

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-11

WHEREAS, Diamondhead Island Beach Club, L.C. has requested a Special Exception in the Downtown zoning district for a shared permanent parking lot; and,

WHEREAS, the subject property is located at 1999 Estero Blvd, Ft. Myers Beach; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0090B.0020, and the legal description is as follows:

In Section 19, Township 46 South, Range 24 East, Lee County, Florida; Lots 2 and 4, Block 'B', Gulf Bay View Subdivision, Plat Book 8, Page 69, Public Records of Lee County, Florida; and,

WHEREAS, a public hearing was held before the Local Planning Agency who recommended that the Town Council APPROVE the Applicant's request for a Special Exception for PARKING LOT, SHARED PERMANENT in the Downtown zoning district subject to the following conditions:

1. The use of the parking lot is limited to automobiles of employees and overflow parking for guests of the Diamondhead Resort.
2. The development must provide pedestrian ways or paths. The pedestrian ways or paths must be designed and constructed to provide access from the parking area to the sidewalk located on Estero Blvd.
3. Vehicular access to this property is via Virginia Avenue and the alley. No driveways are allowed directly to Estero Blvd.
4. The parking lot may be developed with alternative surfaces provided that the areas are adequately drained and continuously maintained in a dust free manner. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.
5. Applicant will work with Staff to create a beautification/Landscape feature compatible with the landscape/railing fence treatment on the Diamondhead Resort side of Estero Blvd. Since the 2 properties are connected. This plan will be developed prior to this case being heard by the Town Council. The LPA further recommends that the Applicant must install the beautification/landscape plan within 6 months of approval by the Town Council.
6. Lighting must be designed so as to prevent direct glare, light spillage or hazardous interference with automotive and pedestrian traffic on abutting streets and all abutting properties. Any exterior artificial light must comply with the requirements set forth in LDC Chapter 14 for new development.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES the requested special exception.

FINDINGS AND CONCLUSIONS:

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

1. The applicant did demonstrate compliance with the Fort Myers Beach Comprehensive Plan.
2. The applicant did demonstrate compliance with the Land Development Code of the Town of Fort Myers Beach.
3. The applicant did demonstrate compliance with the other applicable town ordinances or codes.
4. That the Special Exception, as conditioned, is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan..
5. That the Special Permit, as conditioned, meets all performance and locational standards set forth for the proposed use.

SUBJECT TO THE FOLLOWING CONDITIONS:

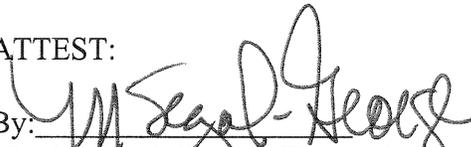
1. The use of the parking lot is limited to automobiles of employees and overflow parking for guests of the Diamondhead Resort.
2. The development must provide pedestrian ways or paths. The pedestrian ways or paths must be designed and constructed to direct pedestrians to the nearest crosswalk.
3. Vehicular access to this property is via the platted alley. No driveways are allowed directly to Estero Blvd.
4. The parking lot may be developed with alternative surfaces provided that the areas are adequately drained and continuously maintained in a dust free manner. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.
5. Applicant has created a beautification/Landscape feature compatible with the landscape/railing fence treatment on the Diamondhead Resort side of Estero Blvd. and is attached as Exhibit '1'. The Applicant must install the beautification/landscape plan within 6 months of approval by the Town Council. The existing fence will be painted and maintained.
6. Lighting must be designed so as to prevent direct glare, light spillage or hazardous interference with automotive and pedestrian traffic on abutting streets and all abutting properties. Any exterior artificial light must comply with the requirements set forth in LDC Chapter 14 for new development.

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

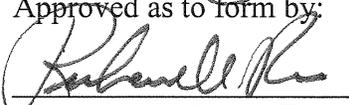
Howard Rynearson	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Terry Cain	<u>Aye</u>

ADOPTED this 14th day of April, 2003.

ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

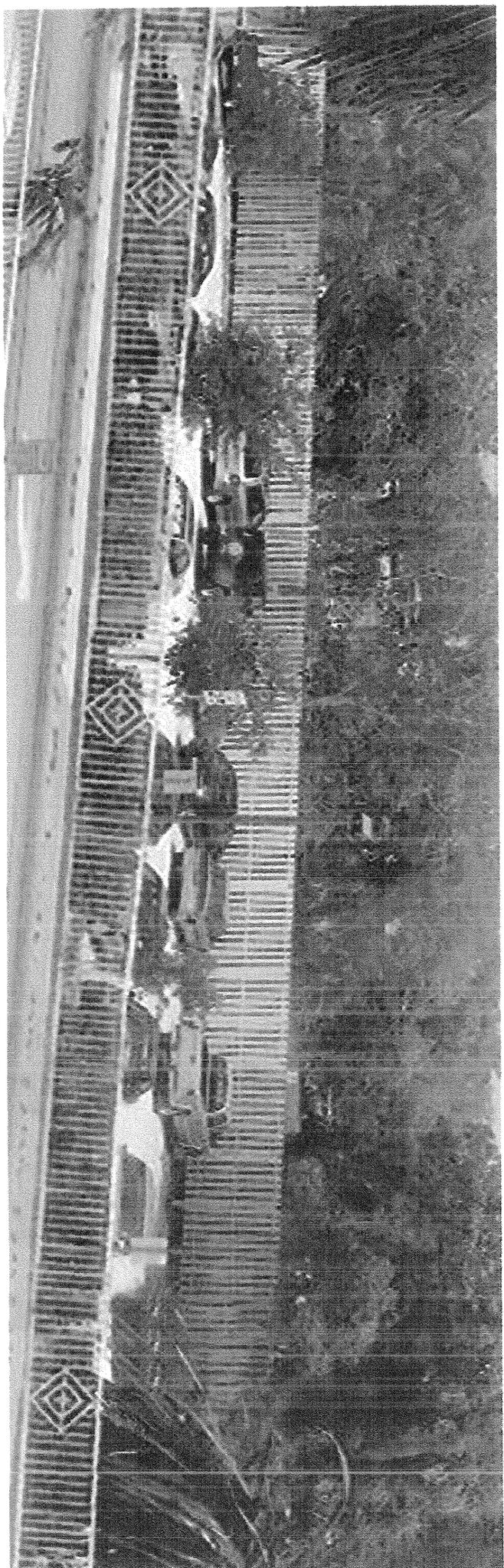
TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

~~SECRET~~ DCI 2002-00044

Exhibit 'I'

Condition #5



DESCRIPTION: VAR 2002-00014

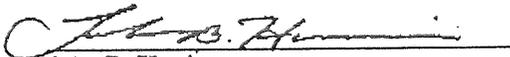
Part of Lot 31, Block 6, Gulf Heights, as recorded in Plat Book 6, Page 39, Public Records of Lee County, Florida, described as follows:

Beginning at the most Northwesterly corner of the aforesaid Lot 31; thence run S.46°44'00"E. along the Northeasterly line of said Lot 31 for 43.30 feet; thence run S.43°44'50"W. (1.70 feet Northwesterly of and parallel to the Southeasterly line of said Lot 31) for 140.00 feet; thence run N.46°44'00"W. along the Southwesterly line of said Lot 31 for 43.30 feet to the most Southwesterly corner of said Lot 31; thence run N.43°44'50"E. along the Northwesterly line of said Lot 31 for 140.00 feet to the point of beginning.

Said tract contains 6,061.8 square feet, more or less and is subject to easements, restrictions and reservations of record.

TOGETHER WITH:

All rights, title and interest of the grantor in and to a 10 foot non-exclusive easement for walk and driveway purposes across the Westerly side of Lot 13, Block 6, and the East 10 feet of Lot 30, Block 6 of said Gulf Heights Subdivision; and TOGETHER WITH all rights, title and interest of the grantor in and to a perpetual easement for water rights from a well on Lot 17, Block 3, of said Gulf Heights Subdivision; SUBJECT TO, however, a certain easement for walkway purposes over the Easterly 5 feet of said Lot 30, Block 6, of said Gulf Heights, hereto reserved for the present and future owners of Lots 12 and 13, of Block 6, and Lots 15 to 20 inclusive, of Block 3 of said Gulf Heights Subdivision.


John B. Harris
P.S.M. #4631
August 27, 2002

Applicant's Legal Checked
by Jm 9/5/02
TO: JERRY MURPHY-
RE - MUD 2002 - 00059

EXHIBIT A

LEE COUNTY
RECEIVED
02 AUG 27 PM 2:19
COMM. DEV./
SUB. MKS. CNTR.
SECOND FLOOR