

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2003-35

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT  
MYERS BEACH

WHEREAS, Douglas Speirn-Smith in reference to Matanzas Inn has requested to rezone from CPD (Commercial Planned Development) to CPD-Commercial Planned Development to permit a maximum of 106,112 square feet of mixed commercial uses on 2.03 total acres of land; and

WHEREAS, the subject property is located at 416 Crescent, 420/430/440 Old San Carlos Blvd., 1010 Second Street, and 1042 Second Street, Ft. Myers Beach, in S24-T46S-R23E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0030.0020, 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0190, 24-46-W3-00202.0130, and the legal description is marked as Exhibit A and is attached here to and incorporated herein by reference:

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on October 14, 2003, and,

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

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council APPROVE the Applicant's request for rezoning subject to the conditions and deviations found on pages 3 through 7 of the Staff Report dated October 6, 2003, which is attached hereto and incorporated herein by reference, with the following changes;

1. Condition #2 -Schedule of Uses, a. is eliminated and in the alternative a., is changed as follows; guest units size not to exceed a maximum area of ~~1,500~~, 1200 square feet, not to exceed an average

of ~~1,350~~, 800 square feet, and not to exceed a total floor area for guest units of ~~43,200~~, 25,600 square feet.

2. Condition #2 shall read as follows with the added words in italics; A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD, *or the Master Concept Plan (MCP) will expire.*
3. A new condition #19 is added to read as follows; The document that the applicant passed out at the LPA Hearing entitled, "Proposed Language. CPD Matanzas Inn", was not considered at the LPA hearing and is specifically not part of this recommendation of approval.
4. Deviation #12 is recommended by the LPA for approval.
5. A new deviation #21 is added to read as follows; Deviation from LDC Section 34-675 (b) (2) from the limitation on Crescent Street of building heights no taller than two stories and 30 feet above base flood elevation, to allow 25% of the ground floors of phases II through V of the motel to be enclosed non-living space, office and other accessory uses for the motel with a maximum height of 30 feet above base flood elevation with a maximum of 2 floors total living area over parking or enclosed non-living space.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Plummer and seconded by LPA Member Cereceda, and upon being put to a vote, the result was as follows:

Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	absent
Roxie Smith	yes
Jodi Hester	yes
Hank Zuba	yes
Nancy Mulholland	yes
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 14th day of October, 2003.  
LPA of the Town of Fort Myers Beach

By: Roxie Smith  
Roxie Smith, Chairman

ATTEST,  
By: Marsha Segal-George  
Marsha Segal-George Secretary to the LPA



**EXHIBIT A**  
**Bean, Whitaker, Lutz & Kareh, Inc.**  
 13041 McGregor Boulevard, Suite 1  
 Fort Myers, Florida 33919-5910  
 email – fmooffice@bwlk.net  
 (Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land  
 Lying in  
 Section 24, Township 46 South, Range 23 East  
 and  
 Section 19, Township 46 South, Range 24 East  
 Lee County, Florida  
 (Motel and Restaurant Site)

A tract or parcel of land situated in the State of Florida, County of Lee, lying on Estero Island, being a part of Section 24, Township 46 South, Range 23 East and Section 19, Township 46 South, Range 24 East and further described as follows:

Commencing at the southwest corner of Lot 20, Block E, Crescent Park Addition as recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida; thence N00°43'09"W along the westerly line of said Lot 20 for 30.00 feet; thence N89°16'51"E for 11.60 feet to the easterly line of a right-of-way taking parcel per Settlement Case 93-203-CA-RWP (Parcel No. 19) and the Point of Beginning; thence N02°09'14"W along said taking parcel for 124.21 feet; thence N05°46'55"W along said easterly line for 96.21 feet to the northwest corner of Lot 24, Block E of said Crescent Park Addition; thence N00°43'09"W along the easterly line of Crescent Street (25 feet wide) and along the range line between said Sections 24 and 19 for 158.83 feet to an intersection of said easterly line with the northeasterly line of First Street (50.00 feet wide); thence N64°00'09"W along said northeasterly line for 18.87 feet to a point on a curve concave to the northwest having a radius of 2904.79 feet and to which point a radial line bears S71°26'08.3"E; thence northeasterly along said curve and the southeasterly line of State Road #865 through a central angle of 02°17'53.8" for 116.52 feet to a PK nail with brass disk stamped LB4919 in a concrete seawall along the waters of Matanzas Pass; thence S70°18'52"E along said waters and seawall for 82.79 feet to the beginning of a curve in said seawall, said curve being described with the following chord bearings and distances; thence S59°52'04"E for 13.95 feet; thence S47°54'41"E for 10.35 feet; thence S36°30'10"E for 10.02 feet; thence S25°39'44"E for 10.08 feet; thence S14°17'28"E for 10.56 feet; thence S07°08'02"E for 10.56 feet to the end of said curve; thence S00°20'42"E along said waters and said seawall for 55.38 feet to a steel pin in said seawall; thence S83°09'31"E for 2.71 feet to the west line of a canal (60 foot right-of-way) as shown on the record plat of said Crescent Park Addition; thence S00°43'09"E along the westerly line of said platted canal for 361.22 feet to an intersection with a line perpendicular to said east line of said Crescent Street passing through the Point of Beginning; thence deflect 90° to the left and run S89°16'51"W perpendicular to said east line of said Crescent Street for 121.07 feet to the Point of Beginning.

Containing 1.41 acres (61,400 square feet), more or less.

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Continued...

