

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