

**RESOLUTION NUMBER 25-28**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE 43 COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 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 Robert Burandt on behalf of LKLB of Florida Inc. is requesting use of an existing lot to provide 43 commercial parking spaces in the Downtown zoning district per Sections 34-2011(2)(a) and 34-2019(a) of the Town of Fort Myers Beach Land Development Code; and

**WHEREAS**, the STRAP number for the subject property is 19-46-24-W4-0060B.0100; 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 noticed and held before the Local Planning Agency (LPA) on December 10, 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/ is not consistent with the comprehensive plan and the requirements of the LDC and voted 5 to 2 recommending approval with conditions of the Special Exception; and

**WHEREAS**, on the 3<sup>rd</sup> day of February 2025 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 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

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 an LDO/ DO is applied for, or any structures are developed/ reconstructed.
2. 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.

3. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
4. Any violation of the conditions of approval shall render the special exception null and void.
5. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
6. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Woodson and seconded by Mayor Allers, 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 3<sup>rd</sup> day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*  
Dan Allers (Apr 26, 2025 07:03 EDT)

\_\_\_\_\_  
 Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
Amy Baker (Apr 29, 2025 13:48 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*  
Nancy Stuparich (Apr 29, 2025 13:19 EDT)  
 \_\_\_\_\_  
 Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 25<sup>th</sup> day of April 2025.

