

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 02-04

WHEREAS, Darin Smith, representing all the property owners, re: White Cap RPD has filed a request to rezone from single Family Residential (RS-1) and Multiple Family Residential (RM-2) to Residential Planned Development (RPD) to permit a maximum of 10 multiple family dwelling units, not to exceed 25 feet in height above base flood elevation, on 0.613 total acres of land; and,

WHEREAS, the subject properties are located at 4701 & 4731 Estero Blvd. and 4631 & 4633 Estero Blvd. and is described more particularly as:

LEGAL DESCRIPTION: Lots 1 through 4, block G, Hyde park, as recorded in Plat Book 7 at page 20, of the public records of Lee County, Florida, along with a parcel in Section 28, Township 46 South, Range 24 East juxtaposed to lots 1 and 2 of Block G, Hyde Park.

Beginning at the intersection of the north line of Estero Blvd (65 foot right-of-way) and the Section line common to Sections 28 and 29, Township 46 South, Range 24 East, Lee County, Florida: Thence with said north line of Estero Blvd., N50 43'31" W, 227.00 Feet to the northwesterly corner of Lot 4, Block G, Hyde Park, as recorded in Plat Book 7 at page 20, of the public records of Lee County, Florida: Thence N 45degrees 36'00" E, 119.80 feet (measured), 120.00 feet (plan) to the northeasterly corner of said Lot 4: Thence with a line common to Lots 2, 3, 4 and 6 of said Block G, S 51 degrees 19'05" E, 112.92 feet to the line common to said Section 28 and 29: Thence N 02 13'07" W, 0.32 feet, along said Section Line: Thence S 50 23'41" E, 113.60 feet; Thence S 45 13'44" W, 120.48 feet to the north line of Estero Blvd. and the point of beginning, containing 27,171 square feet, more or less; and,

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 29-46-24-W3-0080G.0040; 29-46-24-W3-0080G.0030; 29-46-24-W3-0080G.0010; 29-46-24-W4-00001.0010; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) who gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and recommended:

THAT the request be approved based on the conditions of approval and deviations recommended, as stated in the Staff Report dated October 16, 2001 and found on pages 2 & 3 of the Staff Report which is attached hereto and incorporated herein by reference with the following exceptions;

1. The LPA recommends that the Town Council approve Deviation #1.
2. The LPA acknowledges that Deviation #4 was withdrawn by the applicant.
3. The LPA has expressed a preference for allowing the applicant to utilize a gated entry with 2 access points but has requested that the applicant and the staff review

the feasibility and safety of this type of approach and present their findings on this point to the Town Council; 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.

A. 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:

Conditions:

1. The development of this project must be consistent with the 1 page Master Concept Plan entitled "White Cap RPD," stamped received November 15, 2001, last revised November 11, 2001, except as modified by the conditions below. This development must comply with all requirements of the Lee County 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 project and uses:

- a. Schedule of Uses  
Dwelling Unit: Multiple-Family Buildings  
Accessory Uses and Structures (Residential)  
Entrance Gates  
Essential Services  
Fences, Walls

Home Occupation  
Model Unit  
Real Estate Sales Office (Temporary for sale of units only. 2 year maximum)  
Recreation Facilities: Personal and Private  
Signs in Accordance with Chapter 30

b. Site Development Regulations

Lot Size 0.613 Acres

Building Height: 25 feet (as measured from base flood elevation to the highest point of an exterior wall, exclusive of the roof system)

Street Setback 25 feet

Side Yard Setback 10 feet

Rear Yard Setback 19 feet

Lot Coverage 40 %

Open Space 35%

3. Landscaping will be in substantial compliance with the 2-page landscape plan prepared by David M. Jones Jr. and Associates, Inc. titled "White Cap RPD Landscape and Irrigation Plan" stamped received November 16, 2001 Permit Counter.

4. Prior to issuance of a local development order, the Town must approve the architectural elevations of the building for substantial compliance with the renderings submitted.

5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Town of Fort Myers Beach LDC may be required to obtain a local development order.

6. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

7. The project's entrance gates are limited to gates that are attached to the buildings at the entrances to the parking area under the buildings. Entrance gates are only permitted if the project is limited to a single, centrally located driveway access from Estero Boulevard.

8. Prior to issuance of a development order, applicant will submit an revised master concept plan with a landscaping plan, all to be within substantial compliance with this resolution.

B. Deviations

1. Deviation from the requirement that the connection separation between access points on arterial roadways be a minimum centerline distance of 660 feet [per LDC Section 10-285 (Table 1)] to allow a minimum connection separation of 47 feet along Estero Blvd is APPROVED.
2. Deviation from the requirement that a fifteen foot Type "B" Buffer be provided where a proposed multi-family residential use abuts a single-

family residential use {per LDC Section 10-416(d)(3)} to allow a ten foot vegetative buffer along the western property line and a five foot vegetative buffer with a fence along a portion of the northern property line is APPROVED.

3. Deviation from the Requirement that a fifteen foot Type "d" Buffer be provided where a proposed Multi-family residential use abuts a street right-of-way [per LDC Section 10-416(d)(3)} to allow a five foot vegetative buffer along Estero Blvd is APPROVED.
4. Deviation from the requirement that all buildings and structures must set back a minimum distance of fifteen feet from the development perimeter [per LDC Section 34-935(2)(b)(1)b] to allow a minimum building setback of ten feet along the eastern and western property lines is WITHDRAWN BY APPLICANT.

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

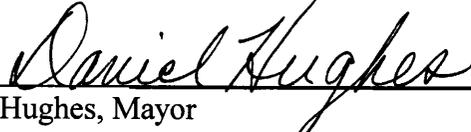
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPLICATION DULY GRANTED/DENIED this 14th day of January, 2002.

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