

RESOLUTION NUMBER 16-09

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
SEZ 2015-0006– Bed-and-Breakfast Inn
131-151 School Street**

WHEREAS, Myerside LLC, applicant and owner of the subject property, filed an application to obtain a special exception for a bed-and-breakfast inn in the Residential Conservation zoning district; and

WHEREAS, Applicant has indicated the STRAP number for the subject property is 29-46-24-W3-0020C.0290, and the subject property is legally described as indicated on attached Exhibit A; and

WHEREAS, the subject property is physically located at 131-151 School Street, Fort Myers Beach, Florida, and within the Boulevard future land use category; and

WHEREAS, a duly advertised public hearing was held before the Local Planning Agency (LPA) on January 12, 2016; and

WHEREAS, the LPA recommended approval subject to certain conditions after full and complete consideration to the Applicant's request, recommendations of Town staff, documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-84; and

WHEREAS, on March 7, 2016, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by LDC s. 34-88; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. **Determination.**

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, Special Exception SEZ2015-0006 for a bed-and-breakfast inn, as depicted on attached Exhibit A is APPROVED, subject to the conditions set forth in this Resolution.

2. Conditions.

- a. All outdoor lighting on the site will be “fully shielded” or “Full cutoff” fixtures to reduce glare and light trespass onto adjacent properties.
- b. Outdoor activities will be limited to between the hours of 7 AM and 10 PM, unless associated with a special event permit issued by the Town of Fort Myers Beach.
- c. Approval is for a total of 7 units (6 rental units and one owner residence) consistent with the sit plan attached as Exhibit A.

3. Findings and Conclusions of Law.

In accordance with LDC s. 34-88, the Town Council finds as follows:

- a. There are changed or changing conditions that make approval of the special exception request appropriate.
- b. The request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- c. The request meets or exceeds all performance and locational standards set forth for the proposed use.
- d. The request will have no negative effects on environmentally critical areas and natural resources.
- e. The request will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
- f. The requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code.

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THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Hosafros, seconded by Council Member Mandel and upon being put to a vote the results was as follows:

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

DULY PASSED AND ADOPTED this 7th day of March, 2016.

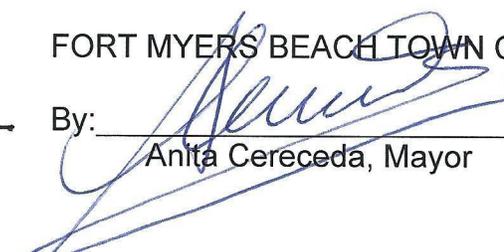
ATTEST:

By:


Michelle Mayher, Town Clerk

FORT MYERS BEACH TOWN COUNCIL

By:


Anita Cereceda, Mayor

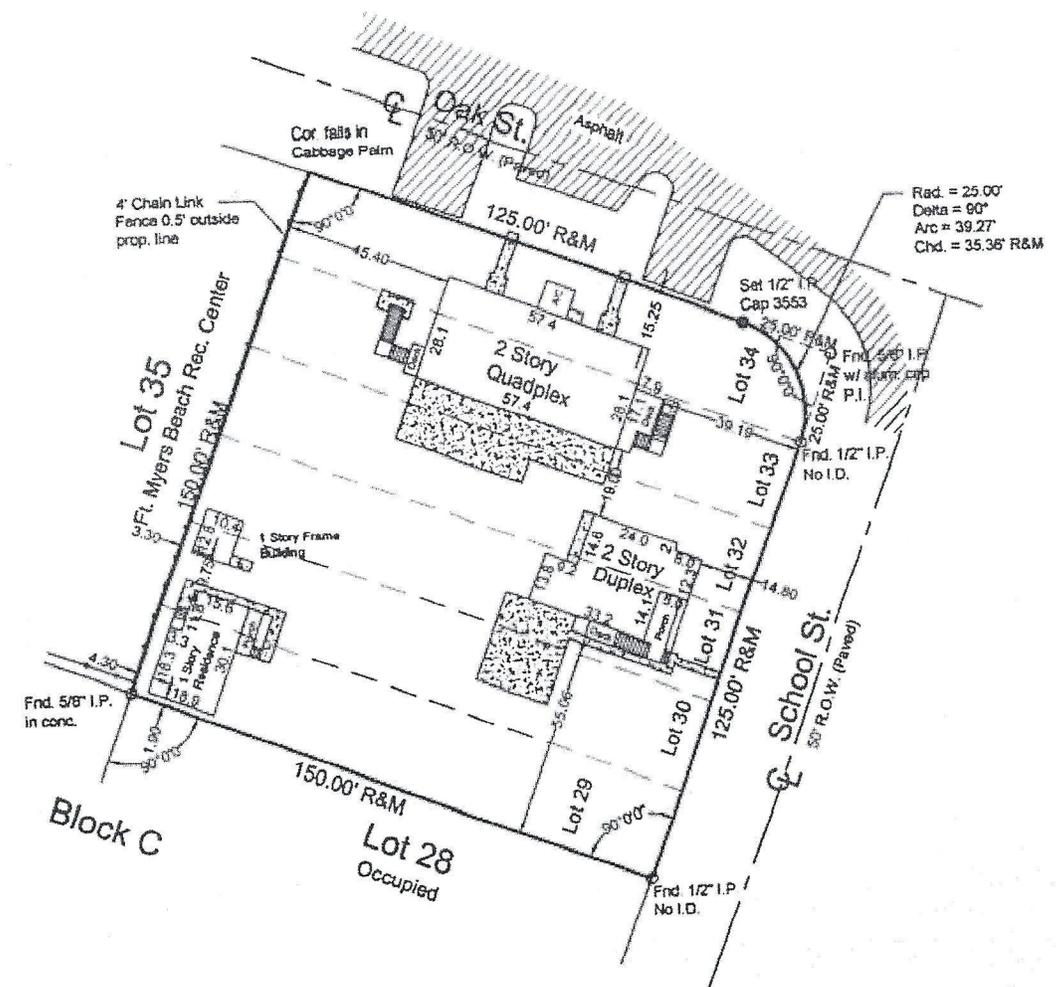
Approved as to legal sufficiency


Town Attorney

Exhibits

A: Legal Description and Site Plan (Survey prepared by Mark Allen attached to staff report)

FIELDBOOK 203 PAGE 40 DATE 1/7/14	SECTION 19 ,TWP 46 S,RGE 24 E
NORTH ARROW 	FOUNDATION LOCATION FIELDBOOK PAGE
SCALE 1" = 30'	LEGAL DESCRIPTION (AS PROVIDED BY CLIENT) This is a boundary survey of the following : Lots 29 through 34, Block C, Winkler Subdivision as recorded in Plat Book 8, Page 45 of the Public Records of Lee County, Florida. The property address is 131, 145, 147 & 151 School St. per County Records.
LEGEND SET CONC. MON. W/CAP I.D.# 3553 SET FROM PIN W/CAP I.D.# 3553 FD. CONC. MON. W/CAP FD. CONC. MON. FD. FROM PIN ASSUMED ELEVATION RECONSTRUCTED RECORDED MEASURED CONT REVERSE SIDE FINAL SURVEY DATE	



- NOTES**
1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
 2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
 3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
 4. BEARINGS SHOWN HEREON ARE BASED ON Notes are field measured
 5. THIS PROPERTY LIES IN FLOOD ZONE AE EL 12 & 13 NAVD88 PER F.I.R.M. PANEL NO. 12071C0554F DATED 8/28/2008
 6. LAST DATE OF FIELDWORK 1/7/14
 7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

CERTIFICATE

I hereby certify that the above described property was surveyed under my direction and the sketch of survey is true and correct to the best of my knowledge. This survey meets or exceeds the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Rule 81G17 - 6 Florida Administrative Code, and pursuant to Section 472.027 Florida Statutes. There are no visible encroachments other than those shown hereon.

MARK O. ALLEN, INC. PROFESSIONAL LAND SURVEYOR		10602 WOODS CIRCLE BONITA SPRINGS, FL 34135
FAX: (239) 992-6070 TELE: (239) 992-8900	ORDERED BY Beverly Milligan	SHEET 1 OF 1 DWG. NO. 2014-3
DWN. BY MG	CHK'D BY	P.L.S. MARK O. ALLEN P.L.S. #3553 LB #8558