

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2003- 12

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT
MYERS BEACH

WHEREAS, Ener-con Builders, Inc. in ref. to Key West Courtyard. A request to rezone a 15 unit motel on 0.5 acres from the Commercial Resort (CR) zoning district to Residential Planned Development (RPD) to redevelop 4 residential lots with one dwelling unit each; and

WHEREAS, the subject property is located at 4960 Estero Blvd., Ft. Myers Beach, in S28-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 28-46-24-W4-00011.0000 and the legal description is marked as Exhibit A and Exhibit B which are attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 20, 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:

That the LPA recommends that the Town Council APPROVE the Applicant's request for rezoning from commercial resort (CR) to Residential Planned Development (RPD), as modified by the conditions and deviations found on pages 2 through 7 of the Staff Report dated may 15, 2003 and which is attached hereto and incorporated herein by reference, except for the following changes to that staff report;

1. A side setback on the east side of 5.2 feet is allowed. (Condition 2b(1)).
2. The existing seawall must remain in place until such time as the seawall from both abutting properties is removed. (Condition 3a).

3. A deviation is allowed for a not to exceed 9600 square feet of air-conditioned space with a finding that such an allowance does not increase the intensity of this application. Further the LPA requests that prior to the Town Council considering this case, the applicant verifies the existing air-conditioned space at the current development on this property. (Condition 7).
4. Deviations A and B are withdrawn.
5. Deviation H is approved which allows the 5.2 side setback on the east side.
6. Deviations F,G,I,J,K, and L are denied because it is the recommendation of the LPA that the property not be subdivided allowing for the creation of sub-standard lots.

Pursuant to the recommendation for approval, the LPA finds the following Findings & Conclusions;

1. The requested residential planned development zoning district, as conditioned, complies with the comprehensive plan, chapter 34 of the LDC, and other applicable codes and regulations.
2. The proposed use of mix of uses is appropriate at the subject location.
3. Sufficient safeguards to the public interest are provided by the recommended conditions to the master concept plan or by other applicable regulations.
4. All recommended conditions are reasonable related to the impacts on the public interest created by or expected from the proposed development.
5. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, including Policy 4-E-1 on pre-disaster buildback.

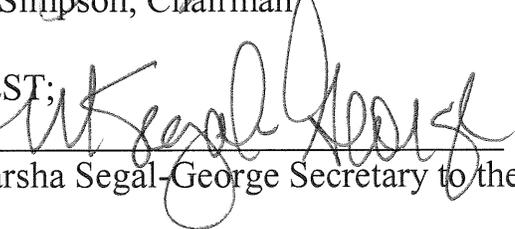
The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Plummer and seconded by LPA Member Smith, and upon being put to a vote, the result was as follows:

Anita Cereceda	absent
Jessica Titus	yes
Betty Simpson	yes
Roxie Smith	yes
Jodi Hester	abstain
Hank Zuba	absent
Nancy Mulholland	yes

Harold Huber absent
Jane Plummer yes

DULY PASSED AND ADOPTED THIS 20th day of May, 2003.
LPA of the Town of Fort Myers Beach

By: 
Betty Simpson, Chairman

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



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

RECEIVED

MAR 14 2003

EXHIBIT A

Description
Parcel Lying in
Section 28, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida
COMMUNITY DEVELOPMENT

(The following Description is for Zoning Purposes Only, As it does not include the entire Parcel)

A tract or parcel of land lying in Section 28, Township 46 South, Range 24 East, Town of Fort Myers Beach, Lee County, Florida, being further described as follows:

From the southeast corner of the Southwest One Quarter (SW 1/4) of said Section 28, run westerly along the south line of said section for 1643.7 feet to the northwesterly corner of Lot 20, Block 6 of Gulf Heights Subdivision as recorded in Plat Book 6 at Page 39 of the Lee County Public Records; thence run northwesterly at an angle of 139°39' east to northwest for 646.25 feet; thence run northeasterly at an angle of 92°00' southeasterly to northeasterly along the Southeasterly line of lands described in Official Record Book 1669, Page 597 of said Lee County Records for 231.68 feet to a concrete monument marking the northeast corner of lands described in Official Record Book 1669 at Page 597 and the Point of Beginning.

From said Point of Beginning run N50°37'34"W along the southwesterly line of Estero Boulevard (57.5 feet wide) for 90.18 feet to a concrete monument marking the northwesterly corner of said lands; thence run S37°44'31"W along the Northwesterly line of said lands for 180.54 feet to an intersection with the Lee County Coastal Control Set-Back Line; thence run S49°53'52"E along said line for 90.21 feet to an intersection with a line bearing S37°44'31"W and passing through the Point of Beginning; thence run N37°44'31"E along the Southeasterly line of said described parcel in Official Record Book 1669 at Page 597 for 181.72 feet to the Point of Beginning.

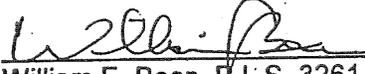
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone N.A.D. 1983 (1990 Adjustment) having the northeasterly line of said parcel to bear N50°37'34"W.

Containing 16,310 square feet or 0.37 acres, more or less.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

33743DESC1

3/14/03


William E. Bean, F.L.S. 3261

DCI 2003-00006

Sheet 1 of 2

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH I. LUTZ, PSM

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

EXHIBIT B

Description

Parcel Lying in

Section 28, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida

JAN 29 2003

A tract or parcel of land lying in Section 28, Township 46 South, Range 24 East, Town of Fort Myers Beach, Lee County, Florida, being further described as follows:

From the southeast corner of the Southwest One Quarter (SW 1/4) of said Section 28, run westerly along the south line of said section for 1643.7 feet to the northwesterly corner of Lot 20, Block 6 of Gulf Heights Subdivision as recorded in Plat Book 6 at Page 39 of the Lee County Public Records; thence run northwesterly at an angle of 139°39' east to northwest for 646.25 feet; thence run northeasterly at an angle of 92°00' southeasterly to northeasterly along the Southeasterly line of lands described in Official Record Book 1669, Page 597 of said Lee County Records for 231.68 feet to a concrete monument marking the northeast corner of lands described in Official Record Book 1669 at Page 597 and the Point of Beginning.

From said Point of Beginning run N50°37'34"W along the southwesterly line of Estero Boulevard (57.5 feet wide) for 90.18 feet to a concrete monument marking the northwesterly corner of said lands; thence run S37°44'31"W along the Northwesterly line of said lands for 248.79 feet to an intersection with the Estero Island Erosion Control Line as recorded in Plat Book 70 at Pages 25 through 39 of said public records; thence run S50°57'15"E along said line for 87.16 feet; thence run S50°51'07"E along said line for 3.01 feet to an intersection with a line bearing S37°44'31"W and passing through the Point of Beginning; thence run N37°44'31"E along the Southeasterly line of said described parcel in Official Record Book 1669 at Page 597 for 248.28 feet to the Point of Beginning.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone N.A.D. 1983 (1990 Adjustment) having the northeasterly line of said parcel to bear N50°37'34"W.

DCI 2003-00006

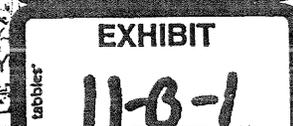
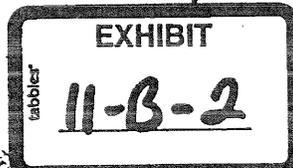
Containing 22,400 square feet or 0.51 acres, more or less.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

William E. Bean, R.L.S. 3261

33743DESC1

1/21/03



PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM

CONSULTING ENGINEERS - SURVEY

Page 1 of 2
ANNEX

ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP