

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99- 40

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA
APPROVING / ~~DENYING~~ THE REQUEST FOR A SPECIAL EXCEPTION IN THE
COMMERCIAL DISTRICT FOR A COMMERCIAL PARKING LOT

WHEREAS, John W. Richard, Trustee, filed an application for a special exception in the
Commercial district for a commercial parking lot; and,

WHEREAS, the subject property is located at 320-330 Old San Carlos Blvd., Fort Myers
Beach, in S24-T46S-R23E, Lee County, FL.; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-
46-23-W3-00203.0020; and,

WHEREAS, the LPA at a public hearing gave full and complete consideration to the
recommendations of the Staff, the documents in the file, and the testimony of all
interested persons and made their recommendations to the Town Council; and,

WHEREAS, a public hearing was advertised and held before the Town Council who gave
full and complete consideration to the recommendations of the staff and the Local
Planning Agency, the documents on file with Lee County, and the testimony of all
interested persons; and,

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH
TOWN COUNCIL, that the Council APPROVES / DENIES the requested modification.

FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval /
denial of the requested special exception:

1. The applicant did ~~did not~~ comply with Section 34-1264 (2) b. which places the
burden of proof upon the applicant to demonstrate that approval will not have any
adverse affect on surrounding properties.
2. That there is no error or ambiguity in the Land Development Code of the Town which
must be corrected by the Special Exception.
3. That the character and nature of the surrounding area make approval of the Special
Exception, as conditioned, appropriate/ ~~inappropriate~~.

4. That the Special Exception, as conditioned, is consistent/ ~~inconsistent~~ with the goals, objectives, policies and intent of the Town Plan, and the densities, intensities and general uses set forth in the Town Plan and Land Development Code.
5. That the Special Exception, as conditioned, meets/ ~~does not meet~~ all performance and locational standards set forth for the proposed use.
6. That urban services will / ~~will not~~ be available and adequate to serve the proposed use when it is constructed.
7. That there are no environmentally critical areas or natural resources to be adversely affected by the Special Exception, as conditioned.

Conditions:

1. If the building receives an occupancy permit for any use other than dead storage, the required parking spaces for use by the building must be identified by signs that reflects that those parking spaces are reserved for customers and/or employees of the business. The signs must comply with the Town's new sign ordinance.
2. Development of the commercial parking lot must be approved through a Type 1, Limited review Development Order consistent with Town Development Code chapter 10.
3. The primary vehicular ingress/egress to the commercial parking lot must be provided from 3rd Street.
4. Secondary ingress and egress may be provided from the existing driveway on Old San Carlos Drive until such time as the Town begins implementation of the Old San Carlos Master Plan. Ingress/egress from Old San Carlos Drive may be relocated to the southern edge of the parcel when the Old San Carlos Master Plan streetscape is begun by the Town. (at the approximate location of the vacated 4th Street) if the owner's development plans so allow.
5. Handicapped parking spaces must be provided with a paved asphalt or concrete surface in accordance with the Americans with Disability Act.
6. The special exception on the westerly 60 feet of the property is limited to a 5 year time period.
7. Within 24 months of the Town's adoption of landscape requirements for a permanent commercial parking lot in the Times Square Overlay District, the applicant shall install a landscape buffer which complies with the Town requirements.

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
Daniel Hughes
John Mulholland
Garr Reynolds
Ray Murphy

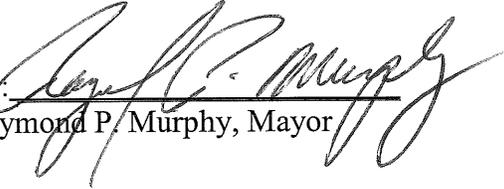
yes
yes
yes
yes
yes

APPLICATION DULY ~~DENIED~~/GRANTED this 11th day of October, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Raymond P. Murphy, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

Resolution Number 99-40 Errata

As reflected in the minutes of October 11, 1999, under VII PUBLIC HEARING: JOHN W. RICHARD, the resolution on the first page should read :

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES / ~~DENIES~~ the requested modification.
FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval / ~~denial~~ of the requested special exception:

And Condition # 7 should read:

7. Within 24 months of the date of this resolution and after Town's adoption of landscape requirements for a permanent commercial parking lot in the Times Square Overlay District, the applicant shall install a landscape buffer which complies with the Town requirements.

This correction was identified upon approval of the minutes on November 1, 1999.