

COPY

OUTRIGGER

- ✓ Hearing Examiner Decision
- ✓ County Resolution #Z-95-085
- ✓ County Resolution #ZAB-85-271
- ✓ GeoView Maps

Hearing Examiner Decision

HEARING EXAMINER DECISION

SPECIAL PERMIT: CASE 93-04-29-SP-03
APPLICANT: COLORADO SOUTHERN, INC., in ref. to OUTRIGGER BEACH RESORT
HEARING DATE: April 29, 1993

I. APPLICATION:

Filed by COLORADO SOUTHERN, INC., c/o OUTRIGGER BEACH RESORT, P.O. Box 271, Ft. Myers Beach, FL 33919 (Applicant/Owner); A. P. DeSALVO, P.O. Box 2293, Bonita Springs, FL 33959 (Agent).

Request is for a special permit in the RM-2 (Residential Multiple Family) district for consumption on premises (Zoning Ordinance Section 202.03). The applicant is asking for a Consumption on Premises for a pool bar.

The subject property is located at 6200 Estero Blvd. (1-1/2 miles north of the south end of Estero Island) Fort Myers Beach, in Section 33, Township 46 South, Range 24 East, Lee County, Florida. (District #3)

The Strap # as furnished by the Applicant is: 33-46-24-00-00012.0000

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Pam Houck. The staff report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION: APPROVE WITH CONDITIONS

HEARING EXAMINER DISCUSSION: Applicant is the owner of the subject property which is developed with a beachfront motel. The motel buildings are separated by the parking lot and recreation area which include the shuffleboard court, golf putting area, and pool with sun deck. A chickee hut is located in a corner of the pool area, adjacent to the beach, and approximately midway the width of the property. The subject property is abutted on the north and south by residential uses under separate ownership. Since the width of the subject property is only 352+ feet, this means that the residential uses are located within 500 feet of the chickee hut.

In 1985, the Board of County Commissioners approved a Special Exception to allow the sale/service and consumption of alcoholic beverages on the premises. In 1986, Applicant began selling and serving alcohol from the chickee hut, which has since operated as a beachside-pool bar in conjunction with the motel restaurant. It was recently brought to Applicant's and Staff's attention that the Special Exception did not authorize the sale/service of alcohol from the chickee hut. Because the outdoor seating is located within 500 feet of the adjacent residential uses, Applicant must obtain a Special Permit to legitimize the COP use of the chickee hut.

Staff has recommended approval of the Special Permit for the COP use, with certain conditions which reflect the current locational and operational conditions of the chickee hut. They found that its use, as conditioned, was consistent with the Lee Plan and the Zoning Ordinance, was compatible with the surrounding development, and would not be injurious or detrimental to the neighborhood. They also found that its use in conjunction with the motel restaurant was an ancillary use, which did not require additional parking spaces under the Zoning Ordinance.

The undersigned Hearing Examiner concurs with Staff's recommendation of approval and recommended conditions.

93 MAY 26 PM 2:56

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and GRANTS A SPECIAL PERMIT IN THE RM-2 (RESIDENTIAL MULTIPLE FAMILY) DISTRICT FOR CONSUMPTION ON PREMISES (Zoning Ordinance Section 202.03) for the real estate described in SECTION VI. LEGAL DESCRIPTION on the following conditions:

- 1) The chickee bar shall be limited to the location reflected on the site plan attached as Exhibit E to the Staff Report;
- 2) The chickee bar shall be limited to use in conjunction with the restaurant; and
- 3) The hours of operation of the chickee bar shall not exceed 12 noon to dark, seven days a week.

IV. **PUBLIC PARTICIPATION:** The following persons appeared at the hearing or became "parties of record" in this case by submitting written materials:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Dianne F. MAJOR, General Manager, The Outrigger Beach Resort, P.O. Box 271, Ft. Myers Beach, FL 33931
Letter 3/15/93, to adjacent property owners: As an owner of property within 500 feet of the Outrigger, you will soon be receiving notice of our application for a permit to serve alcoholic beverages at our outdoor bar. In order that you may be fully informed, we are taking this opportunity to give you a little of our history and background which have led to this application.

