

LPA RESOLUTION NUMBER 2025-02

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VAR20240304 TO ALLOW FOR INCREASED SIGN AREA IN A MULTI-UNIT COMMERCIAL PLAZA FOR THE PROPERTY LOCATED 7205 ESTERO BLVD., GENERALLY REFERRED TO AS STRAP NUMBER 03-47-24-W1-00011.0000 AND PROVIDING FOR OTHER CLARIFICATIONS AND NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR 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 Kara Stewart, CFM ("Applicant"), on behalf of owner Shaked Properties, LLC. ("Owner"), of the property located at 7205 Estero Blvd. ("Property") are requesting a variance from Sec. 30-5(a)(1)(a)(2) to permit all units within a multi-unit commercial property to increase the maximum sign area of 16-square feet per unit, to 32-square feet per unit; and

WHEREAS, the STRAP number for the subject property is 03-47-24-W1-00011.0000; and

WHEREAS, the Property is located in the "Pedestrian Commercial" category of the Future Land Use Map of the Comprehensive Plan and the "Santini" 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 February 11, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 6 to 0 with one abstention to recommend approval with conditions of the variance; and

WHEREAS, on March 10, 2025 the 10-working day hold on deeming the resolution approved had been met and the variance was active; and

WHEREAS, the LPA determined it is in the best interest of the Town to **APPROVE WITH CONDITIONS** the request.

NOW THEREFORE, BE IT RESOLVED BY THE LOCAL PLANNING AGENCY 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 meet its burden of proof that the requested variances DO meet the requirements of the Town Comprehensive Plan and LDC, and APPROVING WITH CONDITIONS the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Local Planning Agency APPROVES WITH CONDITIONS the variance from Sec. 30-5(a)(1)(a)(2).

Section 3. In approving with conditions the Variance, the Local Planning Agency makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There ARE exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance ARE NOT the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance IS the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property ARE NOT of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Local Planning Agency approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- 1) Should the structure be demolished and the site redeveloped, the approved variances will become null and void and the new structure will be expected to be developed to meet the codes at the time of review.
- 2) All other LDC requirements shall be met.
- 3) A maximum of 850-square feet of signage (not-inclusive of the ATM and the ground sign allowed to display the complex's name and branding) may be split among any current or future tenants, with no individual sign allowed to be greater than 32-square feet in area.

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the Local Planning Agency members who are eligible to vote, and
- 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the Town Clerk within 10 business days after the date of the Local Planning Agency decision, excluding holidays, only require one public hearing before the Local Planning Agency, and the Local Planning

The foregoing Resolution was adopted by the Local Planning Agency upon a motion by LPA Member Plummer and seconded by LPA Member Boan, and upon being put to a roll vote, the result was as follows:

Chair Cereceda	Aye
Vice-Chair Plummer	Aye
LPA Member Boan	Aye
LPA Member Dunlap	Aye
LPA Member Eckmann	Absent
LPA Member McLean	Aye
LPA Member Sudduth	Aye

ADOPTED this 11th day of February 2025 by the Local Planning Agency of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Anita Cereceda (May 7, 2025 16:10 EDT)

Anita Cereceda, Chair

ATTEST:


Amy Baker (May 9, 2025 16:21 EDT)

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 (May 7, 2025 19:38 EDT)

Nancy Stuparich, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 7th day of May 2025.