

ORDINANCE 18-16

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A COMMERCIAL PLANNED DEVELOPMENT TO THE CURRENT ZONING MAP FOR A PROPERTY LOCATED AT 6620 ESTERO BOULEVARD FORT MYERS BEACH FROM COMMERCIAL RESORT (CR) ZONING DISTRICT TO COMMERCIAL PLANNED DEVELOPMENT (CPD) WITH A MASTER CONCEPT PLAN FOR A CONDOMINIUM RESORT WITH 72 UNITS WITH DEVIATIONS FROM THE BUILDING HEIGHT REQUIREMENT AND FLOOR AREA RATIO; CONTAINING 1.5+/- ACRES GENERALLY IDENTIFIED AS THE PORTION OF STRAP NUMBER 34-46-24-W4-01300.00CE LANDWARD OF THE 1978 COASTAL CONSTRUCTION CONTROL LINE; PETITION DCI17-0006; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Paula McMichael of Hole Montes, applicant and agent for the property owner of Unit 67, Core Hotels and Resorts LLC, filed application to rezone the property from the Commercial Resort (CR) zoning district to CPD with Master Concept Plan (MCP), exhibit B, in order to redevelop a portion of unit 67 (i.e. floors 4, 5, 6), which is currently office space, to six one-bedroom guest units, for a Resort Condominium with 72 guest units on 1.5+/- acres more or less of property, located at 6620 Estero Boulevard in the Town of Fort Myers Beach; and

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

WHEREAS, the subject property is under condominium control, with 67 unit owners, listed in the public records of Lee County Property Appraiser; and

WHEREAS, the applicant provided affidavit that all property owners were notified and 51 of the 67 unit owners authorized the request for rezoning, consistent with Town Land Development Code s. 34-201; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on June 12, 2018; and

WHEREAS, at the June 12, 2018 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-85; and

WHEREAS, at the June 12, 2018 public hearing the LPA recommended approval by a 4-0 vote, three members were absent, subject to certain conditions; and

WHEREAS, on October 15th, 2018 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, a second reading of the proposed Ordinance and a public hearing on this matter will be legally advertised and held before the Town Council on November 5th, 2018 at which time the Town Council will give full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

The Town Council votes to **APPROVE/DENY** the request to rezone the subject property to CPD with MCP, subject to the deviations and conditions set for with specificity.

CONDITIONS:

Condition 1.

Approval of this rezoning and master concept plan does not exempt the subject property from any provisions of the LDC with the exception of the approved deviations.

Condition 2.

The property is allowed to operate as a resort condominium with a total of 72 guest units.

Condition 3.

All parking requirements of the selected use(s) shall be met per the LDC. The change approved by this ordinance (72 guest units and up to 5,700 square feet of support facilities) does not represent an increase in floor area or capacity and no additional parking spaces shall be required.

Condition 4.

Development of the property other than as a resort condominium with the current uses of guest rooms and accommodations and office suites, as specified in the approved uses under Condition 5, shall require submittal of a new Master Concept Plan and be subject to the requirements of the LDC at the time of submittal, including a Traffic Impact Statement.

Condition 5.

Commercial beach rentals of personal watercraft, parasail, or any other type of watercraft is not permitted.

Condition 6.

The CPD schedule of uses shall include the uses listed below. Any change of use shall only be approved through a Master Concept Plan major modification through the LPA and Town Council, with proper notification (MCP Revision).

List of Uses:

LODGING

Rental of any permitted dwelling unit for periods of one day or longer

Hotel/motel (see § 34-1801)

Resorts

Timeshare units

ACCESSORY LODGING USES

Recreational facility: private on-site

On-premises consumption of alcoholic beverages (in conjunction with use of hotel banquet facilities)

Resort accessory uses

Personal services

Subordinate commercial uses (see § 34-3021)

OFFICE

Offices, general

ACCESSORY OFFICE USE

Administrative office

CIVIC

Beach or bay access

Essential services and Equipment (see § 34-1612(a))

ACCESSORY CIVIC USE

Restaurant, accessory to private recreational facilities only

DEVIATIONS:

Deviation #1

A deviation from Table 34-3, Dimensional Standards in Conventional Zoning Districts, which limits height to 30'/3 stories, to allow for the existing height of the building of 98.5'/12 stories.

Deviation #2

A deviation from Table 34-3, Dimensional Standards in Conventional Zoning Districts, which limits the floor area ration (FAR) to 1.2, to allow for the existing FAR of the development of 2.9.

CODIFICATION AND SCRIVENER'S ERRORS.

Upon second reading approval, the Town Council intends that this ordinance will not be made part of the Fort Myers Beach Code of Ordinances; typographical errors that do not affect the intent can be corrected with the authorization of the Town Manager or designee, without the need for a public hearing. Only the specific deviations granted by the Town Council and associated plan sheets reflecting those approvals with or without conditions are so incorporated.

EFFECTIVE DATE.

This ordinance becomes effective immediately upon its adoption.

THE FOREGOING ORDINANCE was enacted by the Town Council upon a motion by Council Member Cereceda and seconded by Mayor Gore and, upon being put to a roll call vote, the result was as follows:

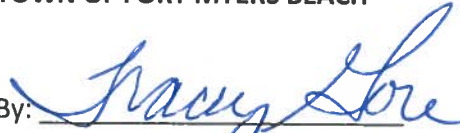
Tracey Gore, Mayor	Aye	Bruce Butcher	Aye
Anita Cereceda	Aye	Joanne Shamp, Vice Mayor	absent <i>excused</i>
Dennis Boback	Aye		

DULY PASSED AND ENACTED this 5th day of November 2018.


ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Tracey Gore, Mayor

Approved as to form by:

By: 
Peterson Law Group, Town Attorney