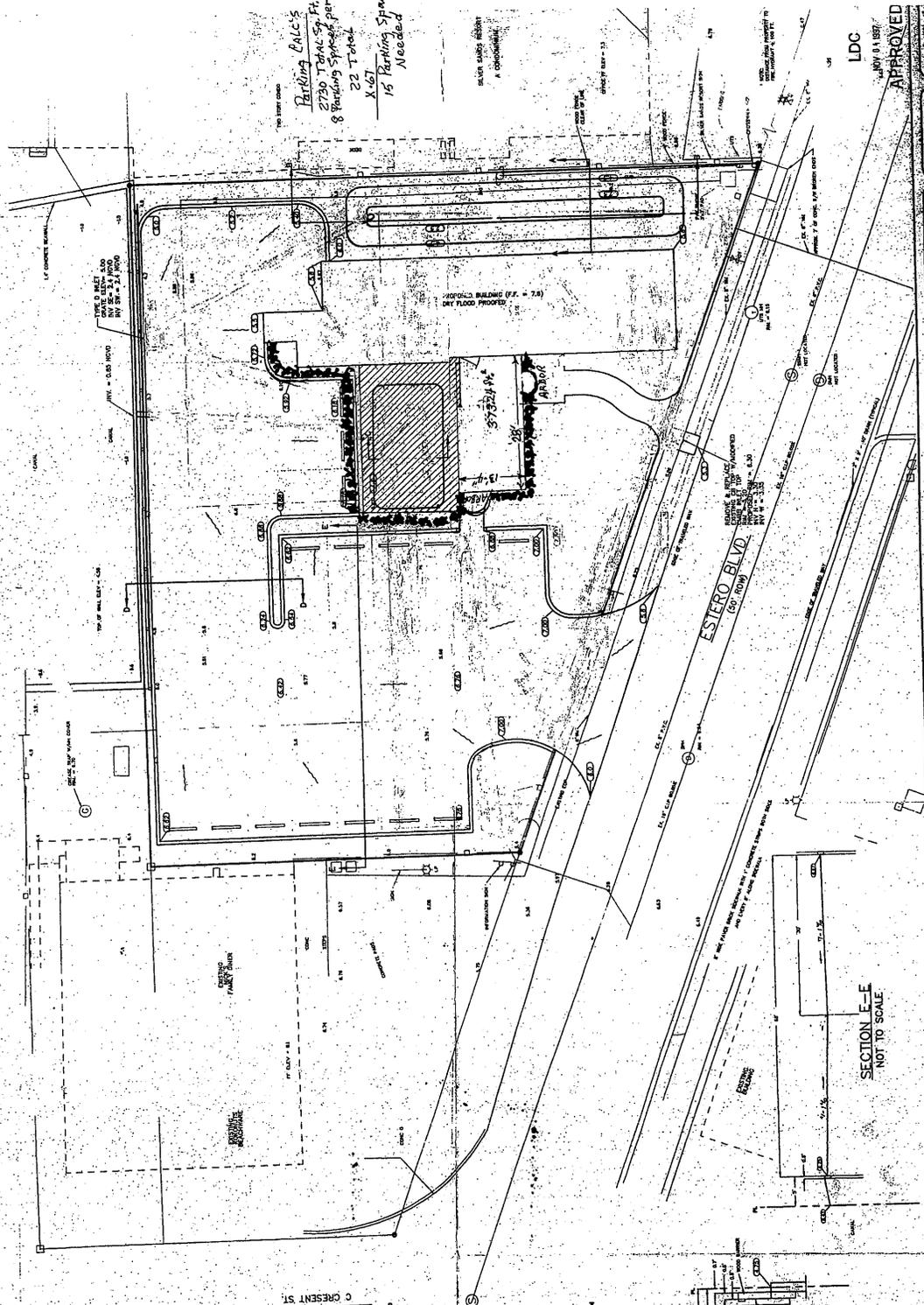
Donna J. Davis
Notary Public
Printed Name: Donna J. Davis
My Commission Expires: July 31, 2011

SEAL



PORT JEFFERSON BEACH
 AUG - 4 2011
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GRAPHIC SCALE
 0 10 20 30 40 50



SECTION E-E
 NOT TO SCALE

DATE: 10/19/17
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

PROJECT	1167 ESTERO BLVD. S24, 2465, 238
CLIENT	NORTHLAKE FOODS 3414 PEACHTREE RD. SUITE 300 ATLANTA, GA. 30326 404-237-6500
DESIGNER	CONSUL-TECH ENGINEERING, INC. Consulting Engineers Land Planners 2483 Old 441 Road Phone (404) 947-0266 Fax (404) 947-1333 E-Mail: tonic@consult-l.com
DATE	10/19/17

PROJECT: 1167 ESTERO BLVD.
 S24, 2465, 238

CLIENT: NORTHLAKE FOODS
 3414 PEACHTREE RD. SUITE 300
 ATLANTA, GA. 30326
 404-237-6500

CONSUL-TECH ENGINEERING, INC.
 Consulting Engineers Land Planners
 2483 Old 441 Road
 Phone (404) 947-0266 Fax (404) 947-1333
 E-Mail: tonic@consult-l.com

DATE: 10/19/17
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

PROJECT	1167 ESTERO BLVD. S24, 2465, 238
CLIENT	NORTHLAKE FOODS 3414 PEACHTREE RD. SUITE 300 ATLANTA, GA. 30326 404-237-6500
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DATE	10/19/17

APPROVED
 LDC
 NOV 01 1987

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