

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 02-43

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING THE REQUEST FOR CONSUMPTION ON PREMISES

WHEREAS, Don & Gail Peterson in ref. to Reese's Restaurant has filed an application for a Special Exception in the Pedestrian Commercial district for consumption on premises (a 2COP license – beer and wine) with outdoor seating for a restaurant; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-00402.0010, and the legal description is as follows: A TRACT OF PARCEL OF LAND LYING IN LOT 11, T.P. HILL'S SUBDIVISION, PLAT BOOK 3, PAGE 84, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGIN AT A CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID LOT 11; THENCE N.68 DEGREES, 52'30"W. ON THE NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD FOR 274.39 FEET TO THE EASTERLY RIGHT-OF-WAY OF CAROLINA AVENUE; THENCE N.01 DEGREES, 00'00"E. ON SAID EASTERLY RIGHT-OF-WAY FOR 377.21 FEET; THENCE S.89DEGREES, 16'00"E. FOR 254.16 FEET TO THE EASTERLY LINE OF SAID LOT 11; THENCE S00 DEGREES, 44'00"W. FOR 472.81 FEET TO THE POINT OF BEGINNING; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 5, 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 an existing outdoor seating area for the Reese's Restaurant existing at this location.
2. The consumption on premises is limited to a 2-COP license to be used in conjunction with a restaurant, group III, including outdoor seating.
3. The total outdoor seating capacity is limited to 6 tables with a total of 24 seats in the outdoor seating area associated with Unit 7 of Key Estero Center as indicated on the applicant's site plan attached as Exhibit B, which is attached hereto and incorporated herein by reference.
4. There will be no advertisement visible from Estero Blvd. Or Carolina Ave., indicating the service of alcoholic beverages.
5. Outdoor music or entertainment is prohibited.
6. The outdoor seating will only be used between the hours of 11 AM and 9:30 pm, Sunday through Saturday.

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

The Local Planning Agency conditions are adopted as Town Council conditions except for number 6., the morning starting time shall be 7:30 am.

FINDINGS AND CONCLUSIONS:

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

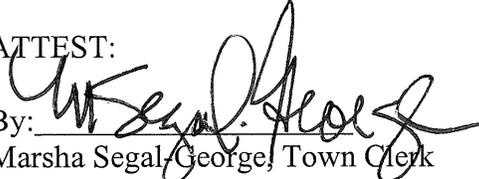
1. The applicant did comply with Section 34-1264 (2) b. which places the burden of proof upon the applicant to demonstrate that approval will not have any adverse affect on surrounding properties.
2. That there is no error or ambiguity in the Land Development Code or Town Plan which must be corrected 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:

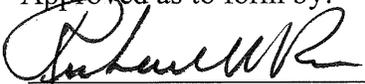
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

Adopted this 9th day of December, 2002.

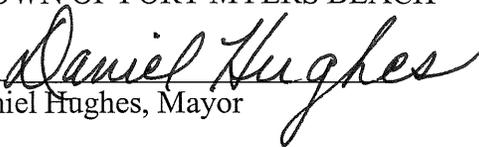
ATTEST:

By:   
Marsha Segal-George, Town Clerk

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

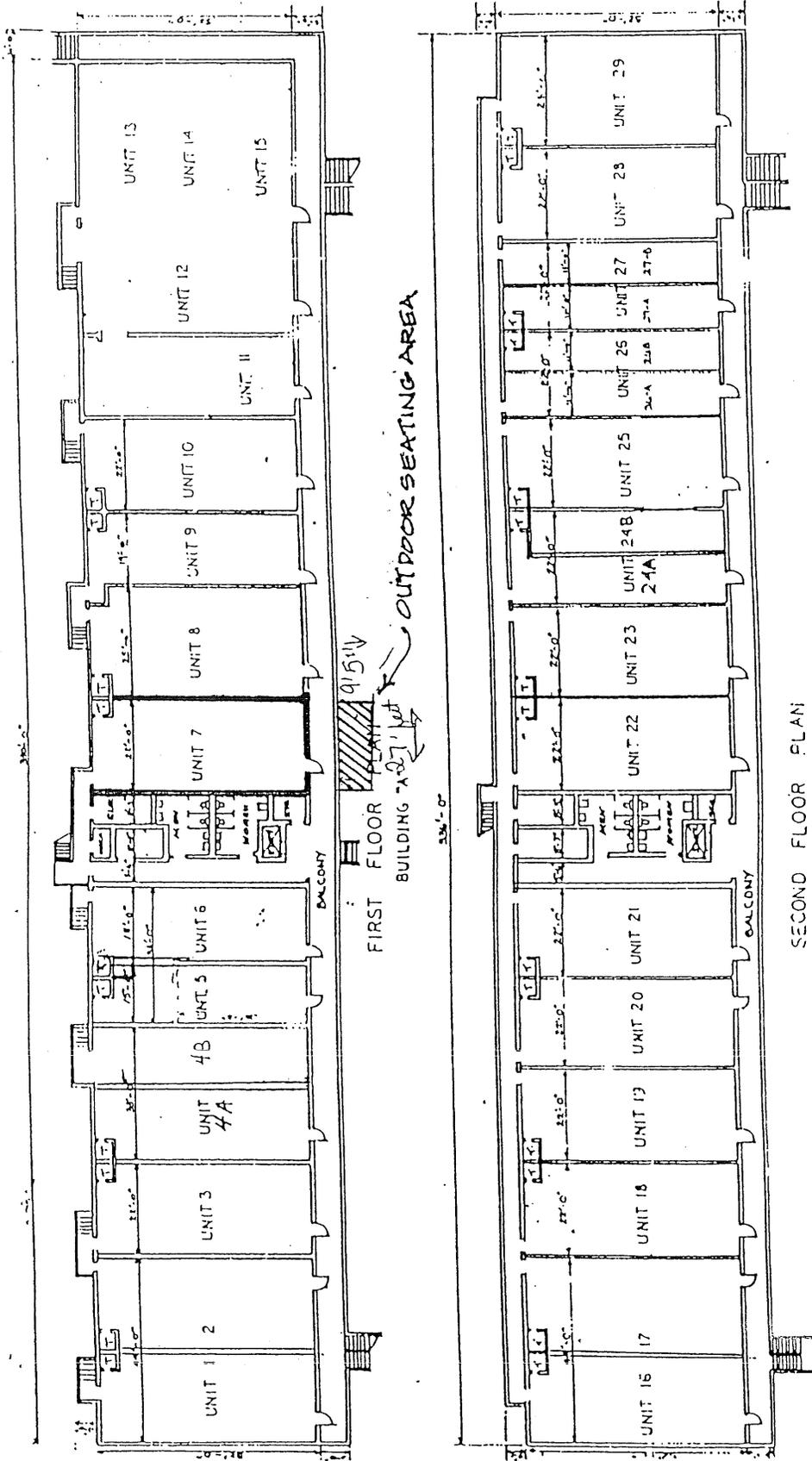
By:   
Daniel Hughes, Mayor



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# KEY ESTERO CENTER



## EXHIBIT "B"