The Outrigger has been owned and operated by the same individuals since its inception in 1968. A consumption on premises (COP) permit for serving alcoholic beverages was issued to the Outrigger by Lee County and the State of Florida in 1986, and drinks have been served since that time at both our coffee shop/cafe and the outdoor bar. As an outgrowth of an unrelated matter, a condo owner neighbor of the Outrigger has raised the issue with the County as to whether or not our COP permit specifically includes the outdoor bar. The intent of our original permit was clearly to include the outdoor bar, but the wording of the permit itself apparently leaves room for different interpretations. To clear up the matter, we have elected to apply for a new and separate permit for the outdoor bar, the outcome of which will have no bearing whatsoever on our ability to serve drinks at our cafe and to provide room service to our guests.

A public hearing is currently scheduled for Thursday, April 22, 1993 at 9:00 a.m. We are not aware of any parties who intend to object to our application, but we know how a very few negative comments can be seen to reflect the attitude of many. Accordingly, we solicit your support and hope that you will attend the hearing to put in a good word for us with the Hearing Examiner. If you have any doubts about this action, or want further information, we ask that you call us or drop by our office to examine the complete application. In any event, please take a minute to give us an idea of your attitude toward our application by returning the enclosed card.

PETITION with 254 names: As a registered guest of the Outrigger Beach Resort, I patronized the Tiki pool bar during my stay and found it a most welcome convenience. I understand the Outrigger Beach Resort has filed an application for a special permit, authorizing this continued service. We, the undersigned, recommend to the Lee County Hearing Examiner to approve this request.

2. A. P. DeSALVO, President, c/o A. P. DeSalvo, Inc., P.O. Box 2293, Bonita Springs, FL 33959
Letter 4/14/93, to Pam Houck: I have enclosed, for your information a copy of a form letter mailed to all property owners within 500 feet of the Outrigger Beach Resort. (HEX Note: See Letter #1 above.) I have also enclosed 30 postcard responses received, to date, along with a letter received from Dianne Johnson. (HEX Note: See Letter #2 below.)

Of the 58 letters we mailed, the 30 responses received include 26 in favor of our request, 3 with no opinion and 1 not in favor. I would appreciate you giving me a call when the Staff recommendation regarding this case is completed.

ADDITIONAL COUNTY STAFF:

1. Tim JONES, Assistant County Attorney, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

FOR:

1. See A. P. DeSalvo's letter above.
2. Dianne JOHNSON, 6160 Court St., Ft. Myers Beach, FL 33931 Letter 3/25/93, response to Dianne Major's letter dated 3/15/93: Since I am the owner of the property directly next to your resort, I feel most qualified in responding to your inquiry about the outdoor bar. I have owned the two properties on Court Street since your resort was built and can attest to the fact that I have never heard a negative comment from my tenants or guests about the bar. The music is at an appropriate time and the noise level is not excessive and there has not been riffraff or unsavory people that should be cause for concern. Fighting has not been a problem in all the years that we have owned our home. I support the conditions as they now exist wholeheartedly.

AGAINST:

1. See A.P. DeSalvo's letter above.

GENERAL:

1. See A.P. DeSalvo's letter above.

V. PRESENTATION SUMMARY:

Pam Houck, Division of Zoning and Development Review, presented the Staff Report on this request for a Special Permit in the RM-2 (Residential) zoning district for consumption on premises (COP) in conjunction with an outdoor seating area, specifically a chickee bar. The subject property is The Outrigger Beach Resort. Mrs. Houck entered into the record a brochure on The Outrigger Beach Resort. Staff has recommended approval of the request with conditions.

The chickee hut was constructed in 1978 and was converted into a chickee bar in 1986, after the BOCC granted Applicant's request for a COP. However, there has been some confusion about what that grant included, and the County Attorney's Office has expressed the opinion that the grant did not include the chickee hut. The Applicant is here today to bring the chickee hut into compliance.

The chickee hut is part of a small restaurant located within the motel building. The request meets all the requirements for approval of a Special Permit. It is located within 500 feet of residential uses located on adjacent property to the north and south side of the motel, and across Estero Boulevard. This area of Estero consists of a mix of tourist commercial, resort, single family, duplex and commercial uses. The location of the chickee hut does not really impact the adjacent properties. Mrs. Houck stated that, if the request had come in as a new case, she probably would have asked them to move the chickee hut more to the right, inside the facility, as opposed to its current location on the beach. However, there have been very few complaints from the adjacent properties about the location.

