

**RESOLUTION NUMBER 2017-008 OF THE LOCAL PLANNING
AGENCY OF THE TOWN OF FORT MYERS BEACH FLORIDA
SEZ17 - 0001 & VAR17 - 0005 - MANGO STREET PARKING LOT
PERMANENT SHARED PARKING LOT**

WHEREAS, Greg Stuart, authorized agent for Ronald Yanke is requesting a special exception and associated variances to construct a permanent shared parking lot consistent with Section 34-2011 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 19-46-24-W3-0120A.0050 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 2440 Estero Boulevard Fort Myers Beach, FL 33931, zoned Commercial Boulevard (CB) on the Official Zoning Map and Boulevard category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on October 10, 2017; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

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

1. Determination.

Based upon the recommendations, testimony, and evidence presented by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the LPA recommends approval of the following:

a. Special Exception. (SEZ17-0001)

The LPA recommends that the Town Council **APPROVE** the applicant's request for a special exception and associated variances to construct a permanent shared parking lot consistent with Section 34-2011 of the LDC to allow a 29 space shared parking lot as depicted on the site plan on the property described in attached Exhibit A.

b. **Variations.** (VAR17-0005)

- (1) Variance #1 from LDC section 10-416(d)(2) requirement from the right of way Type D buffer from 15 foot wide buffer consisting of 5 trees per 100 lineal feet and double staggered rows hedge and no wall to permit a 2 foot wide buffer with a single row hedge adjacent to Estero Boulevard is APPROVED.
- (2) Variance #2 from LDC section 10-416(d)(2) requirement from the right of way Type D buffer from 15 foot wide buffer consisting of 5 trees per 100 lineal feet and double staggered rows hedge and no wall to permit a 1 foot wide buffer with a low fence and no landscaping adjacent to Mango Street is APPROVED provided that 6 trees be planted along Mango Street in the triangular shaped areas located outside of the parking stalls.
- (3) Variance #3 from LDC section 10-416(d)(2) requirement from a Type C buffer from 15 foot wide buffer consisting of 5 trees per 100 lineal feet and 18 shrubs per 100 lineal feet and wall to permit a 1 foot wide buffer with a low fence and no landscaping is APPROVED.
- (4) Variance #4 from the driveway separation requirement in LDC section 10-285 that connection separation centerline distance of a local street is 125 feet to permit approximately 27 feet and 45.3 feet for the exit and entrance centerline as shown on the site plan is APPROVED.
- (5) Variance #5 from the parking stall dimensions from LDC section 34-2016(2) from a 19.1 stall depth to wall for a 60 degree space to permit for stall space #9 a 15 foot depth as shown on the site plan and from a 17.5 foot stall depth interlock to permit for stall space #10 a 15 foot stall depth, both to be utilized for compact cars is APPROVED.

RECOMMENDED FINDINGS AND CONCLUSIONS:

a. Special Exception. In accordance with the requirements of LDC Section 34-88 for granting a special exception, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. There **exist** changed or changing conditions which make approval of the request appropriate.
2. The request is **consistent** with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
3. The request **meets or exceeds** all performance and locational standards set forth for the proposed use.

4. The request **will** protect, conserve, or preserve environmentally critical areas and natural resources.

5. The request **will** be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

6. The requested use **will** be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code including Chapter 34.

b. Variances. In accordance with LDC section 34-87, the LPA recommends that the Town Council finds the following:

- (1) That there **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- (2) That the conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- (3) That the variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
- (4) That the granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (5) That the conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

CONDITIONS OF APPROVAL


1. *Approval of this special exception does not exempt the subject property from any provisions of the LDC with the exception of the approved variances.*
2. *The property is allowed to operate a commercial shared parking lot following Town Council approval based upon the condition that the property must have a limited development order (LDO) approval within 180 days or the property is subject to a \$500 a day fine. The LDO must address a parking plan, stormwater retention/detention, access to the site, parking surface of the lot, buffering, and ADA issues.*
3. *Perimeter parking spaces must be delineated by placing a parking block three feet from the end of the parking space and centered between the sides of the space.*

