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RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2007-14

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH,
FLORIDA:

WHEREAS, the Fort Myers Beach Fire Control District ("Applicant") has requested to rezone 0.83+/- acres from Commercial Planned Development (CPD) to amended Commercial Planned Development (CPD) to allow the redevelopment of a fire station and associated accessory uses, with maximum building height not to exceed 14.5 feet above base flood elevation; and

WHEREAS, the subject property is located at 121 Lenell Road, Fort Myers Beach, Lee County, Florida; and

WHEREAS, the Applicant has indicated the property's current STRAP number is: _____, with the legal description attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on July 31, 2007; and

WHEREAS, the LPA gave full and complete consideration to the recommendations of 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:

The LPA recommends that the Town Council **APPROVE/ DISAPPROVE** the Applicant's request to amend its CPD subject to the seven (7) conditions and three (3) deviations set forth with specificity below.

A. CONDITIONS

1. Development must be consistent with the one-page Master Concept Plan stamped "Received May 25, 2007" for case FMBDC12007-00001, attached as Exhibit "B", except as modified by conditions below. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

Principal:

Essential Services Building (limited to Fire/EMS Station)

Accessory:

Administrative office

Storage, indoor

Group quarters (limited to use by Fire/EMS personnel)

Parking lot, accessory
Recreation facilities, personal (limited to use by Fire/EMS personnel)

b. Site Development Regulations

Minimum Lot Width:	181± feet
Minimum Lot Depth:	199± feet
Minimum Lot Area:	36,100± square feet
Maximum Floor Area Ratio:	0.182
Minimum Open Space:	10,800 square feet
Maximum Building Height:	14.5 feet above base flood elevation
Setbacks:	
Street:	30 feet
Side:	20 feet
Rear:	46.6 feet
Water body:	33.25 feet from edge of water

3. No dwelling units or guest units are permitted. Approval is limited to group quarters accommodating no more than 6 fire/EMS personnel per shift.
4. Prior to approval of a Local Development Order or permit the project must be designed in accordance with South Florida Water Management District standards to provide on-site containment of stormwater from the 25-year 72-hour storm event without discharge into surface waters of the state or wetlands. The area identified on the Master Concept Plan as "asphalt parking" is not approved and the Master Concept Plan must be revised to indicate the use of pervious pavement.
5. Approval of this zoning request does not give the developer an undeniable right to receive Local Development Order approval. Development Order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan.
6. Development of the subject property must comply with all requirements of the LDC prior to Local Development Order approval except for such deviations as may be granted by approval of this planned development.
7. Approval of the requested rezoning does not address the traffic impacts of the proposed project. Improvements, including but not limited to traffic control device(s), may be required in order to receive Local Development Order approval.

B. DEVIATIONS

1. Deviation from LDC Sections 10-416(d)(8) and 34-638(c) requiring a 75-foot separation between buildings or other impervious surfaces and wetlands, to allow a minimum separation of 15 feet between proposed redeveloped impervious surfaces and the existing wetlands.
2. Deviation from LDC Section 10-285 requiring connection separation between connections to a local street of 125 feet, to allow minimum separations of 21.5 feet, 62.5

feet, 70.0 feet, 83.0 feet, 91.5 feet, and 104.5 feet from existing accessways, as indicated on the Master Concept Plan.

3. Deviation from LDC Section 34-1744(b) to allow an 8-foot wall incorporated into the perimeter buffering along the northerly property line as shown on the Master Concept Plan.

FINDINGS AND CONCLUSIONS

Based upon the presentations by the Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for planned development zoning approval, the LPA makes the following findings and conclusions:

1. The requested rezoning, as conditioned complies with:
 - a. The Fort Myers Beach Comprehensive Plan;
 - b. LDC Chapter 34;
 - c. all specific requirements of the Comprehensive Plan that are relevant to the requested planned development; and
 - d. all other applicable Town ordinances and codes.
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 recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviations, as conditioned:
 - a. Each item enhances the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare will be preserved and promoted; and
 - c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
 - d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

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

Tom Babcock
Evie Barnes
Rochelle Kay

Alan Mandel
Bob Raymond
Bob Simon

Dennis Weimer

DULY PASSED AND ADOPTED THIS 31st day of July, 2007.

LPA of the Town of Fort Myers Beach

By: _____
Tom Babcock, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Anne Dalton, Esquire
LPA Attorney

By: _____
Michelle D. Mayher, Town Clerk

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