

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 07-30

WHEREAS, the Fort Myers Beach Fire Control District ("Applicant") has requested to rezone 0.83+/- acres from Commercial Planned Development (CPD) to amended Commercial Planned Development (CPD) to allow the development of a fire station and associated accessory uses, with maximum building height not to exceed 14.5 feet above base flood elevation; and

WHEREAS, the subject property is located at 121 Lenell Road, Fort Myers Beach, Lee County, Florida; and

WHEREAS, the Applicant has indicated the property's current STRAP number is: 03-47-24-W1-00007.0010, with the legal description attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on July 31, 2007, at which time the LPA recommended that the Town Council approve Applicant's request for rezoning, as set forth more fully in the LPA Resolution 2007-14; and

WHEREAS, the Town Council gave full and complete consideration to the recommendations of staff, the LPA resolution, the documents in the file, and the testimony of all interested persons.

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

Based upon the presentations by the Applicant, staff, and other interested persons at the hearing, review of the application, and the standard for granting rezonings of this type, the Town Council **APPROVES** the Applicant's request to amend its CPD, subject to the seven (7) conditions and three (3) deviations set forth with specificity below.

**A. CONDITIONS**

1. Development must be consistent with the one-page Master Concept Plan stamped "Received May 25 2007" for case FMBDCI2007-00001, attached as Exhibit "B", except as modified by conditions below. 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

Principal:

Essential Services Building (limited to Fire/EMS Station)

Accessory:

Administrative office

Storage, indoor

Group quarters (limited to use by Fire/EMS personnel)

Parking lot, accessory  
Recreation facilities, personal (limited to use by Fire/EMS personnel)

b. Site Development Regulations

Minimum Lot Width:	181± feet
Minimum Lot Depth:	199± feet
Minimum Lot Area:	36,100± square feet
Maximum Floor Area Ratio:	0.182
Minimum Open Space:	10,800 square feet
Maximum Building Height:	14.5 feet above base flood elevation
Setbacks:	
Street:	30 feet
Side:	20 feet
Rear:	46.6 feet
Water body:	33.25 feet from edge of water

3. No dwelling units or guest units are permitted. Approval is limited to group quarters accommodating no more than 6 fire/EMS personnel per shift.

4. Prior to approval of a Local Development Order or permit the project must be designed in accordance with South Florida Water Management District standards to provide on-site containment of stormwater from the 25-year 72-hour storm event without discharge into surface waters of the state or wetlands. The area identified on the Master Concept Plan as "asphalt parking" is not approved and the Master Concept Plan must be revised to indicate the use of pervious pavement.

5. Approval of this zoning request does not give the developer an undeniable right to receive Local Development Order approval. Development Order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan.

6. Development of the subject property must comply with all requirements of the LDC prior to Local Development Order approval except for such deviations as may be granted by approval of this planned development.

7. Approval of the requested rezoning does not address the traffic impacts of the proposed project. Improvements, including but not limited to traffic control device(s), may be required in order to receive Local Development Order approval.

**B. DEVIATIONS**

1. Deviation from LDC Sections 10-416(d)(8) and 34-638(c) requiring a 75-foot separation between buildings or other impervious surfaces and wetlands, to allow a minimum separation of 15 feet between proposed redeveloped impervious surfaces and the existing wetlands.

2. Deviation from LDC Section 10-285 requiring connection separation between connections to a local street of 125 feet, to allow minimum separations of 21.5 feet, 62.5 feet, 70.0 feet, 83.0 feet, 91.5 feet, and 104.5 feet from existing accessways, as indicated on the Master Concept Plan.

3. Deviation from LDC Section 34-1744(b) to allow an 8-foot wall incorporated into the perimeter buffering along the northerly property line as shown on the Master Concept Plan.

### **FINDINGS AND CONCLUSIONS**

Based upon the presentations by the Applicant, staff, and other interested parties at the hearing, the LPA resolution and review of the application and the standards for planned development zoning approval, the Town Council makes the following findings and conclusions:

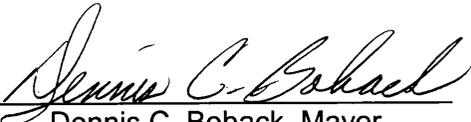
1. The requested rezoning, as conditioned **DOES** comply with:
    - a. The Fort Myers Beach Comprehensive Plan;
    - b. LDC Chapter 34;
    - c. all specific requirements of the Comprehensive Plan that are relevant to the requested planned development; and
    - d. all other applicable Town ordinances and codes.
  2. The proposed use or mix of uses **IS** appropriate at the subject location.
  3. Sufficient safeguards to the public interest **ARE** provided by the recommended conditions to the concept plan or by other applicable regulations.
  4. All recommended conditions **ARE** reasonably related to the impacts on the public's interest created by or expected from the proposed development.
  5. As to the requested deviations, as conditioned:
    - a. Each item **DOES** enhance the achievement of the objectives of the planned development; and
    - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **WILL** be preserved and promoted; and
    - c. Each deviation **DOES** operate to the benefit, or at least not to the detriment, of the public interest; and
- c. Each deviation **IS** consistent with the Fort Myers Beach Comprehensive Plan.

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

Dennis C. Boback, Mayor	<u>aye</u>
Larry Kiker, Vice Mayor	<u>aye</u>
Herb Acken	<u>aye</u>
Charles Meador, Jr.	<u>aye</u>
William Shenko, Jr.	<u>aye</u>

DULY PASSED AND ADOPTED THIS 13<sup>TH</sup> DAY OF AUGUST, 2007, BY THE

**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 D. Mayher, Town Clerk

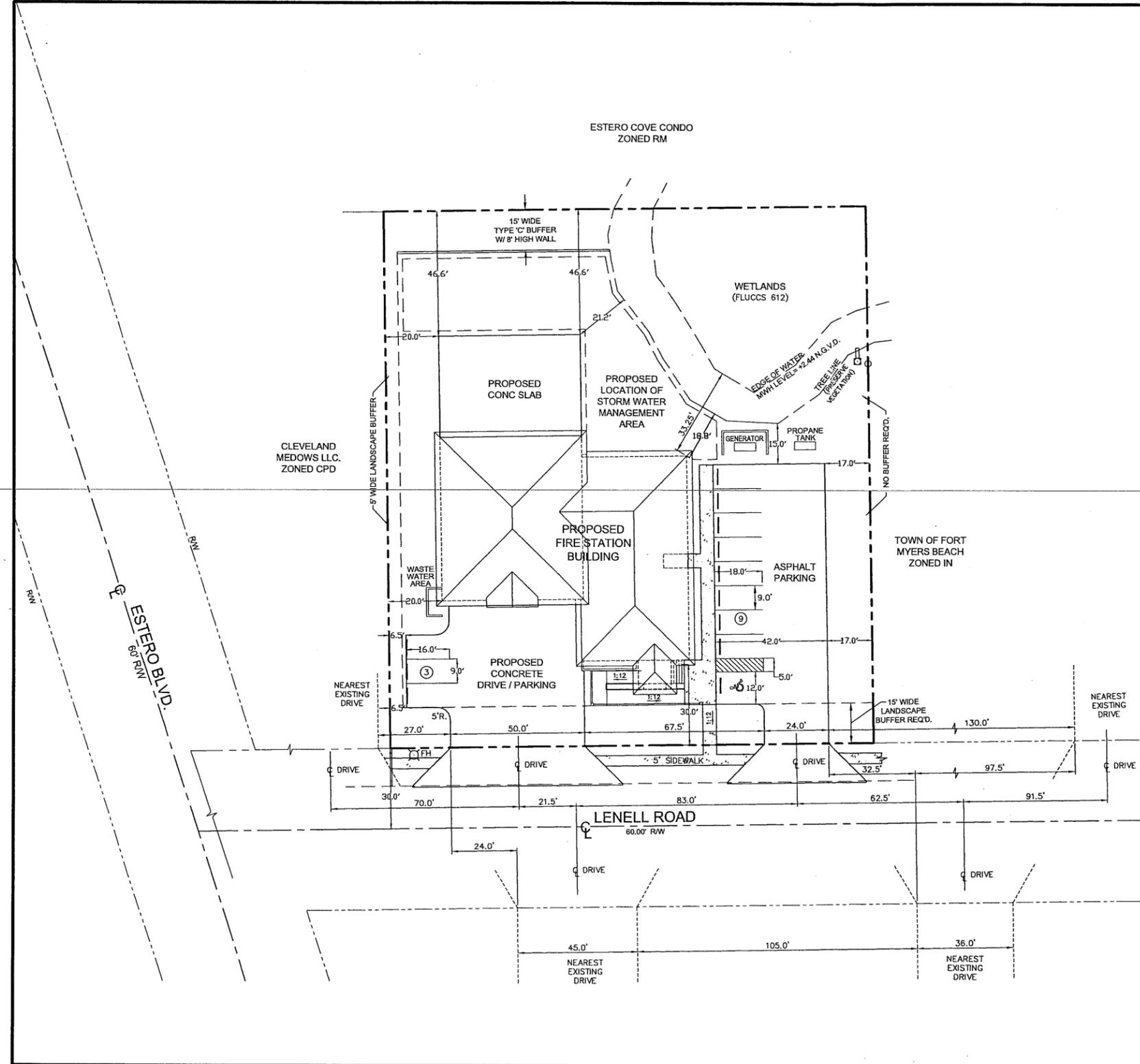
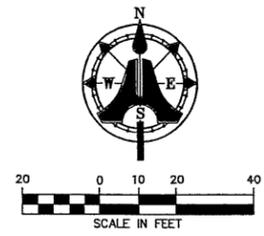
## Exhibit A

