

RESOLUTION NUMBER 05-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A SPECIAL EXCEPTION (SE2005-00011) TO PERMIT RECONSTRUCTION OF A TWENTY-INCH HIGH FENCE IN THE EC ZONING DISTRICT SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE FOR PROPERTY AT 6666 ESTERO BOULEVARD, FORT MYERS BEACH, FL

WHEREAS, applicant Sandarac I and II (collectively "applicant") has requested a Special Exception in the Environmentally Critical (EC) zoning district as provided by Section 34-652(e) of the Land Development Code (LDC) to permit the construction of a 20-inch high fence seaward of the Coastal Construction Control Line (CCCL); and

WHEREAS, the subject property is located at 6666 Estero Blvd., Ft. Myers Beach, in S03-T47S-R24E, Lee County, FL., with current STRAP numbers of 03-47-24-W1-02800.000A & 03-47-24-W1-03800.000, the property description for which is attached as **Exhibit "A"**; and

WHEREAS, the Local Planning Agency (LPA) at the public hearing held on May 17, 2005, recommended approval of the requested Special Exception subject to various conditions as set forth in LPA Resolution 2005-06, adopted on May 17, 2005, attached as **Exhibit "B"**.

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

SECTION 1. The requested Special Exception in the EC zoning district to permit the construction of a 20-inch high fence seaward of the CCCL is hereby approved, subject to the following conditions:

- A. The applicant must submit to the Town and the Department of Environmental Protection an application for construction permits detailing the intended location and materials for the replacement fence demonstrating expendability of the proposed coastal construction and compliance with all other applicable regulations.
- B. The application for Town construction permits must include a detailed landscape planting plan that complies with the conditions set forth in the letter of August 12, 2002 from the Lee County Department of Community Development, attached hereto as **Exhibit "C"**. Permits must not be issued until such plans have been determined by staff to include the required plantings and comply with **Exhibit "C"**.
- C. Prior to issuance of a Certificate of Compliance for the project, the required plantings and all temporary irrigation necessary to establish the required plantings must be installed and inspected for compliance with the approved detailed landscape planting plan.

SECTION 2. FINDINGS OF FACT AND CONCLUSIONS. The Town Council makes the following findings of fact and conclusions: The applicant has demonstrated that the

requested special exception as conditioned complies with the standards in LDC Section 34-88 and with

- A. The Fort Myers Beach Comprehensive Plan;
- B. LDC Chapter 34; and
- C. Any other applicable Town ordinances or codes.

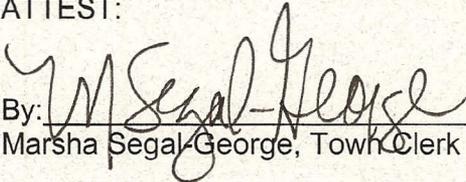
SECTION 3. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption by the Fort Myers Beach Town Council.

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

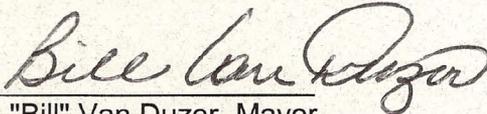
Howard Rynearson	AYE
Don Massucco	AYE
Ken Katcko	AYE
W. H. "Bill" Van Duzer	AYE
Garr Reynolds	AYE

DULY ADOPTED this 13th day of June, 2005.

ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
W. H. "Bill" Van Duzer, Mayor

Approved as to form by:

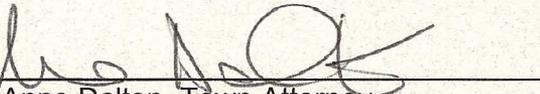

Anne Dalton, Town Attorney

EXHIBIT "A"

SEZ2005-00011 SANDARAC I AND II

PROPERTY BOUNDARY DESCRIPTION

A PARCEL OF LAND ON ESTERO ISLAND IN SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY (40 FEET FROM CENTERLINE) OF ESTERO BOULEVARD (S.R. NUMBER 865) AND A LINE 600 FEET (AS MEASURED ON A LINE PERPENDICULAR TO THE NORTH LINE OF GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA) SOUTH OF THE NORTH LINE OF GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE N.18°33'06"W. ON SAID WESTERLY RIGHT-OF-WAY LINE FOR 576.80 FEET TO A CHANGE IN SAID WESTERLY RIGHT-OF-WAY; THENCE S.71°26'55"W. FOR 5.00 FEET; THENCE N.18°33'05"W. ON SAID WESTERLY RIGHT-OF-WAY LINE (45 FEET FROM CENTERLINE) FOR 13.98 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE (HAVING A RADIUS OF 2246.83 FEET, A CHORD BEARING OF N.19°04'39"W., AND A CHORD DISTANCE OF 41.00 FEET) FOR 40.92 FEET; THENCE S.89°11'45"W. ON THE NORTH LINE OF SAID GOVERNMENT LOT 1 FOR 512.32 FEET TO THE JANUARY 1958 APPROXIMATE MEAN HIGH WATER LINE AS INDICATED ON THE DRAWING BY JOHNSON ENGINEERING, INC. JOB NUMBER 2684; THENCE S.68°25'03"W. FOR 54.28 FEET MORE OR LESS TO THE APPROXIMATE MEAN HIGH WATER LINE AS DETERMINED ON JULY 12, 1973; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE FOR 660 FEET MORE OR LESS TO THE INTERSECTION WITH SAID LINE 600 FEET SOUTH OF THE NORTH LINE OF GOVERNMENT LOT 1; THENCE N.89°11'45"E. ON SAID LINE 600 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE OF GOVERNMENT LOT 1 FOR 459 FEET MORE OR LESS TO THE **POINT OF BEGINNING**.

SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

EXHIBIT "B"

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 2005-06

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Sandarac I and II have made a request for a Special exception in the Environmentally Critical (EC) zoning district to permit the construction of a 20-inch high retaining wall; and

WHEREAS, the subject property is located at 6666 Estero Blvd., Ft. Myers Beach, in S03-T47S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 03-47-24-W1-02800.000A & 03-47-24-W1-03800.000, and a Legal description is incorporated herein and attached hereto as Exhibit A; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 17, 2005, 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 requested Special Exception in the Environmentally Critical (EC) zoning district to permit the construction of a 20-inch high retaining wall, subject to the following conditions;

1. A certified copy of the surveyed property area detailing where the 1978 CCCL is located.
2. A plan detailing the intended location and materials for the fence.
3. A dune restoration plan that must include a minimum of six species of native dune vegetation, a minimum of 1 gallon container size, 3 foot on center and installed in a random manner to mimic a natural system must be submitted and approved by ES staff.

4. Details of the sand to be used to create the dunes must be included with the cross sections of the dunes and a temporary irrigation system must be installed.
5. This development must comply with all of the Town's Land Development Codes while in the process of obtaining final approval.
6. The dune to be created shall be comparable to the dune condition in the Carousel approval (see Resolution 05-10).
7. The fence that has been recommended for approval shall be identical to the fence that was destroyed by Hurricane Charley. However, if there is a more durable fence material available, that material change may be approved by ES staff.
8. All final plans with regard to the fence and dune must be approved by ES staff.

As further evidence of the recommendation of approval with conditions, the LPA offers the following Findings and Conclusions as follows;

Findings & Conclusions;

1. There exist changed or changing conditions that make approval with the 8 above-referenced conditions appropriate.
2. The requested special exception as conditioned:
 - A] is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
 - B] meets or exceeds all performance and locational standards set forth for the proposed use.
 - C] does protect, conserve or preserve environmentally critical areas and natural resources
 - D] will be compatible with existing or planned uses
 - E] will not cause damage, hazard, nuisance or other detriment to persons or property; and?
 - F] will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the LDC.

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

Anita Cereceda	absent
Jessica Titus	yes
Betty Simpson	yes
Jodi Hester	yes
Jane Plummer	absent
Bob Simon	absent
Bob Raymond	yes

DULY PASSED AND ADOPTED THIS 17th day of May, 2005.
LPA of the Town of Fort Myers Beach

By: Jodi Hester
Jodi Hester, Vice-Chairman

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

FILE COPY



**LEE COUNTY
SOUTHWEST FLORIDA**

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Jones
District One

Douglas R. St. Germy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

August 12, 2002

Ron Wolf, Manager
Sandarac Association and Sandarac II
6666 Estero Boulevard
Fort Myers Beach, FL 33931

**RE: Wooden Wall at Sandarac Condominium on Fort Myers Beach
STRAP #03-47-24-W1-02800.000A
#03-47-24-W1-03800.000A**

Dear Mr. Wolf:

In response to your request, this letter provides more detailed information regarding the required landscaping along the wooden wall. Per the letter from Rick K. Joyce dated November 29, 2001, prior to the issuance of an after-the-fact building permit, a landscape plan indicating the number, sizes and species of plants must be submitted and approved by the Lee County Division of Environmental Sciences (ES) staff. All plants must be native, salt-tolerant typical of beach/dune systems of Southwest Florida.

A meandering planting area that is a minimum of five foot in width and located landward of the wall was agreed upon by Rick Joyce and Frank Schilling prior to the installation of the wall without permits. The total length of the wall is 668 linear feet in length. The minimum planting area is 3,340 square feet.

Plantings must be nursery grown, containerized, and planted at a minimum density of no less than one and one half feet on center. The number of replacement plantings was computed on the square footage of the area to be planted. The minimum number of plants to be planted is 1,484. Plants must be a minimum of one gallon size container. However, if larger three gallon sized plants are used, the number of plants required will be reduced to 495 plants. Plants are to be clustered to mimic natural systems and a minimum of four different species from the list must be used. It is strongly recommended that the planting area be mulched with an organic mulch, such as pine straw, to reduce weeds and retain moisture.

A list of native salt tolerant plants that meet these criteria are as follows:

- sea oats (*Uniola paniculata*)
- dune sunflower (*Helianthus debilis*)
- railroad vine (*Ipomoea pes-caprae*)
- golden creeper (*Ernodea littoralis*)
- inkberry (*Scaevola plumieri*) ** make sure to use the native variety!
- lantana (*Lantana involucrata*)
- saw palmetto (*Serenoa repens*)
- seashore elder (*Iva imbricata*)

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



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Wooden Wall at Sandarac Condominium on Fort Myers Beach
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- bay cedar (*Suriana maritima*)
- green buttonwood (*Conocarpus erectus*)
- cabbage palm (*Sabal palmetto*)
- sea grape (*Coccoloba uvifera*)
- cocoplum (*Chrysobalanus icaco*)
- Indian paint blanket (*Gaillardia pulchella*)
- muhty grass (*Muhlenbergia capillaris*)
- wild olive (*Forestiera segregata*)
- Key thatch palm (*Thrinax morrisii*)
- saltmeadow cordgrass (*Spartina patens*)

If you need additional information or assistance, please call me at 479-8353.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT



Carol A. Lis, Senior Environmental Planner
Division of Environmental Sciences

Copy: Dan Folke, Community Development Coordinator/Town of Fort Myers Beach
Rick K. Joyce, Director/Division of Environmental Sciences
Dave Crabtree, Code Enforcement Officer/Town of Fort Myers Beach
Environmental File