

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00- 28

WHEREAS, Fort Myers Beach Fire Control District has petitioned to rezone 0.263 +/- total acres of land from Two Family Conservation District (TFC-2) to Commercial planned Development (CPD) to permit the development of this parcel as the offices of the Fort Myers Beach Fire control district with a maximum of 3,000 square feet of gross floor area and a maximum building height of 35 feet; and,

WHEREAS, the subject property is located at 100 & 102 Voorhis Street, Fort Myers Beach, Florida; and,

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 29-46-24-W1-0020C.0200 & 29-46-24-W1-0020C.0230; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) who recommended to the Town Council that the property be rezoned from (TFC-2) to CPD with the conditions, deviations and findings & Conclusions found on Pages 1 through 4 of the Staff Report dated May 23, 2000; 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 ~~DENIED~~ 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:

SEE ATTACHED

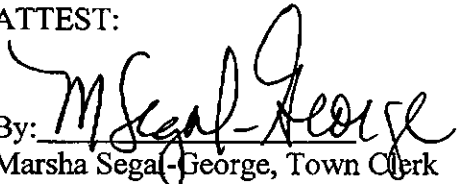
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Dan Hughes	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>

APPLICATION DULY GRANTED/DENIED this 29th day of June, 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Dan Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

ATTACHMENT

A. Conditions

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Fort Myers Beach Fire Control District Office Building," stamped received April 24, 2000, except as modified by the conditions below. This development must comply with all requirements of the Town of Fort Myers Beach Land Development Code (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.

A maximum of 3,000 square feet of gross floor area is permitted within this planned development.

2. The following limits apply to the project and uses:

- a. Schedule of Uses

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 et seq.,
34-2441 et seq., 34-1863, and 34-2141 et seq.)

ADMINISTRATIVE OFFICES

BUSINESS SERVICES (LDC Section 34-622(c)(5)):Group I (limited to
Offices for the Fire Control District)

ESSENTIAL SERVICES (LDC Sections 34-1611 et seq., and 34-1741 et
seq.)

ESSENTIAL SERVICE FACILITIES (LDC Section 34-622(c)(13)):Group I
only (LDC Sections 34-1611 et seq., 34-1741 et seq., and 34-2141 et
seq.)

EXCAVATION: Water retention (LDC Section 34-1651)

FENCES, WALLS (LDC Section 34-1741)

SIGNS in accordance with the rules within the Town of Fort Myers Beach

- b. Site Development Regulations

Development of this CPD will comply with the following Property
Development Regulations:

Minimum Lot Area and Dimensions:

Limited to the existing property dimensions

Area: 0.263 acres

Width: 120 feet

Depth: 95.55 feet

Minimum Setbacks:

Street: 25 feet

Side: 10 feet

Rear: 10 feet

Accessory Use and Structure setbacks must comply with LDC Sections 34-1171 et seq. and 34-2194.

Minimum open space: 20%

Maximum Building Height: 35 Feet

Development of the structure must be substantially consistent with the architectural rendering from The Fowler Company, stamped received May 18, 2000.

Any proposed additional use of this land must go through the public hearing process to amend this approved planned development.

B. Deviations

Deviation 1 requests relief from LDC Section 10-285(a) which requires a minimum intersection separation of 125 feet on a local road; to allow a separation of 70.2 feet northerly along Voorhis Street and 21.8 feet southerly along Voorhis Street. This deviation is **APPROVED**.

Deviation 2 requests relief from LDC Section 10-414.d.2 which requires a buffer width of 15 feet along the northerly property line; to allow a minimum buffer width of 11 feet.. This deviation is **APPROVED**.

Deviation 3 also requests relief from LDC Section 10-414.d.2 requiring a buffer width of 15 feet along the easterly property line; to allow a minimum 10 foot wide buffer. This deviation is **APPROVED**.

Deviation 4 also requests relief from LDC Section 10-414.d.2 requiring a buffer width of 15 feet along the southern property line; to allow a minimum 10 foot wide buffer. This deviation is **APPROVED**.

