

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-5

WHEREAS, Estero Bay Hotel company in reference to Matanzas Inn filed a request to rezone from CPD and C-1 to Commercial Planned Development (CPD) to permit a maximum of 6,400 square feet of mixed commercial use to include office, retail, restaurant and efficiency motel units, to permit up to 24 new motel units and to modify the configuration of the restaurant; and

WHEREAS, the subject property is located at 416 Crescent Street., Fort Myers Beach, Florida, and is described more particularly as: Exhibit A; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0150E.0210; 24-46-23-W3-00202.0030; 24-46-23-W3-00202.; 24-46-23-W3-00202.0010; 24-46-23-W3-00202.0190; 24-46-23-W3-00202.0130 (part); 24-46-23-W3-00005.0000 (part); and,

WHEREAS, the applicant has submitted a "Notice of election to submit to Development Regulation" to the Town; and,

WHEREAS a hearing was held on February 8, 1999, and the council considered the following criteria, whenever applicable:

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

The testimony of any applicant.

The recommendation of staff.

The testimony of the public.

Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.

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

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

Whether the request will be compatible with existing or planned uses.

Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.

Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the Town L.D.C.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Matanzas Seafare Co. & Inn", stamped received December 22, 1998, last revised December 17, 1998, except as modified by the conditions below. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The Schedule of Uses as listed on page 3 and Page 4 of the Staff Report is incorporated herein and attached hereto by reference. However, with regard to the Old San Carlos/Second Street Parcel, the Schedule of Uses is amended to include dwelling units.
3. The Site Development Regulations listed on page 4 and page 5 of the Staff Report are incorporated herein and attached hereto by reference.
4. The deviations #1 through 4 listed on page 5, of the Staff Report are incorporated herein and attached hereto by reference, except for the 0 feet setback(to an enclosed addition to the restaurant.)
5. The tiki pool bar is prohibited.
6. The applicant must provide an opaque buffer to block headlights as to the parking facing the canal and the residential homes on the other side of that canal.
7. No outdoor entertainment is allowed, except on the upper deck as more particularly specified on the attached drawing.
8. Provide buffer along parking lot as it abuts Crescent Street as required in Chapter 10 of the LDC.

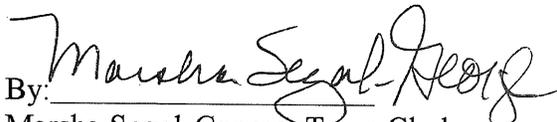
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

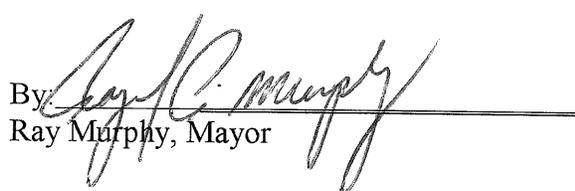
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|-------------------|-----|
| Anita T. Cereceda | aye |
| Daniel Hughes | aye |
| John Mulholland | aye |
| Garr Reynolds | nay |
| Ray Murphy | aye |

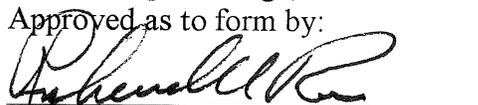
APPLICATION DULY GRANTED this 8th day of February, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
 Marsha Segal-George, Town Clerk

By: 
 Ray Murphy, Mayor

Approved as to form by:

 Richard V.S. Roosa, Town Attorney