Staff recommended approval of the request with three conditions. Condition 1 limits the chickee bar to the location reflected on the site plan. Condition 2 limits the use of the chickee bar in conjunction with the existing restaurant. Condition 3 limits the hours of operation of the chickee bar to not exceed noon to dark, seven days a week.

The Hearing Examiner asked Mrs. Houck how the Special Permit would correct the error or ambiguity which existed in Resolution ZAB-85-271. Mrs. Houck stated that the Resolution ZAB-85-271 spoke to a lounge in the condition. She believed that the chickee hut is a lounge and this permit would correct the Resolution. Mrs. Houck stated that when she first read the Applicant's request for the Special Permit, she couldn't understand why it was before her. In further research, including the reading of opinions, it appears that maybe they didn't mean it as a lounge, per se. Overall, Staff believes that this should clear up any future concerns.

The Hearing Examiner asked if the County Attorney's Office had any input regarding her question. Tim Jones, Assistant County Attorney, stated that it probably didn't matter whether they were clarifying the resolution or not. The application could stand on its own, and should be evaluated on its own. The Hearing Examiner agreed that this was also her assessment of it.

Andy DeSalvo, a development consultant, spoke on behalf of the Applicant and stated that they concurred with Staff's recommendation of approval and the recommended conditions. Also present was the owner, the manager, and several employees from the resort. He reiterated that the chickee hut was constructed in 1978 and operated out of the pool bar area, and that they received their COP license in 1986. The Hearing Examiner asked if there had ever been a lounge on the property, to which Mr. DeSalvo said no. The first lounge was when they received a COP approval in 1985 for the restaurant. The Hearing Examiner asked Mr. DeSalvo if the restaurant contained a lounge, to which Mr. DeSalvo replied that it did not.

The Hearing Examiner noted that the only problem that she saw with the request was that it was located within 500 feet of residential uses, which she believed was contrary to the Zoning Ordinance. Mrs. Houck stated that this section of the Zoning Ordinance was very confusing and Staff interpreted it to mean that it would violate the Zoning Ordinance for Staff to give an administrative approval which would waive the 500-foot requirement. This was where the Special Permit came into play; if it was granted then the 500-foot requirement would be waived. Mr. Jones agreed.

Mr. DeSalvo stated that he had asked the Lee County Division of Codes and Building Services (Code Enforcement) to run a printout of any code violations which had occurred on the subject property in the last five years. There had been three. One was for a stop work order for remodeling in 1987, and was not relevant to the bar, or its operation. The second violation was for running jet skis from the beach. The Lee County Attorney's Office made a determination that they did have a permit for that activity and were in compliance. In November 1991, there was a request for Code Enforcement to check noise levels; however, but no violation was found.

They also asked the Lee County Sheriff's Department to provide a printout of any complaints regarding the Outrigger. There were seven. Two were for jet skis and one was for noise coming from the resort. When the Sheriff's Department visited the site, they did not consider them to be in violation of anything. Mr. DeSalvo submitted the Sheriff's Office printout regarding these violations and stated that, overall, there was only one violation regarding noise which had not been verified. They also submitted petitions to all property owners within 500 feet (approximately 54) and received responses back with 28 "in favor," 4 "no opinion," and 1 "against." Additionally, they had submitted a copy of a petition, which had been posted in the resort's office, with the names of 254 customers who had used the pool within the last month.

In summary, Mr. DeSalvo noted that this use was a vital need to the Outrigger Beach Resort. Additionally, a newly adopted ordinance regarding noise levels contains a required decibel reading which would be enforced by the Sheriff's Department.

VI. LEGAL DESCRIPTION:

A lot or parcel of land in Government Lot 4, Section 33, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Beginning at the Southeasterly corner of Block I, of McPHIE PARK SUBDIVISION, Unit #2, 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 8, Page 59; THENCE run Southwesterly along a line which is an extension of the Southeasterly line of said Block 1 to the waters of the Gulf of Mexico; THENCE Southeasterly along the waters of said Gulf to a point 340 feet as measured at right angles, to the last mentioned course which said point is the POINT OF BEGINNING of the land herein described; THENCE Northeasterly on a line parallel to the Southeasterly line of the aforementioned Block I to the Westerly line of a County Road, known as Estero Boulevard; THENCE Southeasterly along the Westerly line of said County Road to a point 250 feet; as measured at right angles, to the last mentioned course; THENCE Southwesterly on a line parallel to the aforementioned Southeasterly line of said Block I to the waters of the Gulf of Mexico; THENCE Northwesterly along the waters of said Gulf to the POINT OF BEGINNING of the lands herein described.

