

**RESOLUTION NUMBER 25-24**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20240158 TO ALLOW SHARED USE PARKING LOT PER LDC SECTION 34-2011(2)a., FOR THE PROPERTY LOCATED AT 1240 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 Reginald Beach on behalf of owner Ganim Properties LLC is requesting a special exception to allow a shared parking lot as per LDC 34-2011(2)a.; and

**WHEREAS**, the STRAP number for the subject property is 19-46-24-W4-01.40A.0010; and

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

**WHEREAS**, the Property is located in the “Downtown” 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 December 3, 2024, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, 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 6 to 0 recommending approval with conditions of the special exception; and

**WHEREAS**, on January 8, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, 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.

**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 Applicants did meet their 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 Applicants, Town staff, and interested parties and public, the Town Council **APPROVES WITH CONDITIONS** the special exception for a shared parking lot per LDC Section 34-2011(2)a.

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

Section 4. If the Town Council approves the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- 1) Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the 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.
- 2) The property owner must maintain all required landscaping or install new plantings as necessary.
- 3) 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 Mayor Allers 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	Nay
Scott Safford, Council Member	Aye

ADOPTED this 8<sup>th</sup> day of January 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*  
Dan Allers (Jan 29, 2025 16:29 EST)  
\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
\_\_\_\_\_  
Amy Baker, Town Clerk

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

*Nancy Stuparich*  
Nancy Stuparich (Feb 4, 2025 07:21 EST)  
\_\_\_\_\_  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 29<sup>th</sup> day of January 2025.

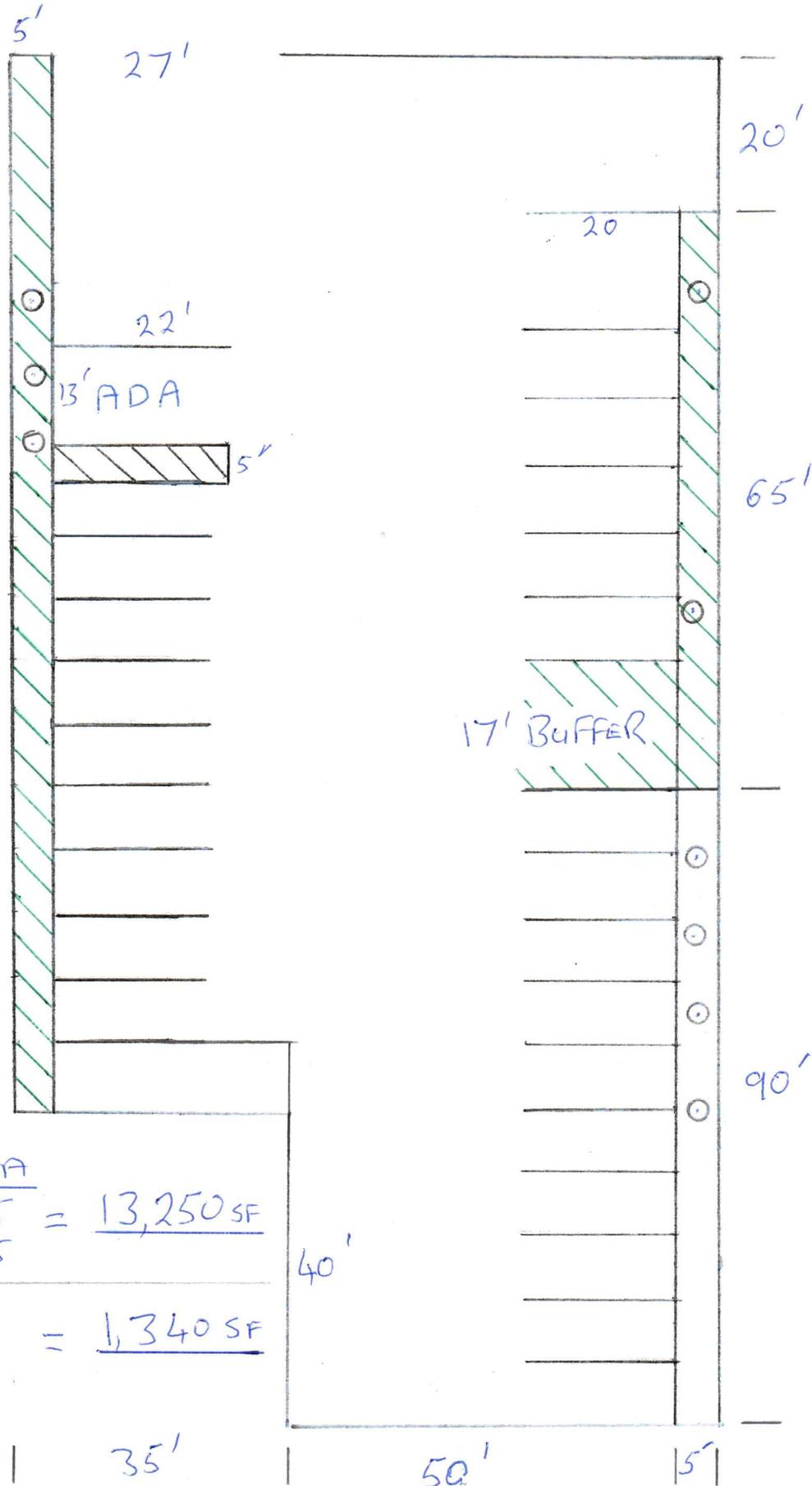
# 202 401 58

1240 ESTERO BLVD

○ - EXISTING MATURE TREES

24 x 8 1/2' x 20' SPACES

▨ - LANDSCAPING



PARKING AREA

55 x 155 - 8,525 = 13,250 SF

35 x 135 - 4,725

LANDSCAPING

5 x 200 - 1,000 = 1,340 SF

17 x 20 - 340