

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-11

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH,
FLORIDA APPROVING THE REQUEST FOR A SPECIAL
EXCEPTION IN THE COMMERCIAL (C-1) DISTRICT FOR A
COMMERCIAL PARKING LOT

WHEREAS, the Norman Primeau Trust filed an application for a Special Exception in the Commercial (C-1) district for a commercial parking lot in accordance with LDC Section 34-843 to allow the continuation of the parking lot; and,

WHEREAS, the subject property is located at 1397 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 10 and 11 and the West Half (W1/2) of Lot 9, Block "B",
VENETIAN GARDENS, a subdivision in Section 19, Township 46 South,
Range 24 East, as recorded in Plat Book 6, Page 70, Public Records of Lee
County, Florida

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0060B.0100; and,

WHEREAS, a public hearing was advertised and held on October 6th, 1998, before the Fort Myers Beach Town Council who gave full and complete consideration to the recommendations of the staff and the Local Planning Agency, the documents on file with Lee County, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES the requested modification.

FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested modification:

1. The applicant did comply with Section 34-1264 (2) b. which places the burden of proof upon the applicant to demonstrate that approval will not have any adverse affect on surrounding properties.
2. That there is no error or ambiguity in the Land Development Code of Town Plan which must be corrected by the Special Permit.
3. That the character and nature of the surrounding area make approval of the Special Permit, as conditioned, appropriate.
4. That the Special Permit, as conditioned, is consistent with the goals, objectives, policies and intent of the Town Plan, and the densities, intensities and general uses set forth in the Town Plan and Land Development Code.

5. That the Special Permit, as conditioned, meets all performance and locational standards set forth for the proposed use.
6. That urban services will be available and adequate to serve the proposed use when it is constructed.
7. That there are no environmentally critical areas or natural resources to be adversely affected by the Special Permit, as conditioned.

Conditions (to be completed by June 15, 1999)

1. A gravel/shell based parking lot and also provides parking bumpers along Estero Boulevard.
2. Access to the parking lot shall be from Estero Boulevard with egress from the parking lot by use of the twenty foot alley way to the west.
3. A small barrier will be installed to stop the flow of water from Estero Blvd. If the property causes a drainage problem, as determined by the Town Staff, the applicant shall submit on site drainage improvements to the Town for review and approval. Upon approval the applicant shall install the onsite drainage improvement.
4. The following buffers:
 - a. On the north side, along Santos the applicant shall remove the fence and replace it with 12 coconut palms (a minimum of 15 ft. in height) with a continuous 4 ft. line of shrubs between the palms.
 - b. On the east, the existing trees provide an adequate buffer.
 - c. On the south along Estero Blvd. Two additional palms shall be planted on the corners and ground cover in between.
 - d. On the west side the fence is to be removed and replaced with coconut palms 15 ft. on center, except at the access to the alley.
5. Development Order #87-005-007.00D is not to be extended and will be allowed to expire.
6. Permanent signage is required in compliance with the Town Sign Ordinance.
7. The temporary parking lot use shall be permitted for a maximum of 5 years (3/9/2004)

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

Anita T. Cereceda	aye
Daniel Hughes	aye
John Mulholland	absent
Garr Reynolds	aye
Ray Murphy	aye

DULY ADOPTED this 8th day of March, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George By: Raymond P. Murphy
Marsha Segal-George, Town Clerk Raymond P. Murphy, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney