

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2014-011
DCI2014-0004
Edison Beach House CPD Amendment

WHEREAS, Larry Yax, registered agent for First Central Investment Corp., owner of property located at 830 Estero Boulevard, Fort Myers Beach Florida has requested an amendment to the schedule of uses in the Edison Beach House CPD, to allow resort accessory uses; and

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

WHEREAS, the applicant has indicated that the STRAP for the subject property 24-46-23-W3-00400.0010 and the legal description is provided as follows:

Lot 1, Island Shores Unit 1 Subdivision, as recorded in Plat Book 9, Page 24, Public Records of Lee County, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 12, 2014; 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 34-85.

IT IS HEREBY RESOLVED BY THE LPA 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 and the standards for granting special exceptions, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **APPROVE** the applicant's request for an amendment to the schedule of uses in the Edison Beach House CPD, to allow resort accessory uses.

RECOMMENDED FINDINGS AND CONCLUSIONS:

1. *Whether there exists an error or ambiguity which must be corrected.*

The original schedule of uses for the Pink Porpoise CPD (Resolution 97-14) provided for Accessory Uses and Structures, but the minutes of the hearing "clarified that they could not have a jet ski or other commercial use of the beach." **APPROVE**

2. *Whether there exist changed or changing conditions that make approval of the request appropriate.*

The changed condition has occurred within the Town's parasail and personal watercraft industry, whereby there are 7 existing Parasail Activity Licenses and 11 Personal Watercraft Vendors Licenses. Due to a 500' separation requirements amongst these vendors (unless co-located), there is a lack of available locations that conform to the requirements of Chapter 27 of the Land Development Code. The subject property is a beachfront hotel property, commercially-zoned, and in a conforming location. **APPROVE**

3. *The impact of a proposed change on the intent of LDC Chapter 34.*

The requested amendment to the CPD will not have an impact on the intent of LDC Chapter 34. **APPROVE**

4. *Whether the request is consistent with the goals, objectives, policies and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan.*

Resolutions 97-14, 00-12 and 08-48 found the CPD zoning to be in compliance with the Comprehensive Plan. Further, the beachfront portion of the subject property is located in the Environmentally Critical zoning district, in which LDC Sec. 34-652(d)(6) allows "recreation activities, residential accessory uses, and resort accessory uses that are performed outdoors. These activities and uses include passive recreation and active recreation that requires no permanent structures or alteration of the natural landscape." **APPROVE**

5. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

Resolutions 97-14, 00-12 and 08-48 found the CPD zoning to be in compliance with all performance and locational standards. **APPROVE**

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

Urban services are available, as the subject property is already a customer of Beach Water, and roads and sidewalks are in place along Estero Boulevard. **APPROVE**

7. *Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.*

Resolutions 97-14 and 00-12 found the 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 amendment would allow resort accessory uses such as parasail and personal watercraft operations. These uses are already in place adjacent to the Crescent Beach Family Park and adjacent to the Fort Myers Beach Pier, and are compatible with the public beach parks. **APPROVE**

9. *Whether the location of the request places an undue burden upon existing transportation and 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. **APPROVE**

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

1. *The proposed mix of uses is appropriate at the subject location.*
2. *Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*
3. *All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*
4. *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**

Remainder of this page intentionally left blank

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

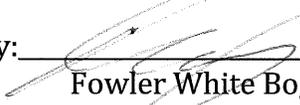
Hank Zuba, Chair	NAY	Joanne Shamp, Vice Chair	AYE
Chuck Bodenhafer	AYE	Al Durrett	AYE
John Kakatsch	AYE	Jane Plummer	EXCUSED
Jim Steele	AYE		

DULY PASSED AND ADOPTED THIS **12th** day of **AUGUST, 2014**.

Local Planning Agency of the Town of Fort Myers Beach

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: 
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk