

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-09

WHEREAS, Lighthouse Island Resort has filed a request to rezone 1.673 total acres of land commercial district (C-1) to Commercial Planned Development (CPD) to permit a hotel/motel development with additional commercial uses consisting of a maximum of 72 hotel/motel units, 5,306 square feet of retail space and 2,478 square feet of office space with buildings not to exceed 37 feet in height above minimum flood elevation; and,

WHEREAS, the subject property is located at 1051 5th Ave., Fort Myers Beach, Florida, and is described more particularly as: Section 24, Township 46 South, Range 23 East, Lee County, Florida SEE ATTACHED; and,

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 24-46-23-W3-00203.0010; 24-46-23-W3-00203.014A; 24-46-23-W3-00203.0090; 24-46-23-W3-00203.0190; 24-46-23-W3-00205.0060; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency on January 18, and, the LPA recommended that the Town Council approve the Applicant's request with Conditions 1-5 on pages 2 and 3 of the Staff Report and Deviations 1-5 on pages 3 of the Staff Report dated January 10, 2000, SEE ATTACHED; 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 ~~DENIED~~ 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:

SEE ATTACHED

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	<i>Absent</i>
Daniel Hughes	<i>Aye</i>
John Mulholland	<i>Aye</i>
Garr Reynolds	<i>Aye</i>
Ray Murphy	<i>Aye</i>

APPLICATION DULY GRANTED/DENIED this 14th day of February, 2000

ATTEST:

TOWN OF FORT MYERS BEACH

By: *Marsha Segal-George*
 Marsha Segal-George, Town Clerk

By: *John J. Mulholland*
 John J. Mulholland, Mayor

Approved as to form by:

Richard V.S. Roosa
 Richard V.S. Roosa, Town Attorney

A. Conditions

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) for "Lighthouse Island Resort," stamped received November 3, 1999, 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.

The project is limited to a maximum of 72 hotel/motel rooms, 5,306 square feet of retail space and 2,478 square feet of office space, as depicted on the approved MCP.

2. The following limits apply to the project and uses:

- a. Schedule of Uses

ACCESSORY USES & STRUCTURES
CARETAKERS RESIDENCE, limited to one only
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, Group I only
HOTEL/MOTEL
RESORT
PARKING LOT: Accessory
SIGNS, in conformance with the Land Development Code

The following Uses may be permitted but are considered "Subordinate Commercial Uses" to the Hotel/Motel or Resort use and are further limited by the requirements of LDC Section 34-3021(c):

Bar or Cocktail Lounge (limited to Tiki Bar or Café shown on MCP)
Consumption on Premises (Limited to Tiki Bar only)
Drugstore/Pharmacy
Specialty Retail Store, Groups I and II
Restaurant, Group II

The following Uses are considered Permitted, but are only permitted within Phase IV (shown as a 745 square foot retail area) and the retail/office area shown in Phase V:

ATM (automatic teller machine)
ADMINISTRATIVE OFFICES
BUSINESS SERVICES, Group I
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, Group I only
CLOTHING STORE, GENERAL
COMPUTERS AND DATA PROCESSING SERVICES
GIFT & SOUVENIR SHOP
HOBBY, TOY, AND GAME SHOP
MEDICAL OFFICE
POLICE AND SHERIFF'S STATION

SIGNS, in conformance with the Land Development Code
STUDIOS
SPECIALTY RETAIL SHOPS, Groups I and II
VARIETY STORE

b. Site Development Regulations

Development must be consistent with the approved Master Concept Plan and Schedule of Deviations approved as part of this planned development.

3. Maximum building height may not exceed 37 feet above minimum flood elevation. No additional building height is approved within this planned development.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Town of Fort Myers Beach LDC may be required to obtain a local development order.
5. The final design of the buildings within this planned development must be approved by the Town Manager prior to the approval of any permits. The design must be in substantial compliance with Town of Fort Myers Beach Comprehensive Plan and any applicable Land Development Code requirement of the Town..

B. Deviations

Deviation 1 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 83 feet from Fifth Avenue. This deviation is recommended to be **APPROVED**.

Deviation 2 requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet along a local road (Crescent Street); to allow a connection separation of 115 feet from Third Street. This deviation is recommended to be **APPROVED**.

Deviation 3 requests relief from LDC Section 34-935(c)(4) which requires a minimum building separation of one-half the sum of the height of the structures, or 20 feet, whichever is greater; to allow building separations of 17.5 (between Phase I and Phase V) and 12.7 feet (between Phase IV and the adjoining retail building). This deviation is recommended to be **APPROVED as depicted on the approved Master Concept Plan**.

