

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 06-29

WHEREAS, the Town of Fort Myers Beach, Florida has initiated a rezoning of 0.40+/- acres or approximately 17,500 +/- square feet, from Residential Multifamily (RM) to Commercial Boulevard (CB) to allow inclusion of previously existing commercial condominium units and the remaining units of the property within an existing limited commercial zoning district; and

WHEREAS, the subject property is located at 2096 and 2100 Estero Boulevard, Fort Myers Beach, Lee County, FL, being more particularly described as the Polynesian Vacation Villas, with the legal description being attached to this Resolution as Attachment "A" and hereby incorporated by reference; and

WHEREAS, the Lee County Property Appraiser's Geographical Information System has indicated the property's current STRAP numbers are:

19-46-24-W4-03100.00CE, 19-46-24-W4-03100.0150; 19-46-24-W4-03100.0140; 19-46-24-W4-03100.0130, 19-46-24-W4-03100.0120, 19-46-24-W4-03100.0110, 19-46-24-W4-03100.0100, 19-46-24-W4-03100.0090, 19-46-24-W4-03100.0080, 19-46-24-W4-03100.0070, 19-46-24-W4-03100.0060, 19-46-24-W4-03100.0050, 19-46-24-W4-03100.0040, 19-46-24-W4-03100.0030, 19-46-24-W4-03100.0020, 19-46-24-W4-03100.0010.

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on October 10, 2006, at which time the LPA recommended that the Town Council approve the Town-initiated rezoning of the subject property from RM to CB, as set forth in the LPA resolution which has been provided to Town Council for consideration at its hearing; and

WHEREAS, a public hearing was legally advertised and held before the Town Council on December 11, 2006, at which time the Town Council gave full and complete consideration to the recommendations of staff, the documents in the file, the LPA recommendations, the request of applicant and the testimony of all interested persons.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

The Town Council APPROVES the Town-initiated rezoning of the subject property from RM to CB.

FINDINGS AND CONCLUSIONS

Based upon the presentations by the staff, and other interested parties at the hearing, and review of the application, the LPA recommendations and the standards for approval of rezoning, the Town Council makes the following findings and conclusions:

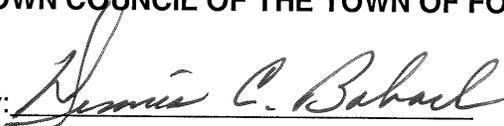
1. The request is compatible with existing property uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
2. The Town's action in zoning the subject property located at 2096 and 2100 Estero Boulevard as RM at the legislative adoption of the Official Zoning Map made the existing use non-conforming. Upon approval of this zoning map change, the existing use will no longer be nonconforming, but will still be limited in the intensity and form to what currently and lawfully exists.
3. Accordingly, the requested rezoning is not to permit a new development but to repair the inadvertent nonconformity of use created when the Official Zoning Map was adopted. The existing units designated by the condo documents as residential units would not be able to change from their current residential use to commercial without a new zoning designation.
4. The requested rezoning is consistent with:
 - a. The goals, objectives, policies, and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan; and
 - b. LDC Chapter 34; and
 - c. All other applicable Town ordinances and codes.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Meador and seconded by Councilmember Reynolds, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	AYE
Don Massucco, Vice Mayor	AYE
Charles Meador, Jr.	AYE
Garr Reynolds	AYE
William Shenko, Jr.	AYE

REZONING GRANTED AND RESOLUTION PASSED AND ADOPTED THIS 11TH day of December, 2006.

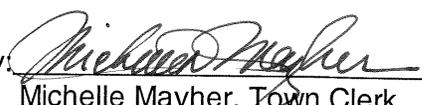
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle Mayher, Town Clerk