

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 14-04  
SEZ2013-0005 – Houseboat, LLC Special Exception

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested to add 'retail store, large,' as defined in LDC Chapter 34 with gross floor area in excess of 5,000 square feet, and 'parking lot, shared permanent' as special exception uses on the subject property; and

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

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case SEZ2013-0005 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the LPA on January 14, 2014; 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 34-88.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-016, the 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 TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2013-016 and the standards for granting special exceptions, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the requested special exception to add 'retail store, large,' as defined in LDC Chapter 34 with gross floor area larger than 5,000 square feet and 'parking lot, shared permanent' as approved uses on the subject property.

**FINDINGS AND CONCLUSIONS:**

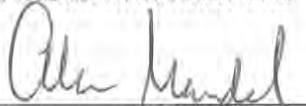
In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding approval of special exceptions, the Town Council reaches the following findings and conclusions:

1. Changed or changing conditions **do** exist that make the requested approval, as conditioned, appropriate;
2. The requested special exception, as conditioned, **is** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan;
3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use;
4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources;
5. The requested special exception, as conditioned, **will** be compatible with existing or planned uses and **will not** cause damage, hazard, nuisance or other detriment to persons or property;
6. The requested special exception, as conditioned, **will** be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

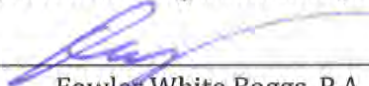
The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Kosinski and seconded by Council Member Andre, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	AYE
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS 3rd day of **MARCH, 2014**.

By:   
Alan Mandel, Mayor

Approved as to legal sufficiency:

By:   
Fowler White Boggs, P.A.  
Town Attorney

ATTEST:

By:   
Michelle Mayher  
Town Clerk

## **Exhibit A**

### **Legal Description**

Lots 1, 2, 3, 4, 5 and 19, Block 2, Business Center Subdivision, according to the Map or Plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.