

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-8

WHEREAS, Peter and Susan Lisich in reference to Hotel Casa Playa- Abaco Beach CPD filed a request to amend the Commercial Planned Development (CPD) to permit 7 additional hotel units within the existing 28 unit, 7-story, Hotel Casa Playa; and

WHEREAS, the subject property is located at 510 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lot 20, Unit 3, ISLAND SHORES SUBDIVISION, as recorded in Plat Book 9, page 27, of the Public Records of Lee County, Florida, lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W1-0060D.020A; and

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

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 amended page 1 Master Concept plan entitled "Hotel Casa Playa" (formerly known as Abaco Beach Minor CPD), stamped received September 14, 1998, last revised

September 9, 1998, except as modified by the conditions below. This development must comply with all requirements of LDC at the 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 is amended to a maximum of 35 efficiency rooms.
3. Prior to issuance of a Building Permit for the remodeling necessary to add 7 units, the applicant must obtain a Type 12 limited Review Development Order. The project must demonstrate compliance with all provisions of the LDC.
4. The conditions of approval in Resolution Z-95-075 remain in full force and effect, except as amended herein.
5. That in the companion case to this one, Case # 95-01-03Z 02.01, Resolution Z-95-017 is amended to remove 7 units from the approved Pink shell CPD pertaining to a proposed 12 unit building to be built at 131 Estero Blvd. There currently exists a 5 unit building and by the terms of this approval that building must remain 5 units in size and no longer has any additional units allocated to this building under the Pink shell CPD.

Deviation – Deviation (1) requests permission to exceed the equivalency factor of 1 motel unit equals 1 dwelling unit as set forth in LDC Section 34-1802 (4) c, by adding 7 motel/hotel units and increasing the number of units and the equivalency factor to 35 units.

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

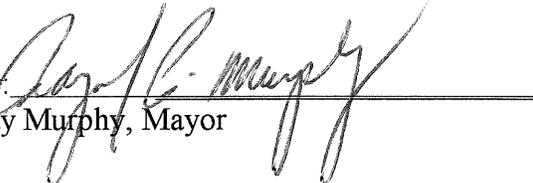
Anita T. Cereceda	nay
Daniel Hughes	aye
John Mulholland	aye
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY GRANTED this 22nd 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