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PRINCIPALS:  
 WILLIAM E. BEAN, PSM, CHAIRMAN  
 SCOTT C. WHITAKER, PSM, PRESIDENT  
 JOSEPH L. LUTZ, PSM  
 AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

PERMIT COUNCIL  
 CONSULTING ENGINEERS, SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:  
 CHARLES D. KNIGHT, PSM  
 ELWOOD FINEFIELD, PSM  
 TRACY N. BEAN, AICP  
 PAUL T. POKORNY, PE



DCT 2001-00067

Description of a Parcel of Land  
Lying in  
Section 24, Township 46 South, Range 23 East  
and  
Section 19, Township 46 South, Range 24 East  
Lee County, Florida  
(Motel and Restaurant Site)  
- Continued -

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

28958DESC4

4/11/02

  
\_\_\_\_\_  
Scott C. Whitaker, P.S.M. 4324

Applicant's Legal Checked  
by Jm 5/30/03

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MAY 11 2002

PERMIT COUNTER

DCI 2001-00067

page 2 of 5



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1  
Fort Myers, Florida 33919-5910  
email - fmoffice@bwk.net  
(Ph) 941-481-1331 (Fax) 941-481-1073

## Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel B)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, being all of Lots 1, 2, 3, 4, 5 and 19, Block 2, Business Center, a subdivision recorded in Plat Book 9 at Pages 9 and 10 and further described as follows:

Beginning at the northwest corner of Lot 1, Block 2 of said subdivision, the same being the intersection of the southerly right-of-way line of Second Street (50 feet wide) and the easterly right-of-way line of San Carlos Boulevard (33 feet from the centerline); thence S64°00'09"E along the southerly right-of-way line of said Second Street for 120.00 feet to the northeast corner of Lot 19, Block 2 of said subdivision; thence S25°59'51"W for 153.80 feet to the southeast corner of Lot 5, Block 2 of said subdivision and the northerly right-of-way line of Third Street (50 feet wide); thence N64°00'09"W along said northerly right-of-way line for 120.00 feet to the southwest corner of Lot 4, Block 2 of said subdivision, the same being the intersection of the northerly right-of-way line of said Third Street and the easterly right-of-way line of said San Carlos Boulevard; thence N25°59'51"E along the easterly right-of-way line of said San Carlos Boulevard for 153.80 feet to the Point of Beginning.

Containing 18,456 square feet, more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the easterly right-of-way line of San Carlos Boulevard as bearing N25°59'51"E.

Applicant's Legal Checked

by gn 5/30/03

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker  
Scott C. Whitaker, P.S.M. 4324

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10/8/01

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PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
- SCOTT C. WHITAKER, PSM, PRESIDENT
- JOSEPH L. LUTZ, PSM
- AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

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## Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel C)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Lots 13 and 14, Block 2, Business Center according to the map or plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

### Less and Except:

Part of Lot 13, Block 2, Business Center, a Subdivision in Section 24, Township 46 South, Range 23 East, as shown on the plat recorded in Plat Book 9, Pages 9 and 10 of the Public Records of Lee County, Florida, more particularly described as follows:

Beginning at the northeast corner of said Lot 13; thence run S00°43'09"E along the east line of said Lot 13 for 82.62 feet (82.59 record) to the southeast corner of said Lot 13; thence run N64°00'09"W along the south line of said Lot 13 for 6.15 feet; thence run N02°09'05"W for 78.56 (78.52 record) feet; thence run N34°44'19"W for 9.27 feet to the northerly line of said Lot 13; thence run S64°00'09"E along said northerly line for 14.16 feet to the Point of Beginning.

Said excepted parcel having been conveyed to Lee County by instrument recorded in Official Record Book 2311, Page 2801, Public Records of Lee County, Florida.

Remaining parcel containing 0.13 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

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Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

  
Scott C. Whitaker, P.S.M. 4324

28958DESC1 PERMIT COUNTER  
4/11/02

Applicant's Legal Checked  
by gjm 5/30/03

page 4 of 5

PRINCIPALS:  
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DIST 2001-00067



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## Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel D)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Commencing at the northwesterly corner of Lot 25, Block E, Crescent Park Addition, according to a plat or map thereof recorded in Plat Book 4 at Page 46 of the Public Records of Lee County, Florida, said point being on the east line of said Section 24, run northwesterly at an angle of 63°16'50" north to northwest with said section line for 27.99 feet to the northeasterly corner of lands described in Deed Book 262 at Page 191 of the Public Records of Lee County and to the Point of Beginning; thence run N64°00'09"W along the northwesterly line of said lands described in said Deed Book 262 at Page 191 along with the southwesterly line of First Street described in Deed Book 191 at Page 274 of said Public Records for 9.97 feet to an intersection with the easterly right-of-way line for Matanzas Pass Bridge recorded in Official Record Book 1167, Page 1576, Lee County Public Records; thence run along said easterly right-of-way line along the arc of a curve to the right having a radius of 2904.79 feet, said curve having a central angle of 01°58'53", a chord and chord bearing of S20°32'55"W, 100.45 feet; thence run along the arc of said curve for 100.46 feet to the north line of Lot 6, Block 1, Business Center as recorded in Plat Book 9 at Pages 9 and 10, Public Records; thence run S64°00'09"E for 50.76 feet to an intersection with the westerly right-of-way line of Crescent Street; thence run N00°43'09"W along said westerly right-of-way line for 111.95 feet to the Point of Beginning.

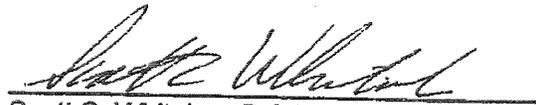
Parcel contains 0.07 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

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Scott C. Whitaker, P.S.M. 4324

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Applicant's Legal Checked  
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page 5 of 5

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