

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2003- 02

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT
MYERS BEACH

WHEREAS, Vanton, U.S. Inc., in ref. to Cap Plaza has requested to amend the Cap Plaza Commercial Planned Development (CPD) to add 784 square feet of commercial floor area for a total of 6,526 square feet; and

WHEREAS, the subject property is located at 121 Lenell Road, in S03-T47S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 03-47-24-W1-00007.0010, and the legal description is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on February 11, 2003, 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:

1. That the LPA recommends that the Town Council approve the Applicant's for an amendment which would add 784 square feet of commercial floor area for a total of 6,526 square feet subject to the 9 conditions and 2 Deviations listed in the Staff Report dated February 3, 2002 which is attached hereto and incorporated herein by reference and with the addition of a new condition number 10 to read as follows;

10. The applicant will screen his dumpsters in a manner as now required under the Town's LDC from public view.

Pursuant to the recommendation for approval of the Applicant's request, the LPA offers the following Findings & Conclusions;

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning:
 - A] meets or exceeds all performance and location standards set forth for the potential uses allowed by the request;
 - B] is consistent with the densities, intensities and general uses set forth in the Town's Comprehensive Plan;
 - C] is compatible with existing or planned uses in the surrounding area;
 - D] will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Town's Comprehensive Plan are available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonable related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted; enhance the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Cereceda and seconded by LPA Member Huber, and upon being put to a vote, the result was as follows:

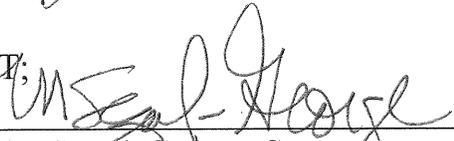
Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	yes
Roxie Smith	yes
Jodi Hester	yes
Hank Zuba	no



Nancy Mulholland yes
Harold Huber yes
Jane Plummer yes

DULY PASSED AND ADOPTED THIS 11th day of February, 2003.
LPA of the Town of Fort Myers Beach

By: 
Betty Simpson, Chairman

ATTEST:
By: 
Marsha Segal-George Secretary to the LPA

DCI2002-00057

EXHIBIT "A"

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AS THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AND THE SOUTH LINE OF SAID GOVERNMENT LOT 1; THENCE N.18°34'20"W. FOR 63.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF LINELL ROAD; THENCE N.89°11'00"E. ON SAID NORTHERLY RIGHT-OF-WAY LINE FOR 242.98 FEET TO THE POINT OF BEGINNING; THENCE N.00°49'00"W. FOR 199.53 FEET; THENCE N.89°11'00"E. FOR 181.00 FEET; THENCE S.00°49'00"E. FOR 199.53 FEET; THENCE S.89°11'00"W. FOR 181.00 FEET TO THE POINT OF BEGINNING

Applicant's Legal Checked

by Jm 2/3/03