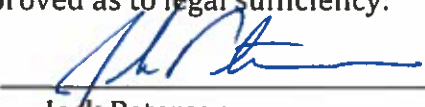
4. Signs must be in compliance with Chapter 30 of the LDC.
5. The operator of the parking lot will provide a trash receptacle and maintain the lot in a litter free manner. The operator will ensure that the trash receptacle is regularly emptied and hauled away by the franchised garbage hauler.
6. Six (6) native trees must be installed along the Mango Street side of the property and be shown on the LDO.
7. Hours of operation are limited to 8:30 AM to 10:00 PM unless a special event permit (limited to 6 a year) is applied for and approved to accommodate parking for events such as Fourth of July Fireworks or New Year's Eve.
8. If parking lot night lighting is desired by owner/applicant, then a lighting plan must be submitted to the Town Council. No lighting poles may be installed, only ground mounted lighting may be used on site. A lighting plan must be administratively approved prior to the installation of any site lighting.

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

Hank Zuba, Chair	AYE	Dan Hendrickson, VC	AYE
Megan Heil, Member	AYE	Dan Hughes, Member	Absent
Jane Plummer, Member	AYE	Scott Safford, Member	AYE
Lorrie Wolf, Member	AYE		

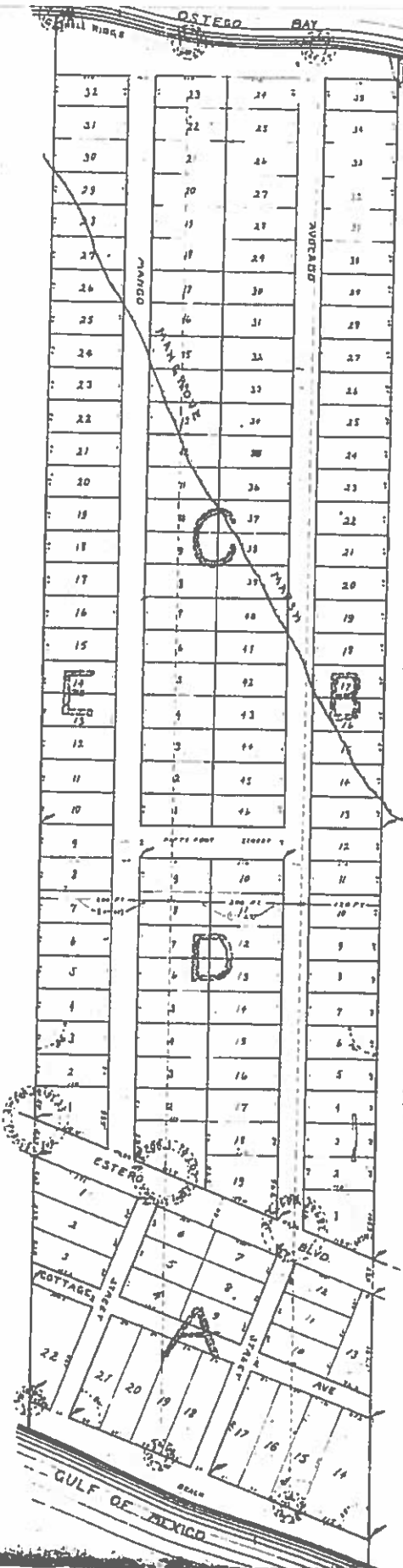
DULY PASSED AND ADOPTED THIS 10th day of OCTOBER, 2017.

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:
By: 
Jack Peterson
LPA Attorney

ATTEST:
By: 
Michelle Mayher
Town Clerk

EXHIBIT A



Petition to Vacate
 Description: For Name change
 Avocado Ave to Chapel St
 Date for Approval: 05/21/52
 CCMB: 11 Page: 429

SEAGRAPE

Being a Subdivision of Lots 25-26-27
 28 and the West 120 Feet of Lots 29 and 30
 of T.P. Hill's Subdivision of Gov't Lots 2-3
 and 4 in Section 19 T_p 46 S. - R. 24 E.

Estero Island

E. E. DAMMHOHLER AND C. S. FICKLAND, OWNERS

410 1000 000 0000 P



SUBDIVIDED
 1970
 BY
 H. R. DAVISON, INC.

Petition to Vacate
 Petition No: 84-13
 Description: Vacation btwn Block C&D
 Date of Approval: 10/24/84
 CCMB: 151 Page: 43

Handwritten:
 Vacation between
 Block C & D
 CCMB: 151 Page 43