**FMBDCI2007-00001**

A parcel of land in Government Lot 1, Section 3, Township 47 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of Estero Boulevard (State Road 865, 80 feet wide) with the South line of said Government Lot 1; thence N.  $18^{\circ}34'20''$ W. a distance of 63.00 feet to an intersection with the Northerly right-of-way line of Lenell Road (60 feet wide) as described in Official Record Book 849, Page 282, of the Public Records of Lee County, Florida; thence N.  $89^{\circ}11'00''$  E. along said Northerly right-of-way line a distance of 242.98 feet to the Point of Beginning of the parcel herein described; thence North  $0^{\circ}49'00''$  W. a distance of 199.53 feet; thence N.  $89^{\circ}11'00''$  E. a distance of 181.00 feet; thence S.  $0^{\circ}49'00''$ E. a distance of 199.53 feet; thence S.  $89^{\circ}11'00''$  W. a distance of 181.00 feet to the Point of Beginning.

EXHIBIT (B)



**SITE DATA:**  
 EXISTING MASTER CONCEPT PLAN CAP PLAZA  
 STRAP No.: 03-47-24-W1-00007.0010  
 ADDRESS: 121 LENELL ROAD, FORT MYERS BEACH FL.  
 TOTAL SITE: 36,114 SQ. FT. OR 0.829 AC.  
 OPEN SPACE: 30% REQ.'D.  
 36,114 SF. (.30) = 10,834 SF. REQ.'D.  
 10,866 SF. PROVIDED

**ZONING:** COMMERCIAL PLANNED DEVELOPMENT (CPD)

**PARKING REQUIREMENTS:**  
 1 SPACE PER STAFF EMPLOYEE ON THE LARGEST SHIFT = 6 EMPLOYEES  
 6 SPACES X 2 FOR SHIFT OVERLAP = 12 SPACES REQ.'D  
 TOTAL SPACES PROVIDED = 12 INCLUDING (1) HC. SPACE

**BUILDING HEIGHT:** (ABOVE BASE FLOOD ELEV.. 14")  
 LIVING QUARTERS: 9'-10"  
 APPARATUS BAY / GARAGE: 14'-6"

**PRINCIPAL AND ACCESSORY USES:**  
 • PRINCIPAL USE - ESSENTIAL BUILDING SERVICES  
 • ACCESSORY USES -  
 GENERAL OFFICE  
 GROUP QUARTERS  
 INDOOR STORAGE  
 PARKING LOT

**INTENSITY (FLOOR AREA RATIO):**  
 GROSS FLOOR AREA = 5,807 S.F.  
 TOTAL LOT AREA = 36,114 S.F.  
 WETLAND AREA = 4,170 S.F.  
 F.A.R. = 5,807 - (36,114 - 4,170) = 0.18

**DEVIATIONS:**  
 1) SEC. 10-416(d)(8) - WETLAND SEPARATION - LESS THAN 75' FOR EXISTING DEVELOPMENT ORDER (PER SEC. 34-638(C)(2)).  
 2) SEC. 10-285 - CONNECTION SEPARATION - LESS THAN 60' FOR OPPOSITE SIDE OF STREET ACCESS DRIVES.

RECEIVED  
 MAY 25 2007  
 BY: FCS

Town of Fort Myers Beach  
 F M B DCI 2007 0 0 0 0 1

ANY REVISIONS, ALTERATIONS, AND OR CHANGES TO ANY ENGINEERING & SURVEYING INC. DRAWING(S) WITHOUT THE WRITTEN CONSENT OF APPROVAL BY ANY ENGINEERING & SURVEYING, INC. IS PROHIBITED.		<b>ENGINEER OF RECORD:</b> BERNARD LEE FLYNN III, P.E. FLORIDA REG. NO.: 63907		<b>PROJECT NUMBER:</b> 06-9205 <b>SECTION/TOWNSHIP/RANGE:</b> 03 47 S 24 E <b>FILE NAME:</b> SITE		<b>SHEET</b> 1 OF 1		
<b>NO.</b> 1 2 3 4 5	<b>DATE</b> 5/25/07	<b>BY</b> TED	<b>REVISION DESCRIPTION</b> Add Sufficiency Comments	<b>DESIGN BY:</b> L.J.L.	<b>DATE:</b> 04-2007	<b>CLIENT:</b> FORT MYERS BEACH FIRE DISTRICT	<b>AIM Engineering &amp; Surveying, Inc.</b> CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT 5300 LEE BOULEVARD POST OFFICE BOX 1235 LEHIGH ACRES, FLORIDA 33971 E-Mail: engineering@aimengr.com LEHIGH ACRES 239-332-4569 FORT MYERS 239-332-4569 FAX 239-332-8734 CERTIFICATION OF AUTHORIZATION No. 00003114	<b>MASTER CONCEPT PLAN</b> CAP PLAZA CPD
				<b>DRAWN:</b> P.J.M.	<b>DATE:</b> 04-2007	<b>PROJECT:</b> FIRE STATION 33		
				<b>CHECKED:</b> BLF	<b>DATE:</b> 04-2007	<b>COUNTY:</b> LEE		