VII. FINDINGS AND CONCLUSIONS:

Based upon the staff report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. That changed conditions in the form of the use of the chickee hut for the sales/service of alcohol since 1986 makes approval of the Special Permit appropriate.
- B. That the Special Permit, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- C. That the Special Permit, as conditioned, will be consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the Special Permit, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That the Special Permit, as conditioned, will not have an adverse impact on environmentally critical area or natural resources.
- F. That the Special Permit, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- G. That the Special Permit, as conditioned, will be served by streets with the capacity to carry traffic generated by or resulting from the use.
- H. That the Special Permit, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.

VIII. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered.

IX. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the Official Court Reporter, 20th Judicial Circuit, Lee County Justice Center, Fort Myers, Florida. The original documents and original file in connection with this matter are located at the Lee County Department of Community Development, 1831 Hendry Street, Fort Myers, Florida.

B. THE ORIGINAL FILE AND THE ORIGINAL DOCUMENTS USED AT THE HEARING WILL REMAIN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT. THE DOCUMENTS ARE AVAILABLE FOR EXAMINATION AND COPYING BY ALL INTERESTED PARTIES DURING NORMAL BUSINESS HOURS.

This decision is rendered this 26th day of May, 1993. Copies of this decision will be delivered to the offices of:

Commissioner John E. Manning
Commissioner Douglas St. Cerny
Commissioner Ray Judah
Commissioner Franklin B. Mann
Commissioner John E. Albion


DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
2115 Main Street
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 813/335-2241

COUNTY RESOLUTION #Z-95-085

RESOLUTION NUMBER Z-95-085

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Colorado Southern, Inc. filed an application for a rezoning from RM-2 (Residential Multiple Family) to Commercial Planned Development in reference to Outrigger Beach Resort; and

WHEREAS, the subject property is located at 6200 Estero Boulevard, Fort Myers Beach, and is described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 24 East, Lee County, Florida:

A lot or parcel of land in Government Lot 4, Section 33, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Beginning at the Southeasterly corner of Block I, of McPHIE PARK SUBDIVISION, Unit #2, 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 8, Page 59;

THENCE run Southwesterly along a line which is an extension of the Southeasterly line of said Block 1 to the waters of the Gulf of Mexico;

THENCE Southeasterly along the waters of said Gulf to a point 340 feet as measured at right angles, to the last mentioned course which said point is the POINT OF BEGINNING of the land herein described.

THENCE Northeasterly on a line parallel to the Southeasterly line of the aforementioned Block I to the Westerly line of a County road, known as Estero Boulevard;

THENCE Southeasterly along the Westerly line of said County road to a point 250.00 feet, as measured at right angles, to the last mentioned course;

THENCE Southwesterly on a line parallel to the aforementioned Southeasterly line of said Block I to the waters of the Gulf of Mexico;

THENCE Northwesterly along the waters of said Gulf to the POINT OF BEGINNING of the lands herein described.

WHEREAS, the applicant has indicated the property's current STRAP number is 33-46-24-00-00012.0000; and

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WHEREAS, Colorado Southern, Inc., owner of the subject parcel, authorized A. P. DeSalvo, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on November 14, 1995 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on December 18, 1995 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES** with conditions the requested rezoning from RM-2 to Commercial Planned Development.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Master Concept Plan, Outrigger Beach Resort" (Drawing Number SH. 1 of 1, last revised 9-29-95, stamped received October 03, 1995), except as may modified by the conditions herein. Total hotel motel units and commercial usage may not exceed that indicated on the Master Concept Plan.

2. The approved Property Development Regulations for this "planned development" are those of the CT district, except as may be specifically deviated from as part of this zoning action.

