

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 12- 31
SEZ2012-0003 Pete's Time Out

WHEREAS, applicant John Lallo has requested approval of a Special Exception in the DOWNTOWN zoning district to change the alcohol license type from 2COP to 4COP and to extend hours of operation for consumption on premises to 7:00am to 2:00am; and

WHEREAS, the subject property is located at 1005 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 24-46-23-W3-00007.0000 and the legal description of the subject property is contained in Exhibit "A", which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on December 11, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on December 17, 2012, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2012-020, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-020, and the standards for granting special exceptions, the Town Council makes the following findings of fact and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a Special Exception in the DOWNTOWN zoning district to change the alcohol license type from 2COP to 4COP and to extend the hours of operation for consumption on premises to 7:00am to 2:00am, seven (7) days a week subject to the following condition:

CONDITION OF APPROVAL:

- 1. The principal use of the subject property shall remain as a restaurant, but incidental package sales shall be permitted.*

FINDINGS AND CONCLUSIONS:

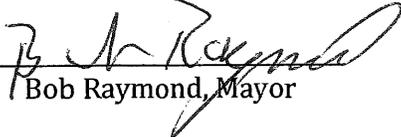
In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding consideration of eligibility for a special exception, the Town Council makes the following findings and reaches the following conclusions:

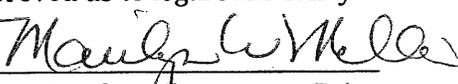
1. Changed or changing conditions **do** that make the requested approval, as conditioned, appropriate:
2. The requested special exception, as conditioned, **is** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan:
3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use.
4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources:
5. The requested special exception, as conditioned, **will** be compatible with existing or planned uses and **will not** cause damage, hazard, nuisance or other detriment to persons or property:
6. The requested special exception, as conditioned, **will** be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember **Kosinski** and seconded by Councilmember **Mandel**, and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	AYE	Alan Mandel, Vice Mayor	AYE
Jo List	AYE	Joe Kosinski	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS **17th** day of DECEMBER, 2012.

By: 
Bob Raymond, Mayor

Approved as to legal sufficiency:
By: 
Fowler White Boggs, P.A.
Town Attorney

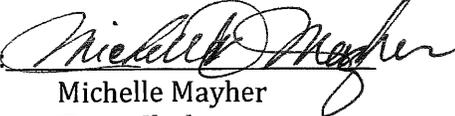
ATTEST:
By: 
Michelle Mayher
Town Clerk

Exhibit "A"

LEGAL DESCRIPTION

From the Southwest corner of Block E of CRESCENT PARK ADDITION, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 4, at Page 46, on the East line of Section 24, Township 46 South, Range 23 East, run Northwesterly at an included angle of 69 degrees 54' with said Section line along the North line of the County Road right-of-way for 744.56 feet to the point of beginning of the lands herein described; thence run Northeasterly along a perpendicular to said County Road 49.67 feet; thence Northwesterly parallel to said County Road 35 feet; thence deflect left 83 degrees 23' and run Southwesterly to the Northerly right-of-way of first mentioned road; thence deflect left 96 degrees 37' and run Southeasterly along said right-of-way for 40 feet to the point of beginning.