

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2001- 04

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Chares F. Lieske has made a requests for Administrative Interpretation of the Town of Fort Myers Beach Comprehensive Plan of whether a portion of the subject property has been (or should have been) designated “Wetlands” on the basis of a clear factual error as set forth in Chapter 15, page 3, Section A.1.and

WHEREAS, the subject property is located at 21491 Widgeon Terrace, Ft. Myers Beach, in S34-T26S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property’s current STRAP number is: 34-26-24-W1-0220C.0000; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on February 13, 2001; and

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

The LPA based upon an analysis of the application and the standards for approval of an administrative interpretation makes the following findings and conclusions:

- 1] A change to Mixed Residential is consistent with background data, other policies, and objectives of the plan as a whole.
- 2] The interpretation is the first requested within Flamingo Harbor Condominium and therefore cannot be compared with prior interpretations.

Based upon these findings and conclusions, the LPA recommends the property west of the top of the Rip Rap should be placed within the Mixed Residential future land use category, and the portion east of the top of the Rip Rap should remain in the Wetlands category subject to the following conditions:

1. Prior to construction of any accessory structures, an Opinion of Title confirming the legal authority to building within the “Limited Common Element” of Flamingo Harbor Condominium must be reviewed and accepted by the Town of Fort Myers Beach.
2. During the proposed pool construction that a turbidity (silt) screen be properly installed and maintained along the top of the existing rock revetment to insure that soil is not washed into Estero Bay.

3. Once the pool and decking construction is completed, any fill slopes must be stabilized with vegetation to eliminate future soil erosion.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Plummer and seconded by LPA Member D. Smith, and upon being put to a vote, the result was as follows:

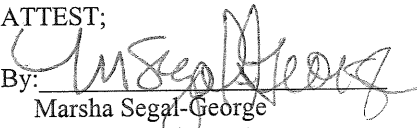
Jennifer Kaestner	yes
Dave Smith	yes
Betty Simpson	yes
Roxie Smith	yes
Bill Van Duzer	absent
Jodi Hester	yes
Linda Beasley	yes
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 13th day of February, 2001.

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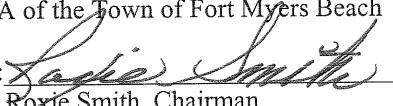
ATTEST;

By:


Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:


Roxie Smith, Chairman