3. The following will be the approved Schedule of Uses for this planned development:

All uses permitted by right in the CT district that are accessory to a hotel/motel use
The following uses are also permitted:

Bar or Cocktail Lounge (existing)
Commercial Use of Beach Front Seaward of the Water Body Setback Line (existing)
Consumption on Premises (existing)
Convenience Store

4. No signs or advertisement for any accessory use are allowed that are visible from off the premises of the subject property.
5. This zoning approval does not address the mitigation of the project's traffic impacts. Accordingly, additional conditions may be required at the time of local Development Order approval in accordance with the Lee County Land Development Code.
6. Approval of the rezoning does not give the Developer the undeniable right to receive local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
7. This development must comply with all requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

Deviation (1) seeks a minimum 5-foot setback for the activities building located in the southwestern corner of the site. The requested deviation is APPROVED with the condition that it is limited to the existing setbacks for existing buildings as shown on the Master Concept Plans stamped received 10-3-95.

Deviation (2) seeks a minimum 5-foot setback from the edge of the right-of-way for the existing two-story building located to the front of the site which houses the in-house laundry and a multiple purpose room. The requested deviation is APPROVED with the condition that it is limited to the existing setbacks for the existing buildings as shown on the Master Concept Plan stamped received 10-3-95.

Deviation (3) seeks a minimum building separation of seven feet between Buildings A and B on the site. The requested deviation is APPROVED with the condition that it is limited to the existing Buildings A and B.

Deviation (4) seeks to allow 153 off-street parking spaces to support this planned development. The requested deviation is APPROVED.

Deviation (5) seeks to eliminate the requirement for the provision of off-street parking to support the 10,000 square feet of commercial area within this planned development. The requested deviation is APPROVED for only those accessory uses approved as part of this

planned development, and provided those uses are not advertised or visible from any publicly accessible location off the subject property, as regulated in Condition 4.

SECTION C. MASTER CONCEPT PLAN:

A one-page reduced copy of the Master Concept Plan is attached to and incorporated into this Resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

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

1. There is no error or ambiguity in the Zoning Map which must be corrected by the CPD zoning; however, the CPD zoning will more accurately reflect the existing use on the subject property than does the current RM-2 zoning.
2. The existing hotel/motel (commercial) use on the subject property makes approval of the CPD zoning, as conditioned, appropriate.
3. The CPD zoning and deviations, as conditioned:
 - a) will not have an adverse impact on the intent of LDC Section 34, Zoning.
 - b) are consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
 - c) consistent with the goals, objectives, policies and intent of the Lee Plan, particularly Goal 81, Objective 81.2, and Policy 81.2.3 regarding "build-back" in the event of destruction due to a natural disaster.
 - d) meets or exceeds all performance and locational standards set forth for the proposed use.
 - e) will not have or cause any adverse affect on the Gulf of Mexico or the existing beach system.
 - f) will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
 - g) will not impose additional impacts on the surrounding traffic network, or other services and facilities.

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- h) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34, LDC.
4. Urban services are or will be adequate and available to serve this property.
5. All the recommended conditions are reasonably related to the impacts on the public's interest created by or resulting from the proposed uses.
6. The recommended conditions, in conjunction with the other land development regulations, provide sufficient safeguards for the public's interest, health, safety or welfare.
7. As conditioned, the deviations:
- a. enhance the achievement of the objectives of the planned development which is to enable the hotel/motel use to continue on the subject property; and
- b. preserve and promote the protection of the public health, safety or welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Absent
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of December, A.D., 1995.

ATTEST
CHARLIE GREEN, CLERK

BY: David S. Reese
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by: [Signature]
County Attorney's Office

FILED

DEC 29 1995

CLERK CIRCUIT COURT
BY [Signature] D.C.

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County Resolution #ZAB-85-271

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

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WHEREAS, Colorado Southern, Inc., has properly filed an application for:

In the RM-2 district:

- a) District boundary change to CT; and
- b) Special exception for consumption on premise of alcoholic beverages (Section 605.C).

The subject property is located at 6220 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 24 East, Lee County, Florida:

A lot or parcel of land in Government Lot 4, Section 33, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Beginning at the point of intersection of a line 340 feet, as measured on a perpendicular, southerly from and parallel with the southeasterly line of Block 1, Unit 2, MCPHIE PARK Subdivision, according to the map or plat thereof recorded in Plat Book 8 at page 59 of the Public Records of Lee County, Florida, with the westerly right-of-way of Estero Boulevard (SR S-865); thence run S 51° 37' W along said line, 340 feet southerly and parallel to the southerly line of said Block 1, to the waters of the Gulf of Mexico; thence

Southeasterly along the waters of the Gulf of Mexico to the intersection with a line 690 feet, as measured on a perpendicular, southerly from and parallel with the southeasterly line of said Block 1; thence run N 51° 37' E along said line to the westerly right-of-way line of Estero Boulevard; thence run N 30° 10' W along the right-of-way line for 270.69 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left having a radius of 2832.29 feet for an arc distance of 82.78 feet (Delta Angle 1° 40' 29" chord distance 82.77 feet) to the point of beginning.

