

1. Requested Motion:

Meeting Date: November 5, 2012

Approve Resolution 12-24, regarding proposed rezoning on San Carlos Island – Ebtide Rezoning project, Lee County case #DCI2009-00034.

Why the action is necessary:

The rezoning case is scheduled to be heard by the Lee County Hearing Examiner on November 14th, and if desired, having representation at the hearing will be the only opportunity for the Town to oppose the anticipated impacts to Fort Myers Beach, from the proposed rezoning.

What the action accomplishes:

2. Agenda:

Consent
 Administrative

3. Requirement/Purpose:

Resolution
 Ordinance
 Other

4. Submitter of Information:

Council
 Town Staff
 Town Attorney

5. Background:



Lee County Commissioners approved a Future Land Use Map amendment in 2009, paving the way for a mixed-use resort to take place on the subject property. The requested rezoning would allow 271 residential units in 5 condo towers up to 230 feet in height, 450 hotel rooms with up to 75,000 square feet of convention center space, 15,000 square feet of general and medical office, 85,000 square feet of retail commercial, and a total of 850 wet/dry boat slips.

6. Alternative Action: Take no action and have no representation at the Hearing Examiner public hearing.

7. Management Recommendations:

Approve Resolution 12-24, requesting Lee County Hearing Examiner and BOCC to require the applicant provide and implement a traffic impact mitigation plan that mitigates all additional impacts on Estero Boulevard and at the intersection of Main and San Carlos Boulevard.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 12-24

WHEREAS, an application to rezone approximately 36.32 acres of property located in unincorporated Lee County (San Carlos Island) to Mixed-Use Planned Development has been filed and is currently scheduled to be heard by the Lee County Hearing Examiner on November 14, 2012; and

WHEREAS, the proposed development of that site will include a 450 unit hotel and related uses including a 75,000 square foot convention center, 271 residential units, 10,000 square feet of general and medical office space, and 85,000 square feet of commercial retail space and a maximum building height of 230 feet; and

WHEREAS, residents and patrons of the proposed development will utilize Estero Boulevard to travel to Fort Myers Beach; and

WHEREAS, the current level of service (LOS) for southbound San Carlos Boulevard is "D;" and

WHEREAS, the Town's traffic consultant has reviewed the Traffic Impact Study (TIS) for the proposed development and is of the opinion that the proposed development will further degrade the LOS of southbound Estero Boulevard; and

WHEREAS, the Town Council desires to communicate to the Hearing Examiner and ultimately the Board of County Commissioners that they should be cognizant of the negative effect this development will have on traffic congestion on Estero Boulevard and they should require the applicant to mitigate those impacts.

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

1. The Town Council hereby urges the Lee County Hearing Examiner and the Board of County Commissioners to carefully review the TIS submitted by the applicant and the traffic analysis and recommendations made by the Town's traffic consultant, Weston & Sampson Engineers, Inc. when considering the Ebtide rezoning application. The Town Council further urges the Lee County Hearing Examiner and the Board of County Commissioners that any approval of the rezoning should include a requirement that the applicant mitigate all negative impacts on the LOS of southbound Estero Boulevard, through a traffic impact mitigation plan. A copy of the Town consultant's peer review analysis of the applicant's TIS is attached hereto and incorporated herein by reference. Further, the applicant's traffic impact mitigation plan should mitigate impacts to the intersection of Main Street and San Carlos Boulevard.
2. A certified copy of this Resolution shall be presented to Lee County at both the Hearing Examiner proceeding and when the application is considered by the Board of County Commissioners.
3. This resolution shall take effect immediately upon adoption.

Upon Motion made by _____ and seconded by _____, this Resolution was

DULY PASSED AND ADOPTED ON THIS _____ DAY OF _____, 2012.

Bob Raymond, Mayor
Joe Kosinski
Dan Andre

Alan Mandel, Vice Mayor
Jo List

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2012,

ATTEST:

By: _____
Bob Raymond, Mayor

By: _____
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

FOWLER WHITE BOGGS

By: _____