

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01-21

WHEREAS, Boykin Hotel Properties, L.P. in reference to White Sand Villas Portion of PUD has filed an amendment to the approved PUD and CPD zoning to; 1] change the orientation of the 9-story building; [2 to revise the size of the project units from the approved 77 units at 1000 square feet each, and from the approved 15 units at 550 square feet each, to allow 46 2-bedroom units at 1246 square feet each and 46 1-bedroom units at 761 square feet each; 3] request a deviation from LDC code 34-2017 (a) which requires parking lot aisles and spaces have a paved, dust free, all weather surface, to allow a shell surface (no parking stripes or bumpers) on the parking lots; and

WHEREAS, the subject property is located in Section 24, Township 46 South, Range 23 East, Lee County, Florida at 275 Estero Blvd., Fort Myers Beach, Florida more particularly described in attachment A; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency who have recommended that the Town Council deny the Applicant's request to allow 46 2-bedrrom units with an average of 1246 square feet each and 46 1-bedrrom units with an average of 761 square feet each. Further the LPA recommended approval of the applicant's request to amend the approved PUD/CPD zoning to change the orientation of the 9-story building and a deviation from LDC 34-2017 (a) to allow a shell surface on the parking lots with the 9 conditions on Page 2 of the Staff Report dated May 8, 2001, which is incorporated by reference.

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 EXHIBIT B

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

Dan Hughes	Aye
Garr Reynolds	No
Ray Murphy	No
Terry Cain	Aye
Howard Rynearson	Aye

APPLICATION DULY GRANTED ~~DENIED~~ this 25th day of June, 2001.

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

Exhibit "A"
Legal Description

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

Lots 2,3,4,5,6,8,9 and 10 of Gulfshore, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 88, Public Records of Lee County, Florida;

Lots 34, 35, and 36 and Northwesterly 25 feet of Lot 33 of Unit No. 4, Island Shores, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Public Records of Lee County, Florida;

Lots 29 through 32 and the Northwest ½ of Lot 28 inclusive, Block "D", Island Shores, Unit No. 4, a subdivision as recorded in Plat Book 9, Page 37 and Lots 33-36, inclusive, Block "D", Island Shores Club Section, a Subdivision lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, as recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida and Lot 29, Block D, Unit No. 4, Island Shores, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Lee County, Florida.

Less and Except the Following:

Tract or parcel of land lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida also being part of Lots 2,3,4,8 and 9 of Gulfshore Subdivision, Plat Book 9, Page 88 also part of Lots 33 and 34 Island Shores Unit No. 4, Plat Book 9, Page 37 of The Public Records of Lee County, Florida which is described as follows:

Beginning at the Northeasterly corner of Lot 2 of said Gulfshore subdivision; thence N 42° 07' 25 " W for 77.00 feet along the Southwesterly right-of-way of Gulfshore Court; thence N 47° 52' 35" E for 76.76 feet along the northwesterly right of way of Gulfshore Court; thence N 42° 07' 25 " W for 24.00 feet; thence S 47° 52' 35" W for 2.50 feet; thence N 42° 07' 25 " W for 43.54 feet; thence N 47° 52' 35" E for 2.50 feet; thence N 42° 07' 25 " W for 50.00 feet; thence N 40° 31' 28" E for 14.49 feet; thence N 50° 19' 25" W for 27.57 feet; thence N 59° 22' 01" W for 20.23 feet; thence S 39° 40' 35" W for 31.50 feet; thence S 59° 17' 28" E for 2.30 ft; thence S 30° 21' 33 " W for 15.24 feet; thence N 58° 42' 37" W for 3.31 feet; thence S 29° 58' 13 " W for 29.45 feet; thence S 48° 42' 33 " W for 77.19 feet; thence S 40° 09' 10" E for 31.53 feet ; thence S 07° 36' 21" E for 57.08 feet; thence S 47° 52' 35 " W for 297 feet more or less to the mean High Water Line of the Gulf of Mexico; thence Southeasterly along said mean high water line for 150 feet more or less to the intersection with a line that bears S 47° 52' 35" W from the Point o Beginning; thence N 47° 52' 35 " E for 410 feet more or less along the southeasterly lot line of Lot 2 of said Gulfshore Subdivision to the Point of Beginning.

Exhibit B

Conditions for Case # DCI 2001- 00027

1. Compliance with the new Master Concept Plan dated 6/12/01.
2. The size of the units are not limited to a maximum of 1000 square feet and 550 square feet. However, in no case will the total number of units exceed 92 and the total area dedicated to the units may not exceed a total of 85,250 square feet.
3. The alternative parking surface must be a stabilized surface of clean (washed) angular gravel or other similar porous material over a well-drained base. The surface will be continually maintained in a dust free manner. Stabilization may be accomplished by turfblocks or proprietary cellular or modular porous paving systems installed in accordance with manufacturer's specifications.
4. The disabled parking spaces must be provided with a smooth surface without gaps or holes which would create a danger to the user.
5. No parking bumpers are required for the valet parking on the north side of Estero Boulevard, however parking bumpers must be used to designate the parking spaces on the south side of Estero Boulevard. Parking stripes will not be required on the alternative surface.
6. The building may have 9 stories over one ground level and one service level. The service and ground levels are limited to the accessory uses listed in Note #5 of the Master Concept Plan. In no case will dwelling units be permitted in the service level and in no case shall the structure exceed 92' above base flood elevation.
7. Approval of the amendment to the Master Concept Plan does not constitute an approval of the White Sand Villas floor plans submitted in support of the application.
8. All previous approvals and conditions, including those adopted in Resolution Number 00-07/07A, remain in full effect, except as altered by this amendment.
9. This development must comply with all requirements of the Town of Fort Myers Beach 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.
10. The 9' x 16' parking spaces are limited to the 8 parking spaces located adjacent to the view corridor, identified as 'E' on the Master Concept Plan.
11. Subject to the approval of the MPD rezoning on the adjacent property (DCI2000-00071), a dedicated 36' view corridor shall be established as depicted on the Master Concept Plan. The eight parking spaces may encroach into the corridor, but no structures are permitted within the 36' view corridor. Use of the corridor within the PUD portion of the Pink Shell Resort must be consistent with all approvals and conditions in Case DCI2000-00071.