WHEREAS, proper authorization has been given to Richard M. McDole, by David W. Fagerness, the president of Colorado Southern, Inc. to act as agent to pursue this zoning application;

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of a district boundary change to CT and approval of a special exception for consumption on premises of alcoholic beverages, based on

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HEARING NUMBER 85-9-38

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(15212)

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FENSTROM, D.C.

OFF
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the testimony given at the hearing, with the interpretation that the original RU-3 zoning category which permitted hotels and motels would have included bar and liquor package sales on the premises, and the conversion to RM-2 would permit consumption on premises by right. Since the applicant plans to renovate are in the future, the proper zoning category would be desirable; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The Local Planning Agency found the request to be consistent with the Lee County Comprehensive Plan because it is not specifically addressed. The Zoning Board agreed with the concept that the uses of a motel and accessory snack bar are uses by right. The Zoning Appeals Board believed that the requested CT district would permit uses which would be inappropriate to adjoining uses and properties, as well as allowing "units of high impact".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby deny a district boundary change to CT; and the Board does hereby grant a special exception in the RM-2 district for consumption on premises of alcoholic beverages, with the following conditions on the special exception (Section 605.C):

1. The sale of alcoholic beverages shall be conducted solely within the snack bar and by room service, thereby maintaining the food and beverage sales activity as an accessory use; and
2. There shall be no advertising for the lounge.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Wallace, and seconded by Commissioner Slisher and, upon being put to a vote, was as follows:

Porter J. Goss	Absent
Roland Eastwood	Absent
Mary Ann Wallace	Aye
Bill Fussell	Nay
Donald D. Slisher	Aye

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.(15212)

RM
C 1053 PG 11

DULY PASSED AND ADOPTED this 12th day of November, A.D., 1985.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Christensen
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

OFF REC 1853 PG 4314

FILED

JUN 19 1986

CLERK CIRCUIT COURT
BY Andy A. Brind C.

RECORDED AND RETURNED TO
CLERK CIRCUIT COURT
LEE COUNTY FLA
JUN 26 1 59 PM '86

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(1521Z)

GEOVIEW MAPS

This is an aerial map of a coastal region, likely in California, showing various land parcels. The map is oriented with the coastline on the right side. Several roads are visible, including SHERO BLVD running diagonally from the top left to the bottom center, and GOURN ST running diagonally from the bottom center to the bottom right. Other roads include CHEROKEE ST, CHEROKEE ST, and CHEROKEE ST. The map is divided into numerous parcels, many of which are labeled with codes and numbers. These labels include:

- RM-2 (FMB) 00013 0030
- RM-2 (FMB) 00013 0020
- CR (LEECO) 00012 0000
- CPD (FMB) 00012 0000
- CPD (LEECO) 00012 0000
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- 00012 0210
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2010 Hi-Res (1/2 foot)

