

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-7

WHEREAS, Peter and Susan Lisich in reference to Pink Shell Resort filed a request to amend the Commercial Planned Development (CPD) to reduce the number of permitted hotel units for the proposed 12 unit building. The reduction will result in the elimination of 7 hotel units and the construction of the proposed 12 unit building. The existing 5 unit building remains; and

WHEREAS, the subject property is located at 131 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lot 37, Block D, ISLAND SHORES CLUB SECTION SUBDIVISION, as recorded in Plat Book 9, Page 41, of the Public Records of Lee County, Florida, lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W1-0080D.0370; and

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

1. The use of Lot 37, Block D must be consistent with the 1 page Master Concept Plan entitled "Pink Shell CPD", stamped received September 14, 1998, last revised September 7, 1998, except as modified below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned

development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the Lot 37, Block D of Island Shores Club Section;

a. Schedule of uses

Accessory uses, buildings and structures: Docks, seawalls, fences, walls, non roofed accessory structures, residential accessory structures, signs in compliance with Chapter 30 dwelling unit, existing 5unit multiple-family building

b. Site Development Regulations

Street – 25 feet, Side Yard – 20 feet, Waterbody – 25 feet

3. The conditions of approval of resolution Z-95-017 remain in full force and effect except as amended herein:

a. SECTION A. CONDITIONS, subsection 2. Is amended from 59 units to 52 units.

b. SECTION B.DEVIATIONS: #2 and #8 are hereby rescinded in their application to Lot 37, Block D of Island Shores Club Section.

4. The Development Order originally issued for a 12 unit building must be amended to allow only 5 units.

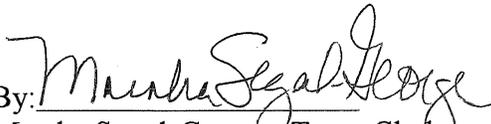
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

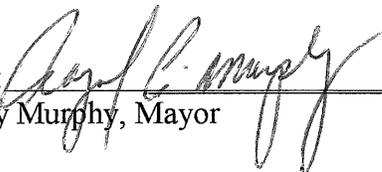
Anita T. Cereceda	nay
Daniel Hughes	aye
John Mulholland	aye
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY GRANTED this 22nd day of February, 1999.

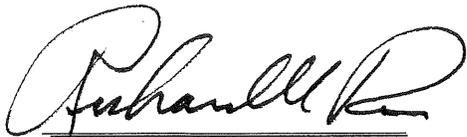
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Ray Murphy, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney