

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2005- 02

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS
BEACH

WHEREAS, The Mound House CPD has requested to rezone 2.77 acres from Residential Single-Family (RS) to Commercial Planned Development (CPD) with a deviation from buffer width requirement, LDC 10-416 (9)b, along Matanzas Pass; and

WHEREAS, the subject property is located at 289 Connecticut, Ft. Myers Beach, in S29-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 29-46-24-W2-00146.0010 and the legal description is attached as Exhibit "A"; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on March 1, 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 Applicant's request subject to the 4 conditions listed on Pages 6 & 7 of the Revised Staff Report dated February 24, 2005, which is attached hereto and incorporated herein by reference. Further the LPA offers the following modifications to those conditions:

1. The addition of Condition #5 to read as follows; the use of the property must be consistent with the operational and special events policy that CELCAB will be referring on to the Town Council for approval.
2. With regard to Condition #2, no alcoholic beverages would be allowed on the property at any time.
3. With regard to Condition #3, Schedule of Use Groups and Uses, the following changes are recommended:
 - (a) Under the Civic – Open use group,

- (1) Family day care home use be prohibited.
 - (2) Recreation facility, public use be limited to use of the existing structures indicated on the MCP and passive recreation appropriate to the existing level of development of the Mound House property.
 - (3) Day care center, adult use be prohibited.
 - (4) Day care center, child use be limited to day camp type activities and no more children than can be safely accommodated in accordance with the occupancy level attributed by the Fire Marshall to the Mound House's largest room.
 - (5) Place of worship use be limited to no more persons than can be safely accommodated in accordance with the occupancy level attributed by the Fire Marshall to the Mound House's largest room and with a temporary use permit issued by the Town.
 - (6) School use be limited to no more persons than can be safely accommodated in accordance with the occupancy level attributed by the Fire Marshall to the Mound House's largest room.
 - (7) Restaurant, accessory only use be prohibited.
 - (8) Theater use be limited inside the Mound House building to no more persons than can be safely accommodated in accordance with the occupancy level attributed by the Fire Marshall to the Mound House's largest room; and limited outside on the Mound House grounds to an area forward (toward Matanzas Pass) of the Mound House building and north of the northern side of the Mound House, and only in conjunction with an approved Special Event permit (limited to twelve (12) in any calendar year) with no amplification allowed for music outside any building.
- (b) Under the Marine – Limited use group, the Dock use be limited to use as a destination only.
- (c) Under the Retail – Open use group:
- (1) Dwelling unit use be prohibited.
 - (2) Laundromat use be prohibited.
 - (3) Personal services use be prohibited.
 - (4) Restaurant use be prohibited.
 - (5) Retail store, small use be limited to ten (10) percent of the floor area of the Mound House for retail operations appropriate to the Mound House as a Cultural facility and prohibiting any food sales.

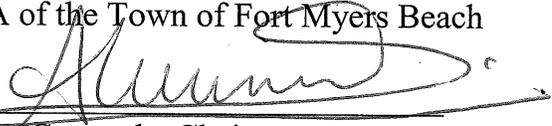
- (6) Drive-through use be prohibited.
- (7) Membership organization use be limited to no more persons to no more persons than can be safely accommodated in accordance with the occupancy level attributed by the Fire Marshall to the Mound House's largest room.
- (8) Temporary uses use be limited to only those uses with the appropriate permit issued by the Town.
- (9) On-premises consumption use be prohibited.
- (d) Under the Office – Limited to use by the staff and contracted agents of the Town and the Mound House
- 4. With regard to Condition #4, it is recommended to exclude the moonlight kayaking and astronomy nights from the Sunset prohibition.

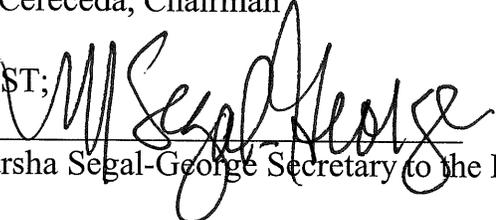
The LPA bases this recommendation on the Findings and Conclusions found on pages 2 and 3 of the above-referenced Staff Report.

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

Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	yes
Bob Raymond	yes
Jodi Hester	yes
Hank Zuba	yes
Bob Simon	yes
Harold Huber	yes
Jane Plummer	absent

DULY PASSED AND ADOPTED THIS 1st day of March, 2005.
LPA of the Town of Fort Myers Beach

By: 
Anita Cereceda, Chairman

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