

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01- 14

WHEREAS, First Central Invest. Corp., in ref. to Edison Beach House has requested to amend the existing CPD to Parcel "B" by amending Condition 6 of Resolution #97-14 to modify the date upon which the existing structure must be removed and adopt a new Master Concept plan to allow the development of a parking lot and supporting structures on this parcel; and,

WHEREAS, the subject property is located at 815 Estero Blvd., Fort Myers Beach, and the applicant has indicated the property's current STRAP number is: 24-46-23-W3-0050B.0100; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 8, when they recommended that the Town Council approve the applicant's request to amend the existing CPD to add the use of Parking Lot Commercial as a permitted use but offers that the parking lot must be clearly designated and used as a public parking lot that provides overflow parking for the Edison Beach House and would also then offer the following Conditions;

1. Condition 1 of Resolution #97-14 is hereby amended to include a new Master concept Plan. The development of this project must now be consistent with the one-page Master concept Plan entitled "Edison Beach House", stamped received APR 19, 2001, last revised 4/17/01, except as modified by the conditions below. This development must comply with all requirements of the Town's 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. Condition 3 of Resolution #97-14 is hereby amended to add the following use to Parcel B of this planned development and maintaining the originally approved use of Parks, Groups I and II.
PARKING LOT, Commercial - No other change is hereby granted to approved Schedule of Uses.
3. The Master Concept Plan must be revised to provide that the parking lot does not cover more than 67 percent of the overall size of the parcel which includes the area inside the wall.
4. At least 4 park benches must be provided outside of the wall of the parking lot creating a more park like atmosphere around the parking lot.
5. Not less than 6 large shade trees must be planted inside of and outside of the parking lot area to provide shade both for patrons of the parking lot and for those using the park benches. Streetscaping along Estero Boulevard and Lagoon Street must be provided. The landscaping and streetscaping must be approved by the Town Manager prior to the approval of a local development order.
6. Parking lot design must include the parking lot designs, specifically the use of pervious surfacing, from the Town's 1999 Santos/Palermo Circle Planning Study.

7. Surround the parking lot with a low perimeter wall of 40 inches in height to keep headlights from shining on the adjacent residential properties, similar to the Santos/Palermo Circle Study. Any lighting within the parking lot must be no higher than 36 inches in height with all lighting directed inward to the site and shielded to prevent light from shining onto adjacent properties. Lighting is also subject to all other LDC requirements.
8. Signage for this parking area is limited to one sign not to exceed 16 square feet and not exceeding 36 inches in height.
9. All vehicular visibility entering and leaving the site must be maintained to protect the health and safety of the traveling public and pedestrian traffic along Estero Blvd.
10. Deviation 1 of Resolution #87-14 is amended by this action. This deviation reduces the required 15 foot wide buffer on Parcel B to allow a 40 inch wall to be constructed on the entire perimeter of Parcel B except for ingress and egress on Estero Blvd. as depicted on the approved Master Concept Plan.
11. The 2 parking spaces that are shown to the right of the entrance on the applicant's sight plan are to be shortened and marked compact cars only and additional shrubs are to be planted in front of these spaces to provide the maximum buffer possible as between the property and the adjacent landowner to the south.
12. The signage designated in condition #8 will state that Public Parking is allowed.

This recommendation of approval also includes the 2 Deviations found on Page 3 of the Staff Report dated May 1, 2001 and attached hereto and incorporated herein by reference.

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

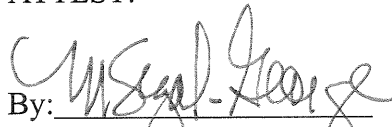
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Dan Hughes	yes
Garr Reynolds	no
Ray Murphy	yes
Terry Cain	yes
Howard Rynearson	yes

APPLICATION DULY GRANTED/DENIED this 4th day of June, 2001.


ATTEST:

TOWN OF FORT MYERS BEACH

By: 
 Marsha Segal-George, Town Clerk

By: 
 Dan Hughes, Mayor

Approved as to form by:


 Richard V.S. Roosa, Town Attorney

ATTACHMENT

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6. Parking lot design must include the parking lot designs, specifically the use of pervious surfacing, from the Town's 1999 Santos/Palermo Circle Planning Study.
7. Surround the parking lot with a low perimeter wall of 40 inches in height to keep headlights from shining on the adjacent residential properties, similar to the Santos/Palermo Circle Study. Any lighting within the parking lot must be no higher than 36 inches in height with all lighting directed inward to the site and shielded to prevent light from shining onto adjacent properties. Lighting is also subject to all other LDC requirements.
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9. All vehicular visibility entering and leaving the site must be maintained to protect the health and safety of the traveling public and pedestrian traffic along Estero Blvd.
10. Deviation 1 of Resolution #87-14 is amended by this action. This deviation reduces the required 15 foot wide buffer on Parcel B to allow a 40 inch wall on the entire perimeter of Parcel B excluding the ingress and egress.
11. The 2 parking spaces that are shown to the right of the entrance on the applicant's sight plan are to be shortened and marked compact cars only and additional shrubs are to be planted in front of these spaces to provide the maximum buffer possible as between the property and the adjacent landowner to the south.
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And

Deviation 5 for relief from LDC Section 34-935(c)(2) which requires parking not to be closer to the development perimeter than 25 feet; to allow the pavement for the parking lot to be no less than 1 foot as shown on the approved Master concept Plan is APPROVED provided the developer adjust the Master Concept Plan as conditioned above increasing the setback to the maximum extent possible to increase the separation from the adjoining residential uses.

Deviation 6 for relief from LDC Section 10-415(b)(1) which requires landscape strips be no less than 10 feet wide adjacent to rights-of-way; to eliminate this requirement and in place of this requirement provide a 40 inch wall around the entire perimeter of the property excluding the ingress and egress is APPROVED.