Deviation 4 requests relief from LDC Section 34-935(b) which requires certain setbacks for structures, buildings, and pavement from the development perimeters; to allow the reduced setbacks from the development perimeter as depicted on the Master Concept Plan. This deviation is recommended to be **APPROVED**.

Deviation 5 requests relief from LDC Section 34-1145(d) which provides the property development regulations for the Fort Myers Beach Downtown District; to allow setbacks of 2.0 and 4.5 feet along San Carlos Boulevard.. This deviation is recommended to be **APPROVED**.

MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT

SITE

RECEIVED
NOV 03 1999

PERMIT COUNTER

LOCATION MAP
N.T.S.

MINIMUM OPEN
SPACE PROVIDED = 21%

SIDE SETBACK 0
STREET SETBACK 0
REAR SETBACK 0

TOTAL AREA 1.673 ACRES

TOTAL AREA = 72,789.44 SF

PARKING CALC.:

72 HOTEL ROOMS (UNITS)
1 PARKING SPACE PER UNIT
72/1 = 72 PARKING SPACES REQUIRED

GEN CATEGORY: CAFE (RESORT)
0 PARKING SPACE PER 1,000 S.F.
1,200/1,000 = 0 PARKING SPACES REQUIRED

GEN CATEGORY: GENERAL OFFICE (RESORT)
0 PARKING SPACE PER 300 S.F.
1,478/300 x 0.666 = 0 PARKING SPACES REQUIRED

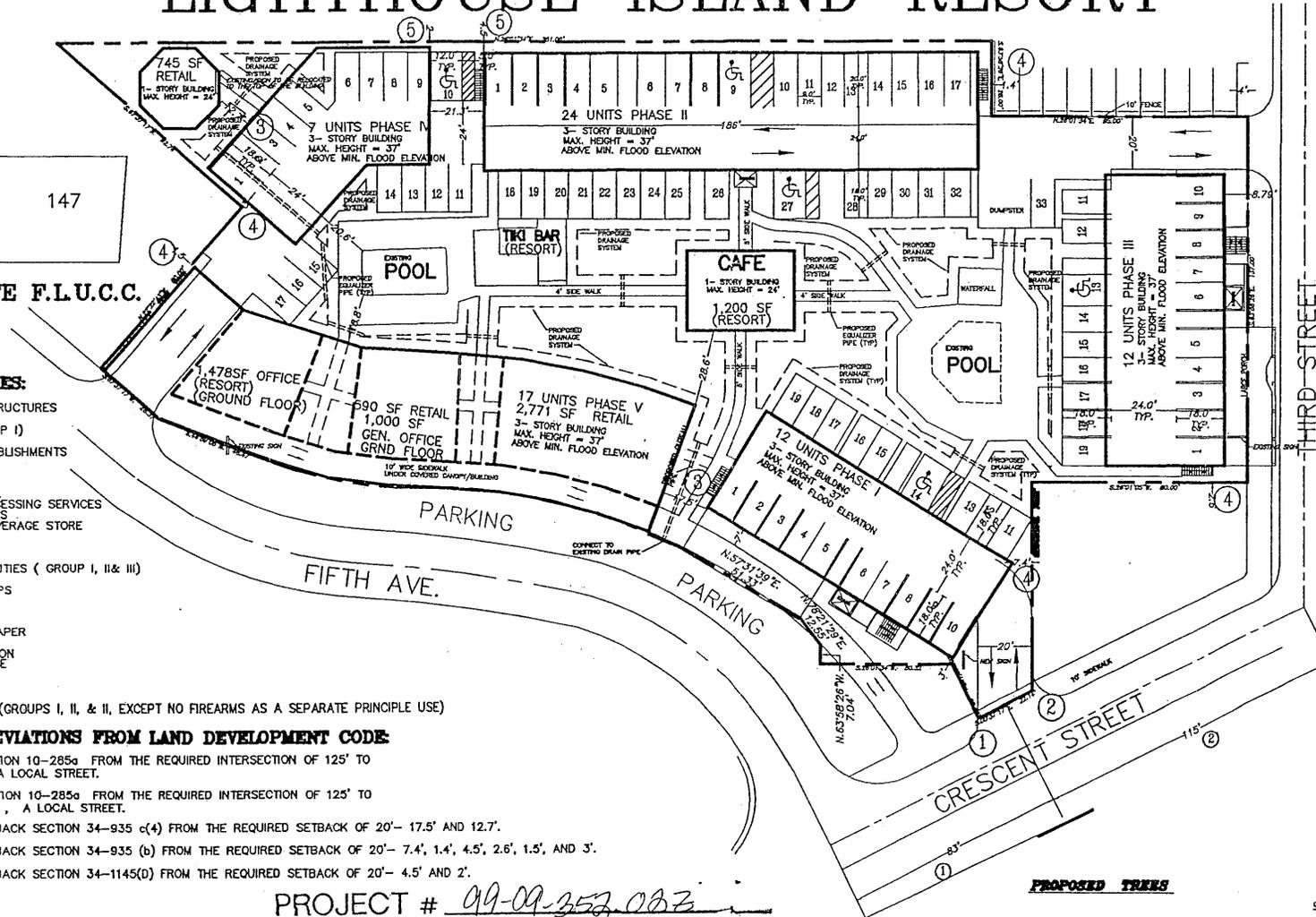
GEN CATEGORY: GENERAL OFFICE
1 PARKING SPACE PER 300 S.F.
1,000/300 x 0.666 = 2.22 PARKING SPACES REQUIRED

