

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-14
110 Mango Rezoning

WHEREAS, Marylu Czulewicz, owner of the property at 110 Mango Street, Fort Myers Beach, Florida has requested to rezone 0.126± acres from Residential Multifamily (RM) to Commercial Boulevard (CB); and

WHEREAS, the subject property is located in the Mixed Residential Future Land Use Category of the Comprehensive Plan of Fort Myers Beach; and

WHEREAS, the STRAP for the subject property is 19-46-24-W3-0120D.0020 and the legal description of the subject property is Lot 2, Block D, Seagrape Subdivision, according to the plat thereof recorded in Plat Book 4, Page 17 in the Public Records of Lee County Florida; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 11, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-85.

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

The LPA recommends that the Town Council **APPROVE** the applicant's request for a *Rezoning from Residential Multifamily (RM) to Commercial Boulevard (CB)*.

RECOMMENDED FINDINGS AND CONCLUSIONS:

1. *There exists an error or ambiguity which must be corrected.*
Staff finds that the rezoning from Commercial (C-1) to Residential Multifamily (RM) at the time of the Official Zoning Map adoption was an error that should be corrected. **APPROVE**
2. *There exist changed or changing conditions which make approval of the request appropriate.*
Staff finds that changed conditions exist, namely that the existing structure has been used for commercial uses since before the Official Zoning Map adoption and continues to be used for commercial purposes and approval of the request is therefore appropriate. **APPROVE**
3. *The impact of a proposed change on the intent of Chapter 34 of the Fort Myers Beach Land Development Code.*
Staff does not anticipate that the proposed rezoning from RM to CB will have any negative impact on the intent of Chapter 34. **APPROVE**

4. *Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*

As discussed in the Analysis of the Staff Report, the request is generally consistent with the goals, objectives, policies, and intent, as well as the densities, intensities, and general uses of the Comprehensive Plan. **APPROVE**

5. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

It is anticipated that the existing commercial (restaurant) use will continue for the foreseeable future. The applicant has indicated to staff that they merely desire a return to a commercial zoning similar to the zoning category the subject property had prior to the Town's incorporation. **APPROVE**

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

Urban services, including water, sewer and electricity, are available at the subject property, and are currently in use by the existing commercial tenant. **APPROVE**

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The property was originally developed in the 1920s as a residential cottage, and the property does not include any sensitive and/or environmentally critical land. **APPROVE**

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

Due to the location of the subject property at the boundary between Mixed Residential and Boulevard Future Land Use categories, the existing restaurant use acts as a buffer between the more intense uses allowed in the Boulevard category and the mostly-residential, mixed uses that are allowed in Mixed Residential. **APPROVE**

9. *Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*

Since the restaurant use already exists, the rezoning of the property from RM to CB will not have any impact on traffic generation. **APPROVE**

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

Joanne Shamp, Chair	AYE	Dan Andre, Member	AYE
Al Durrett, Member	AYE	John Kakatsch, Member	AYE
Jane Plummer, Member	AYE	Alan Smith, Member	AYE
Hank Zuba, Member	excused		

DULY PASSED AND ADOPTED THIS 11th day of September, 2012.

By: Joanne K. Shamp
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: Margaret W. Miller
Fowler, White, Boggs
LPA Attorney

By: Michelle Mayher
Michelle Mayher, Town Clerk