

RESOLUTION NUMBER 24-189

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20240200 TO ALLOW REPAIRS TO A RETAINING WALL IN THE EC ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6500 AND 6502 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Applicant Stokes Marine Inc on behalf of The Privateer of Fort Myers Beach is requesting a special exception to repair an accessory structure in the EC zoning district per Section 6-366 of the Town of Fort Myers Land Development Code; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-02000.00CE; and

WHEREAS, the Property is located in the “Recreation” category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 3, 2024, and at the hearing the LPA gave full and complete consideration to the request of the Applicant recommendations of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted 7 to 0 recommending approval with conditions of the Special Exception; and

WHEREAS, on September 23, 2024 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve with conditions the request for a Special Exception.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Special Exception does meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES WITH CONDITIONS** the Special Exception to allow reconstruction of a major accessory structure in the EC zoning district per section 6-366.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves the requested Special Exception and the following conditions of approval are imposed on the Applicant and the subject property:

1. A new Special Exception must be applied for each time the structure is repaired.

2. Construction shall not occur during sea turtle nesting season.
3. Any repairs must comply with all relevant local and state floodplain regulations.
4. Repairs may not damage existing dunes or dune vegetation.
5. Approval of this Special Exception does not give the Applicant an undeniable right to permit approval. Development of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
6. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice-Mayor	Aye
John R. King, Council Member	Aye
Karen Woodson, Council Member	Aye
Scott Safford, Council Member	Aye

ADOPTED this 23rd day of September 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (Sep 27, 2024 08:17 EDT)

 Dan Allers, Mayor

ATTEST:



 Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



 Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of September 2024.



GEOWORLD ENGINEERING GROUP, INC.

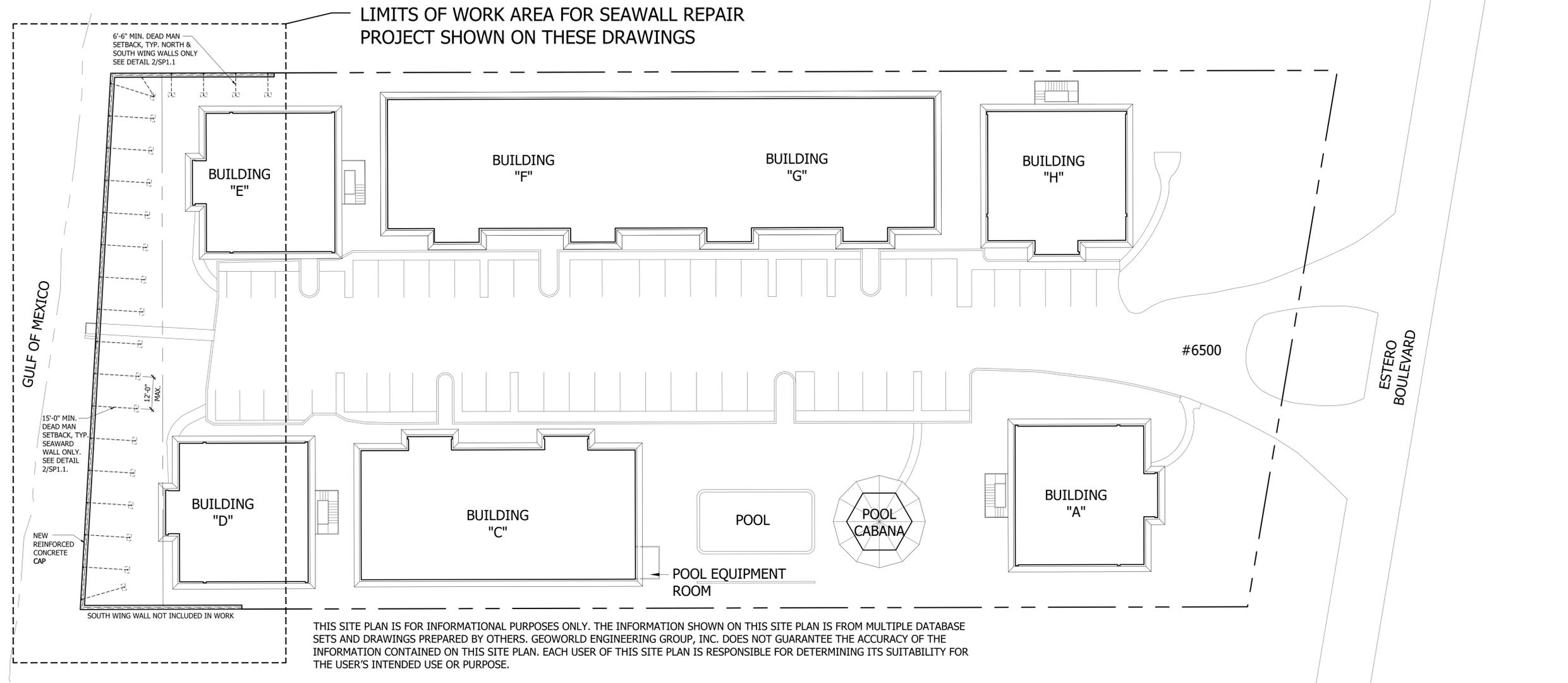
Engineering - Restoration
 Planning - Recreation
 Construction Administration
 GeoWorld Project Assessment™(GPA)

