

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE  
TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2012-13  
SEAGRAPE MUD

WHEREAS, James J. Jamieson, owner of the subject properties located at 200 Chapel Street and 266 Mango Street, filed an application for a Minimum Use Determination (MUD) pursuant to Section 24-3274 of the Town of Fort Myers Beach Land Development Code and the "Administrative Interpretations" provision of the Town of Fort Myers Beach Comprehensive Plan; and

WHEREAS, the subject properties are located in the Wetlands category according to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the subject properties are located in the Environmentally Critical (EC) zoning district; and

WHEREAS, the applicant has indicated that the STRAPs for the subject properties are 19-46-24-W3-0120B.0120 and 19-46-24-W3-0120C.0060 and the legal description is provided as follows:

*Lots 12-27, Block B, and Lots 6-15 and 32-45, Block C, Seagrape Subdivision, as recorded in Plat Book 4, Page 17, of the Public Records of Lee County, Florida*

WHEREAS, the Town Comprehensive Plan's "Procedures and Monitoring" section includes a subsection entitled "Administrative Interpretations" (Page 15-3) which states that persons or entities can obtain administrative interpretations of the single-family residence provision contained in subsection E of the Comprehensive Plan; and

WHEREAS, Subsection B.2. of the "Procedures and Monitoring" section states that the Local Planning Agency's attorney shall review each application for an administrative interpretation and request additional information or conduct research as necessary; and

WHEREAS, said subsection B.2. further provides that the Local Planning Agency's attorney may issue a written administrative interpretation or may, at the attorney's sole discretion, refer the request to the Local Planning Agency which will then make the administrative interpretation; and

WHEREAS, the Town Attorney has reviewed the application and has decided that, due to the unique issues involved in the request, the Local Planning Agency should make the administrative interpretation in this instance; and

WHEREAS, the Local Planning Agency has reviewed request and has received input from the Town Attorney, Town staff, the applicant and the public.

NOW THEREFORE BE IT RESOLVED, that the LPA hereby makes the administrative interpretation that the property owner/applicant **IS NOT** entitled to a minimum use determination for **ANY** of the property based on the following findings of fact and conclusions of law:

**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The property **DOES NOT MEET** the requirements contained in Section 34-3274 of the Land Development Code.

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

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

DULY PASSED AND ADOPTED THIS 14th day of August, 2012.

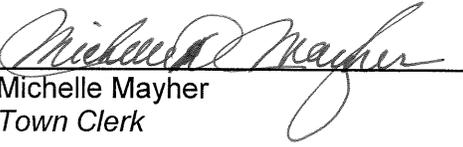
LPA of the Town of Fort Myers Beach

By:   
Hank Zuba, LPA Vice Chair

Approved as to legal sufficiency:

ATTEST:

By:   
Fowler, White, Boggs  
LPA Attorney

By:   
Michelle Mayher  
Town Clerk