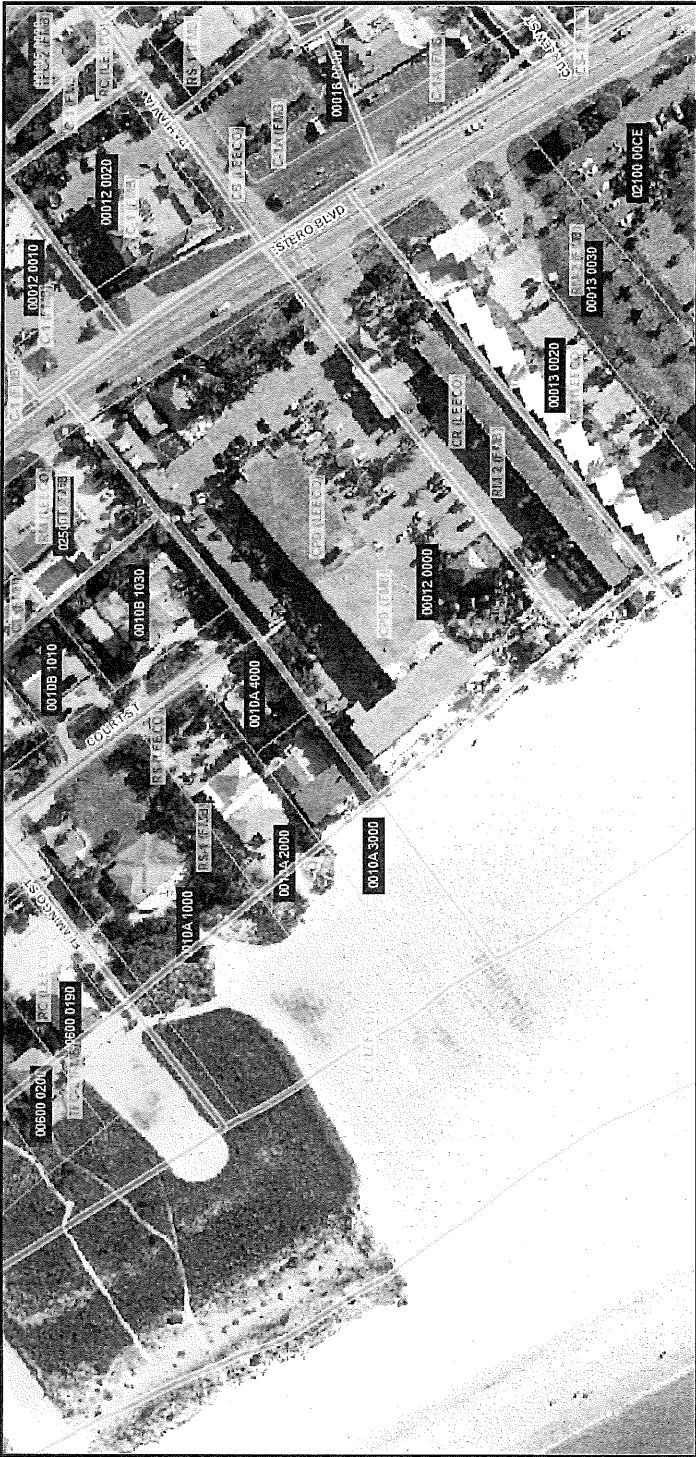
Parcel Lines

☐ Delinquent Tax Par

Zoning (on January) ☐

Disclaimer: Maps and documents made available to public by the Lee County Property Appraiser's office are not legally recorded maps or surveys and therefore are not intended to be used as such. The maps and documents are created as part of a Geographic Information System (GIS) that compiles records, information and data from various departments, cities, county, state and federal sources. The source data may contain errors. Users are encouraged to examine the documentation or metadata associated with the data on which the map is based for information related to its accuracy, currency, and limitations.

Lee Property Appraiser GeoView Map



Map printed: 8/3/2011 11:23 AM



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Aerial Imagery

2010 Hi-Res (1/2 foot)

Parcels and Streets

- Parcel Lines
- Street Centerlines
- Delinquent Tax Parcels

Planning and Zoning

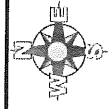
Zoning (on January 1)

100m

100m

400ft

400ft



2010 Hi-Res (1/2 foot)

Parcels and Streets

Parcel Lines

- ☐
- Delinquent Tax Paid

Zoning (on January 1, 2014)

