

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 04-20

WHEREAS, The Fort Myers Beach Library has requested to rezone from Residential Multifamily (RM) and Commercial Boulevard (CB) to Institutional (IN) with a Special Exception for a cultural facility (library) per Table 34-1 of the FMB LDC, to permit the expansion of the Fort Myers Beach Library parking lot; and,

WHEREAS, the subject property is located at 2709 Estero Blvd., Fort Myers Beach, in S19-T46S-R24E, and the applicant has indicated the property's current STRAP numbers are: 19-46-24-W3-002K0.0070 and 19-46-24-W3-002K0.0040 and the legal description is attached hereto and incorporated herein by reference as Exhibit A; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) and they gave full consideration to the application and recommended that the Town Council approve the Applicant's request for rezoning and Special Exception with the following condition: *The parking lot addition shall be in compliance with the site plan prepared by Pypier Engineering Inc., dated stamped received December 23, 2003 by the Permit Counter attached hereto and incorporated herein as Attachment "D" of the Staff Report which is dated April 28, 2004 and which is also attached hereto and incorporated herein by reference.*

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exists an error or ambiguity which must be corrected.
- b. Whether there exist changed or changing conditions which make approval of the request appropriate.
- c. The impact of a proposed change on the intent of Chapter 34 of the Town LDC.
- d. The testimony of any applicant.
- e. The recommendation of staff and of the local planning agency.
- f. The testimony of the public.
- g. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
- h. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

- i. Whether urban services are, or will be, available and adequate to serve a proposed land use change.
- j. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- k. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- l. Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

WHEREAS the town council finds that the requested zoning district ~~complies/does not~~ comply with:

- a. The Fort Myers Beach Comprehensive Plan.
- b. Chapter 34, Zoning Districts, Design Standards, and Nonconformities
- c. Any other applicable town ordinances or codes.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

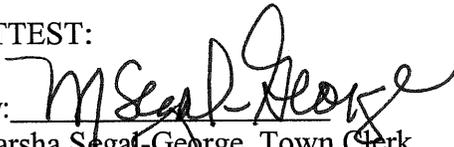
SEE ATTACHED

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	<u>Yes</u>
Don Massucco	<u>Yes</u>
Bill Thomas	<u>Yes</u>
W. H. "Bill" Van Duzer	<u>Yes</u>
Garr Reynolds	<u>Yes</u>

APPLICATION DULY GRANTED this 28th day of June, 2004.

ATTEST:

By:   
 Marsha Segal-George, Town Clerk

Approved as to form by:

  
 Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By:   
 Bill Thomas, Mayor

REZ2003-00023

EXHIBIT "A"

PROPERTY DESCRIPTION

FORT MYERS BEACH PUBLIC LIBRARY AND ADJACENT PROPERTY LOCATED IN A PORTION OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING PART OF LOTS 7 THROUGH 20, AND SOUTH 2 FEET OF LOT 6, BLOCK "K", WINKLER SUBDIVISION, AS PER PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A SIX INCH SQUARE CONCRETE MONUMENT MARKING THE SOUTHEASTERLY CORNER OF BLOCK "K" OF WINKLER SUBDIVISION AS RECORDED IN PLAT BOOK 8, PAGE 45 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE, N69° 00' 00"W, 13.92 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK "K" AND THE POINT OF BEGINNING; THENCE, N69° 00' 00"W, 236.08 FEET ON SAID SOUTHERLY LINE TO AN IRON ROD AND THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90° 00' 00" (A CHORD BEARING OF N24° 00' 00"W AND A CHORD DISTANCE OF 70.71 FEET), THENCE ON SAID CURVE TO THE RIGHT A DISTANCE OF 78.54 FEET TO THE WESTERLY LINE OF SAID BLOCK "K", THENCE, ON THE WESTERLY LINE OF SAID BLOCK "K", N21° 00' 00"E, 102.00 FEET TO THE NORTHERLY LINE OF THE SOUTH 2 FEET OF SAID LOT 6; THENCE, ON SAID NORTHERLY LINE S69° 00' 00"E, 150.00 FEET TO THE SOUTHWEST CORNER OF LOT 19 OF SAID BLOCK "K"; THENCE, N21° 00' 00"E, 48.00 FEET ON THE WESTERLY LINE OF SAID LOT 19 TO THE NORTHWEST CORNER OF SAID LOT 20; THENCE, S69° 00' 00"E, 164.99 FEET ON THE NORTHERLY LINE OF SAID LOT 20 TO THE NORTHEAST CORNER OF SAID LOT 20; THENCE, S25° 17' 00"W, 186.64 FEET ON THE EASTERLY LINE OF SAID BLOCK "K" TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 85° 43' 00" (A CHORD BEARING OF S68° 08' 30"W AND A CHORD DISTANCE OF 20.41 FEET); THENCE ON SAID CURVE TO THE RIGHT A DISTANCE OF 22.44 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE POINT OF BEGINNING.

**Applicant's Legal Checked**  
by  5/03/2004.