227 McCoy Drive
 Lake Placid, FL 33852

T: 863-699-0900
 W: GeoWorldTeam.com

Florida Registry #32094

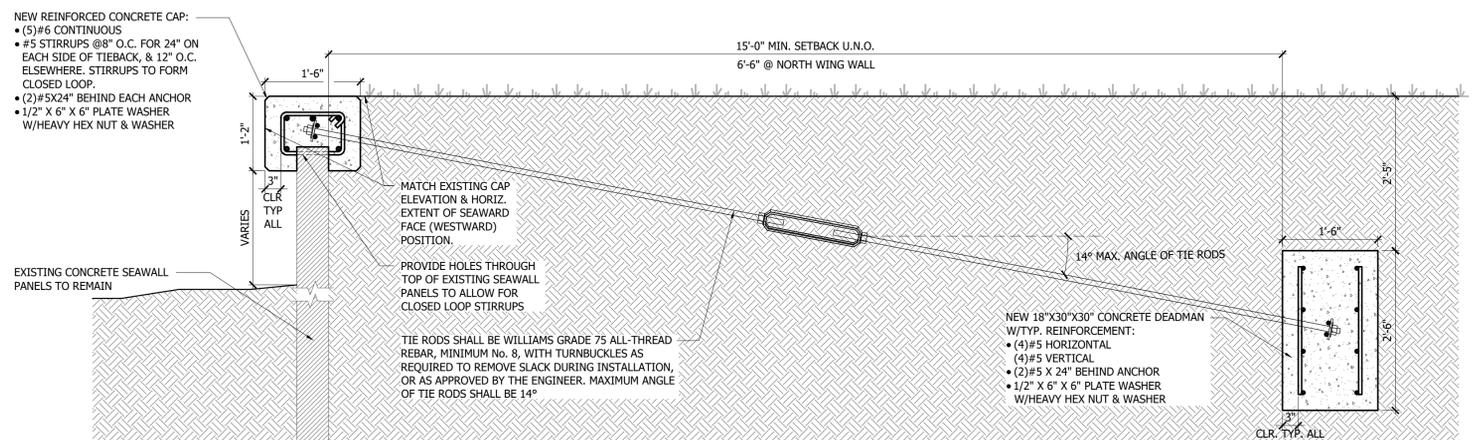
SEAWALL REPAIR
THE PRIVATEER ON FORT MYERS BEACH
6500 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931
SITE PLAN & DETAILS



SITE PLAN 1
 SCALE: 1" = 20'-0"

GENERAL NOTES:

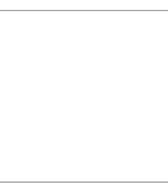
- THIS PROJECT INVOLVES REPAIR OF AN EXISTING REINFORCED CONCRETE SEAWALL. THE ENGINEER HAS INSPECTED THE EXISTING CONCRETE SEAWALL PANELS TO REMAIN AND CERTIFIES THAT TO THE BEST OF ITS KNOWLEDGE THE PANELS ARE STRUCTURALLY SOUND AND MAY REMAIN. THUS THE NEW WORK SHOWN ON THESE DRAWINGS IS LIMITED TO THE NEW REINFORCED CONCRETE SEAWALL CAP, TIE RODS AND CONCRETE DEAD MAN ANCHORS.
- SEAWALL LENGTHS:
 - 200 FT ALONG WEST BOUNDARY
 - 61 FT ALONG NORTH BOUNDARY (AT BLDG E).
 - 60 FT. ALONG SOUTH BOUNDARY (AT BLDG D) (NOT INCLUDED IN WORK.)
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THE STRUCTURAL INTEGRITY OF THE EXISTING CONCRETE SEAWALL PANELS, RELATED COMPONENTS, AND ALL OTHER STRUCTURES ONSITE TO REMAIN DURING ALL DEMOLITION ACTIVITIES.
- EXISTING CONCRETE SEAWALL CAP SHALL BE DEMOLISHED IN ITS ENTIRETY, AND LEGALLY DISPOSED OF OFF SITE, WITH EXTREME CARE TO NOT CAUSE DAMAGE TO EXISTING CONCRETE SEAWALL PANELS TO REMAIN. SAWCUTTING SHALL BE DONE IN SUCH A MANNER SO AS TO AVOID CUTTING INTO THE EXISTING CONCRETE SEAWALL PANELS TO REMAIN.
- EXISTING STEEL TIE RODS AND CONCRETE DEAD MAN SHALL BE DEMOLISHED AND LEGALLY DISPOSED OF OFF SITE.
- ALL STEEL NOT EMBEDDED IN CONCRETE SHALL BE HOT DIPPED GALVANIZED.
- CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,000 PSI. AND MAXIMUM WATER/CEMENT RATIO OF 0.40.
- CONCRETE SHALL BE VIBRATED DURING PLACEMENT TO PREVENT HONEYCOMBS.
- STEEL TIE RODS SHALL BE WILLIAMS GRADE 75 ALL - THREAD No. 8 MIN. REBAR, AND HAVE A MINIMUM CLEAR CONCRETE COVER OF NO LESS THAN 3 INCHES.
- EXCAVATED BACKFILL SHALL BE STORED ONSITE AND REUSED, CLEAN AND FREE OF DEBRIS AND ALL OTHER DELETERIOUS MATERIALS, COMPACTED TO A MINIMUM OF 95% PER ASTM D-698.



Rev.	Description	Date
5		
4		
3		
2		
1		

Status: ISSUE FOR CONSTRUCTION

Designed By:
 Drawn By: O.Q.
 Checked By: G.A.T.
 Date: 04-28-2024



George A. Tibedo, P.E.
 FL P.E. Lic. #54291

Job No: 22-136
 Sheet No:

SEAWALL REPAIR DETAIL 2
 SCALE: 3/4" = 1'-0"

S-1.2