GEN CATEGORY: RETAIL SMALL COMMODITIES
1 PARKING SPACE PER 200 S.F.
4,108/200 x 0.666 = 13.69 PARKING SPACES REQUIRED

88 PARKING SPACES REQUIRED
88 PARKING SPACES PROVIDED
NOTE: THE MIX OF USES TOTAL OR ANY COMBINATION OF ARE NOT TO EXCEED 88 SPACES UNLESS ADDITIONAL OFFSITE PARKING IS ACQUIRED

PHASES

THE PHASES ARE LISTED AS PHASE I THROUGH V. THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITH A THREE YEAR TIME PERIOD FOR EACH PHASE. THIS REQUEST IS FOR APPROVAL TO PERMIT UP TO 6 YEARS FOR EACH PHASE.



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SOIL & SITE F.L.U.C.C.

SCHEDULE OF USES:

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- BUSINESS SERVICES (GROUP I)
- HAIR AND TACKLE SHOP
- BANKS & FINANCIAL ESTABLISHMENTS
- BAR OR COCKTAIL LOUNGE
- BED & BREAKFAST
- CARETAKER'S RESIDENCE
- CLOTHING STORE
- GENERAL COMPUTERS & DATA PROCESSING SERVICES
- CONSUMPTION ON PREMISES
- CONVENIENCE FOOD & BEVERAGE STORE
- DEPARTMENT STORE
- DRUGSTORE
- ESSENTIAL SERVICES
- ESSENTIAL SERVICES FACILITIES (GROUP I, II & III)
- GIFT & SOUVENIR SHOP
- HOBBY, TOY & GAME SHOPS
- HOTEL/MOTEL
- INSURANCE COMPANIES
- MEDICAL OFFICE
- PAINT, GLASS AND WALLPAPER
- PHARMACY
- POLICE & SHERIFF'S STATION
- REAL ESTATE SALES OFFICE
- RESTAURANT, FAST FOOD
- SIGNS
- STUDIOS
- SPECIALTY RETAIL SHOPS (GROUPS I, II, & III, EXCEPT NO FIREARMS AS A SEPARATE PRINCIPLE USE)
- VARIETY STORE

SCHEDULE OF DEVIATIONS FROM LAND DEVELOPMENT CODE:

- ① DEVIATION FROM SECTION 10-285a FROM THE REQUIRED INTERSECTION OF 125' TO 83' FROM FIFTH AVE., A LOCAL STREET.
- ② DEVIATION FROM SECTION 10-285a FROM THE REQUIRED INTERSECTION OF 125' TO 115' FROM THIRD STREET., A LOCAL STREET.
- ③ DEVIATION FROM SETBACK SECTION 34-935 c(4) FROM THE REQUIRED SETBACK OF 20'- 17.5' AND 12.7'.
- ④ DEVIATION FROM SETBACK SECTION 34-935 (b) FROM THE REQUIRED SETBACK OF 20'- 7.4', 1.4', 4.5', 2.6', 1.5', AND 3'.
- ⑤ DEVIATION FROM SETBACK SECTION 34-1145(D) FROM THE REQUIRED SETBACK OF 20'- 4.5' AND 2'.

PROJECT # 09-09-352.083
PROJECT TYPE 13

PROPOSED TREES

COCONUT PALM / QUEEN PALM

QUANTITY

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NOTE: THE EXISTING PALMS WILL BE RELOCATED AND NEW ONES ADDED.

NOTE: THIS SITE IS COMPLETELY DEVELOPED LAND AND THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS. EXHIBIT B-F-1

- EXHIBIT II-D
- EXHIBIT II-F-4
- EXHIBIT IV-F
- EXHIBIT IV-G
- EXHIBIT IV-H
- EXHIBIT IV-I
- EXHIBIT IV-K