

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-29
DCI2012-0003 Lighthouse Resort CPD Amendment

WHEREAS, Beverly Grady, Esq., authorized agent for Lighthouse Resort, Inc., is requesting amendment of an existing CPD to add a deviation from Chapter 30 (Signs) regarding internal illumination of existing signs from Sec. 30-154(a) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers are 24-46-23-W3-00203.014A, 24-46-23-W3-00203.0090, 24-46-23-W3-00203.0190, 24-46-23-W3-00203.0100, and 24-46-23-W3-00205.0060; and

WHEREAS, the legal description for the subject property is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-212.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on December 2, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-021, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-212.

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, and review of the application, LPA Resolution 2013-008 and the standards for rezoning, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVE** the applicant's request for an amendment to an existing Commercial Planned Development to add a deviation from LDC Sec. 30-154(a), subject to the following condition:

CONDITION OF APPROVAL

18. *The deviation for internal illumination of signs is approved only for the existing signs. If the signage is moved, removed, or damaged beyond repair, the deviation will be null and void, and any new signage must comply with the regulations of the LDC.*

Resolutions 00-09, 03-23 and 13-24 found the requested CPD zoning to protect, conserve and preserve environmentally critical areas and natural resources. **APPROVE**

8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.*

The requested sign deviations, as conditioned, will be compatible with existing uses, since the signs on the property are existing. **APPROVE**

9. *Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*

The request will not place any burden on the transportation network or other facilities. In fact, the request may help alleviate future traffic burdens by assisting visitors and guests to locate the resort. **APPROVE**

10. *For planned development rezonings, see § 34-216 for additional considerations (below):*

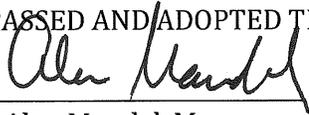
- A. The proposed mix of uses is appropriate at the subject location.*
- B. Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*
- C. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*
- D. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

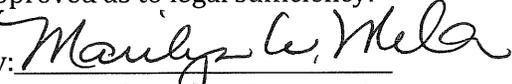
The request is appropriate at the subject location, does not negatively impact the public, and is consistent with the comprehensive plan. **APPROVE**

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Andre and seconded by Council Member List, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	ABSTAIN
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS 2nd day of DECEMBER, 2013.

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:
By: 
Fowler White Boggs, P.A.
Town Attorney

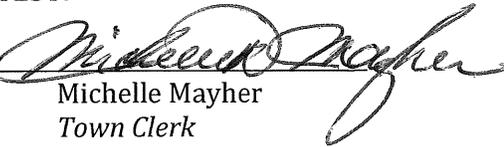
ATTEST:
By: 
Michelle Mayher
Town Clerk

EXHIBIT A

DESCRIPTION: (Per Survey)

A tract or parcel of land lying in Blocks 3 and 5 and a portion of vacated Fourth Street and a portion of vacated Fifth Avenue, all lying in BUSINESS CENTER, as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida and also lying in Section 24, Township 46 South, Range 23 East, Fort Myers Beach, Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of Lot 16, Block 3 of the aforesaid Business Center; thence run N.63°58'26"W. along the Southwesterly right-of-way line of Third Street (50 feet wide) for 137.00 feet; thence run S.26°01'34"W. for 95.00 feet; thence run N.63°58'26"W. for 28.00 feet to a point on the Northwesterly line of Lot 9 of the aforesaid Block 3 and the Southeasterly right-of-way line of Estero Boulevard; thence run S.26°01'34"W. for 65.00 feet to the Southwesterly corner of said Lot 9, Block 3; thence continue S.26°01'34"W. for 286.05 feet to a point on the Northwesterly line of Lot 7 of the aforesaid Block 5; thence run N.67°37'17"E. along the North-erly line of Lots 7, 8 and 9 of said Block 5 for 92.74 feet to the Northeasterly corner of said Lot 9, Block 5; thence run S.22°22'43"E. along the Easterly line of said Lot 9 for 80.00 feet to the South-easterly corner of said Lot 9 and the Northwesterly right-of-way line of Fifth Avenue; thence run N.67°37'17"E. for 28.38 feet; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E. and a chord distance of 55.72 feet to a point of reverse curvature; thence run Northeasterly for 102.54 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of N.39°08'22"E. and a chord distance of 101.55 feet to a point of non tangency; thence run N.57°31'39"E. along said non tangent line for 51.33 feet; thence run N.78°21'29"E. for 12.55 feet to a point on the Northeasterly right-of-way line of the aforesaid Fourth Street; thence run S.63°58'26"E. along said Northeasterly right-of-way line for 7.04 feet; thence run N.26°01'34"E. for 50.32 feet; thence run N.89°22'43"E. for 22.03 feet to the Westerly right-of-way line of Crescent Street; thence run N.00°37'17"W. for 22.14 feet to a point on the Southwesterly line of Lot 17 of the aforesaid Block 3; Thence run N.63°58'26"W. along said Southwesterly line of Lot 17 for 78.22 feet to the Southeasterly corner of the aforesaid Lot 16, Block 3; thence run N.26°01'34"E. for 80.00 feet to the point of beginning.

Said tract contains 72,861.7 square feet, more or less, or 1.672 acres, more or less.

Bearings are based on the Southwesterly line of Third Street, Block 3, Business Center as being N.63°58'26"W.