

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2005-07

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT  
MYERS BEACH

WHEREAS, PLANNED DEVELOPMENT (on remand from Town Council following FLUEDRA mediation) Ecoventure Carousel, LTD in ref. to Carousel Inn RPD has requested to rezone 0.73 acres from Residential Multifamily (RM ) and 0.96 acres from Commercial Resort (CR) to Residential Planned Development (RPD) to develop 12 multiple-family dwelling units in one multiple-story building with 48,926 square feet of interior space and a deviation from the LDC building height limitations to allow building height not to exceed 3 stories over 1 story of parking and 45 feet above base flood elevation; and

WHEREAS, the subject property is located at 6230 Estero Boulevard, Fort Myers Beach, in S33-T46S-R24E, Lee County, Florida; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are : 33-46-24-W3-00013.0020 and 33-46-24-00013.0030, and the legal description is marked as Attachment A and is attached here to and incorporated herein by reference:

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on April 19, 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 for zoning change from RM and CR to RPD with a deviation from LDC Section 34-943 and Table 34-3 to allow 3 stories over 1 story of parking not to exceed 45 feet above base flood elevation and the following conditions;

**Conditions:**

1. The development of this project must be consistent with the three (3) page Master Concept Plan (MCP) prepared by RWA Consulting, Inc., except as modified by the conditions below. The development must comply with the Land Development Code at the time of local development order approval except for deviations that are granted or conditions and other requirements of this Residential Planned Development approval. Changes to the MCP or RPD approval must be requested and reviewed for appropriateness through the procedures provided in the Land Development Code.

2. Site Development Regulations:

a. Schedule of Uses:

Residential

Dwelling unit, multiple family, limited to 12 total units  
Recreation facility, private on site  
Subordinate commercial uses  
Residential accessory uses

Lodging

Rental of any permitted dwelling unit to a single family for periods of one week or longer

Office

Administrative office  
Home occupation (no outside help)

Civic

Beach access  
Essential services  
Hidden path  
Essential service equipment

b. Dimensional Regulations:

Minimum Setbacks

Street: 80 feet  
Side: 20 feet  
Rear: 20 feet  
Gulf of Mexico: 50 feet

Minimum Lot Dimensions:

Lot size: 1.69 acres

Lot width: 180 feet [see Condition 3]  
Lot depth: 400 feet

Maximum Interior Space: 48,926 square feet

Maximum Density: 12 multiple-family dwelling units

Building Height:

45 feet / 4 stories

3. Prior to issuance of a local development order for the project, the property owner will recombine the property into one lot of record in accordance with LDC Section 10-217 and record the requisite deed..
4. Prior to issuance of a local development order for the project, the property owner will execute and record the appropriate legal instrument creating the five (5)-foot wide public beach access easement indicated conceptually on the MCP. The ultimate design of the beach access will be agreed upon by the Community Development Director and the property owner prior to or during the development review process.
5. Two weeks prior to the public hearing of this case before Town Council, a Beach and Dune Restoration Plan acceptable to staff as a 24" by 36" plan must be included as an additional page of the MCP.
6. Prior to issuance of a local development order for the project, the development order plans must include a detailed dune creation and crossover plan revised according to the Condition 5 and with the following revisions:
  - a. All plants must be a minimum of 1 gallon container size.
  - b. Plant quantities must be calculated on 1 gallon container size plants, 3-foot on center. Plant quantities may be adjusted when larger container size plants are used.
  - c. plants must be installed in a random manner to mimic a natural system and details of the sand used to create the dunes must be included with cross-sections of the dunes.
  - d. A temporary irrigation system must be installed.
  - e. The dune crossovers must terminate on the seaward side of the secondary dune with the beach access blending into a meandering sand path to be roped to direct pedestrian traffic.
  - f. Wording and location of dune restoration signs and any temporary roping must be shown on the plans.
7. The dune crossovers shall be designed to be compatible with each other and the project. Prior to the issuance of any Certificate of Compliance for the project, the dune restoration and crossovers must be constructed.
8. The covered transit stop structure must be designed to be compatible with the architecture of the project. Prior to the issuance of any Certificate of Compliance for the project, the covered transit stop must be constructed and operational.

## Recommended Findings and Conclusions –Planned Development Rezoning:

Based upon an analysis of the application and the standards for approval of planned development zoning districts following a FLUEDRA (Florida Land Use and Environmental Dispute Resolution Act) mediation, staff recommend the following findings and conclusions:

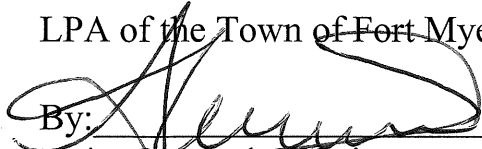
1. The requested residential planned development zoning district complies with the comprehensive plan, chapter 34 of the land development code, and other applicable codes and regulations.
2. The proposed use or mix of uses is appropriate at the subject location.
3. Sufficient safeguards to the public interest are provided by the master concept plan or by other applicable regulations.
4. The proposed use or mix of uses meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, including
  - b) **Policy 4-B-4** on development in Mixed Residential future land use map category
  - c) **Policy 4-C-4** on building heights taller than the standard height limit
5. The requested deviations:
  - a) enhance the objectives of the planned development; and
  - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare;
  - c) operate to the benefit, or at least not the detriment, of the public interest; and
  - d) are consistent with the Comprehensive Plan.

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

Anita Cereceda	yes
Jessica Titus	absent
Betty Simpson	yes
Bob Raymond	yes
Jodi Hester	yes
Hank Zuba	yes
Bob Simon	yes

Harold Huber      yes  
Jane Plummer     yes

DULY PASSED AND ADOPTED THIS 19th day of April, 2005.  
LPA of the Town of Fort Myers Beach

By:   
Anita Cereceda, Chairman

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