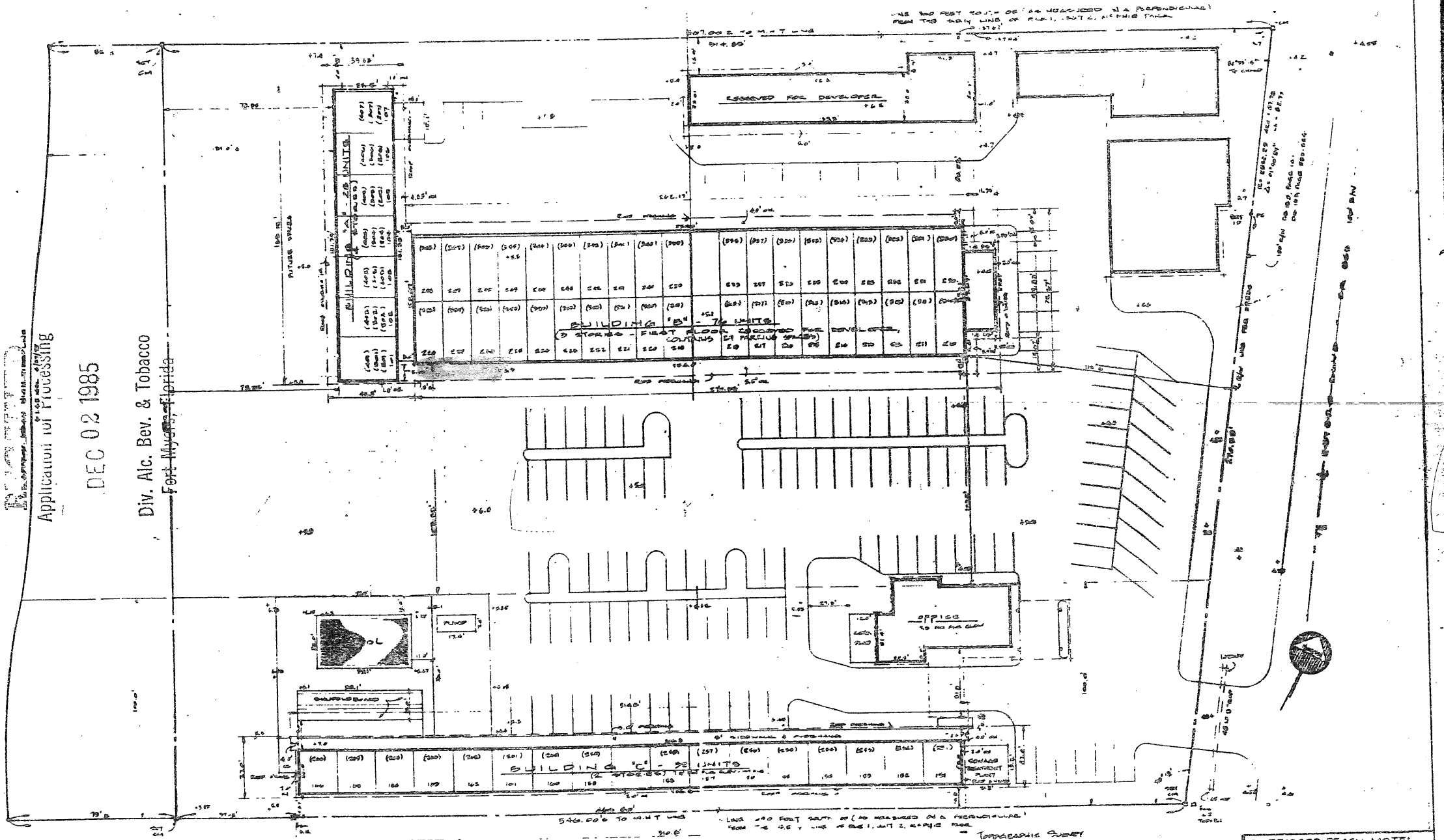
OFF 1677 PC C-11

PLAT OF LAND FOR

Application for Processing

DEC 02 1985

Div. Alc. Bev. & Tobacco
Fort Myers, Florida



BLOCK "A" 20 UNITS 6'-0" x 20'-0" 402 sq
BLOCK "B" 20 UNITS 6'-0" x 20'-0" 402 sq
BLOCK "C" 20 UNITS 6'-0" x 20'-0" 402 sq
TOTAL 156 UNITS
507 TOTAL PARKING SPACES

PLOT PLAN
SCALE
0 20 30'

TOPOGRAPHIC SURVEY
PART OF SECTION 33, T29N, R22W
BRADSHAW LAND CO. CO., FLA.
WILLIAM W. SMITH CEN. LAND
SURVEYOR
I HEREBY CERTIFY THAT THE SURVEY
REPRESENTED HEREON, WITH THE NECESSARY
REQUIREMENTS OF THE F.S. & F.S.
PLA.

OUTRIGGER BEACH MOTEL
ESTERO BLVD., FT. MYERS BEACH, FLORIDA
EDGAR A. WILSON, ARCHITECT
2037 WEST FIRST ST. FT. MYERS, FL
DATE: 6/10/85
SHEET 1 OF 7