

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 15-12  
SEZ2014-001 – Dave’s Beachside Parking

WHEREAS, applicant George W. Ganim, owner of the subject property, has requested a Special Exception for to convert seasonal parking to year round parking in the Downtown Zoning District; and

WHEREAS, the subject property is located at 1478 Estero Boulevard, Fort Myers Beach, Florida, and the applicant has indicated that the STRAP numbers for the subject property are 19-46-24-W4-0070D.001A, 19-46-24-W4-0070D.001B, and 19-46-24-W4-0070D.0050; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on May 12, 2015; 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 34-88; and

WHEREAS, the LPA recommends that the Town Council approve the request with the following conditions:

1. *Approval of this special exception does not exempt the subject property from any provisions of the LDC.*
2. *The property must apply for a limited development order (LDO) within 180 days of the approval of the special exception. The LDO must address a parking plan, stormwater retention/detention, access to the site, parking surface of the lot, buffering.*
3. *The existing sign must be brought into compliance with Chapter 30 of the LDC within 120 days approval of the special exception.*
4. *The operator of the parking lot will provide a minimum, of 2 trash receptacles. The operator will ensure that the receptacles are regularly emptied and hauled away by the franchised garbage hauler.*
5. *The operator of the parking lot must install a fence along the Estero Boulevard right of way. The fence must be a minimum of 4 feet in height and be installed within 90 days of the completion of the phase 1 improvements to Estero Boulevard. The operator/owner of the parking lot will coordinate with Lee County and if necessary obtain a right of way permit from Lee County.*

6. *Hours of operation are limited to 8:30 AM to 10:00 PM with the exception of holidays such as the 4<sup>th</sup> of July and New Year's Eve then the hours of operation is limited from 8:30 AM to 1:00 AM.*

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on June 1, 2015, at which time the Town Council gave full and complete consideration to the request of Applicant, the recommendations of the LPA, 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 34-88.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS TOWN COUNCIL, that the Council **APPROVES** the requested Special Exception to convert the seasonal parking lot to year round parking.

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the considerations for granting Special Exceptions, the Town Council makes the following findings of fact and reaches the following conclusions:

**FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 34-84 and 34-88 for granting a Special Exception, the Town Council makes the following findings and reaches the following conclusions:

- a. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The subject site has been used as a seasonal parking lot for many years. The applicant is desirous of using the parking lot year round. The site is in walking distance to Times Square as well as surrounding businesses and resorts. The Town recognizes the need for additional beach parking.

- b. *The testimony of any applicant.*

The Council heard from the applicant at the public hearing.

- c. *The recommendation of staff and of the local planning agency.*

The staff recommendation is contained in this staff report. The LPA recommendation is included in this resolution.

- d. *The testimony of the public.*

The Council heard public testimony at the Town Council public hearing.

- e. *Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.*

The request is consistent with the intent and goals, objectives, and policies of the Fort Myers Beach Comprehensive Plan.

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

The proposed parking lot, as conditioned, meets all performance and locational standards for a parking lot.

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

The subject is cleared, contains no environmentally critical areas or natural resources to protect, conserve, or preserve. The property has been used as a seasonal parking lot for many years.

- h. 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 request is compatible with existing and planned surrounding uses and will not cause damage, hazard, nuisance, or other detriment to persons or property. The closest residential uses to the property are also owned by the applicant and have coexisted with the parking lot for many years.

- i. Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

The parking lot will be in compliance.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. Approval of this special exception does not exempt the subject property from any provisions of the LDC.*
- 2. The property must apply for a limited development order (LDO) within 180 days of the approval of the special exception. The LDO must address a parking plan, stormwater retention/detention, access to the site, parking surface of the lot, buffering.*
- 3. The existing sign must be brought into compliance with Chapter 30 of the LDC within 120 days approval of the special exception.*
- 4. The operator of the parking lot will provide a minimum, of 2 trash receptacles. The operator will ensure that the receptacles are regularly emptied and hauled away by the franchised garbage hauler.*

5. *The operator of the parking lot must install a fence along the Estero Boulevard right of way. The fence must be a minimum of 4 feet in height and be installed within 90 days of the completion of the phase 1 improvements to Estero Boulevard. The operator/owner of the parking lot will coordinate with Lee County and if necessary obtain a right of way permit from Lee County.*
  
6. *Hours of operation are limited to 8:30 AM to 10:00 PM with the exception of holidays such as the 4<sup>th</sup> of July and New Year's Eve then the hours of operation is limited from 8:30 AM to 1:00 AM.*

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

Anita Cereceda, Mayor	aye	Dan Andre, Vice Mayor	aye
Rexann Hosafros	aye	Alan Mandel	aye
Summer Stockton	absent		

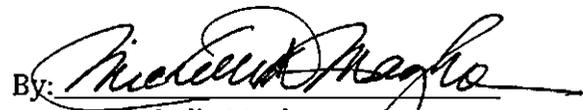
DULY PASSED AND ADOPTED THIS 1<sup>ST</sup> day of JUNE, 2015.

By:   
 Anita Cereceda, Mayor

Approved as to legal sufficiency:

By:   
 Gray, Robinson P.A.  
 Town Attorney

ATTEST:

By:   
 Michelle Mayher  
 Town Clerk