**Attachments:**

Site Map  
 Landscaping Plan

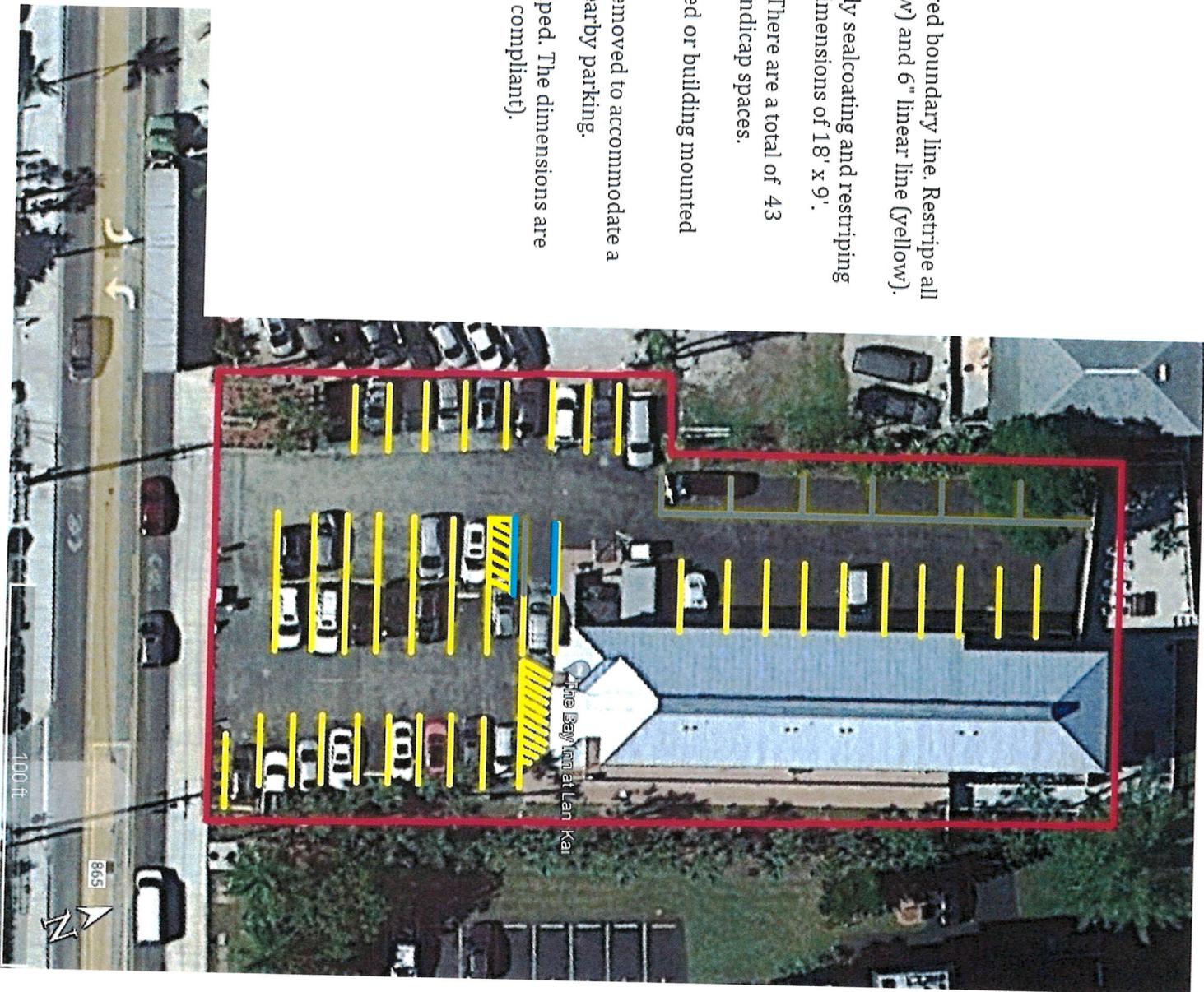
# Lani Kai

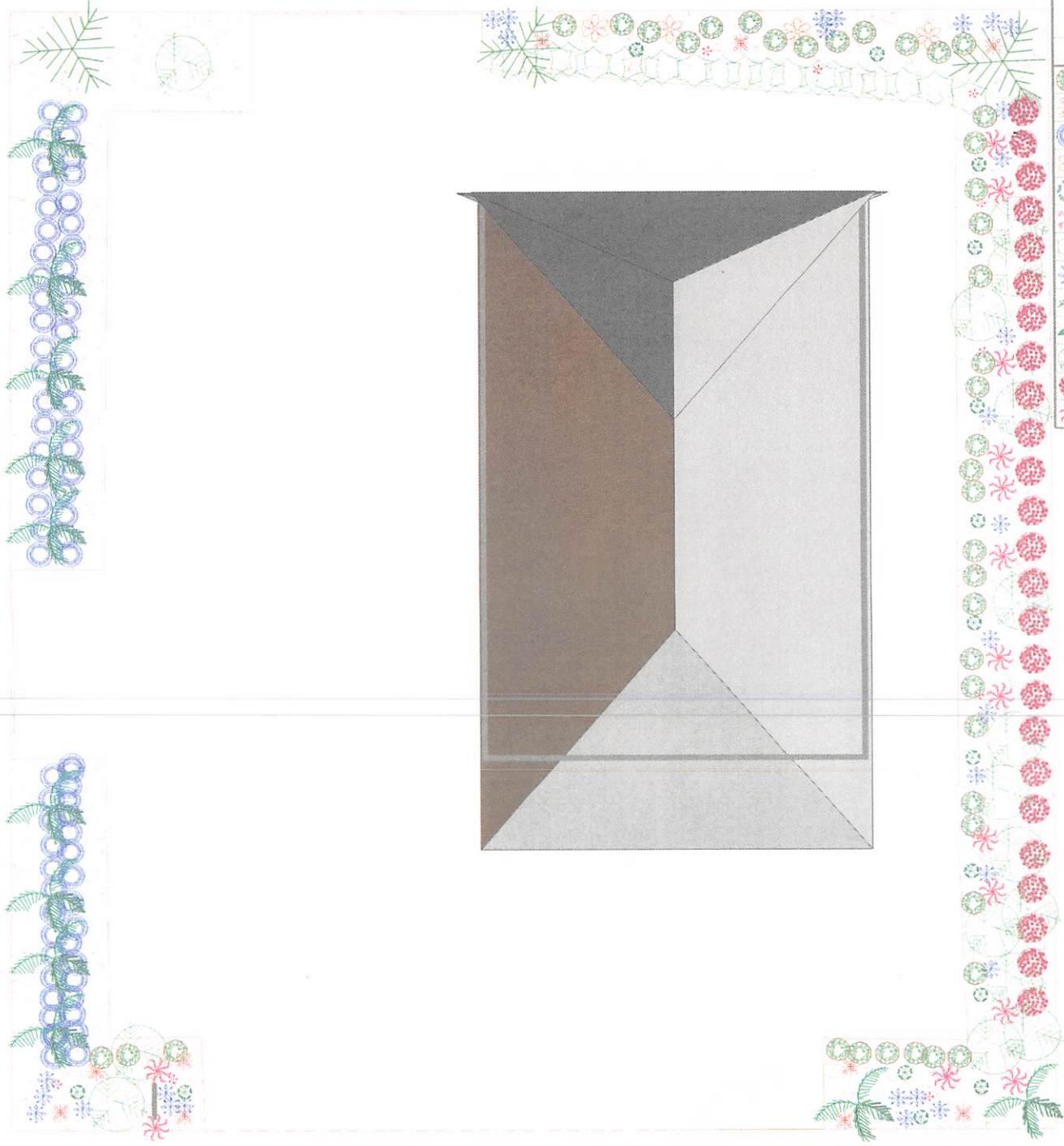
## Address:

1401 Estero Blvd  
Fort Myers, FL

## Work Description:

- Sealcoat parking lot within the red boundary line. Restripe all existing parking stall lines (yellow) and 6" linear line (yellow).
- No changes to parking lot, strictly sealcoating and restriping only. Each parking stall has the dimensions of 18' x 9'.
- The drive aisle width is 20 feet. There are a total of 43 regular parking spaces and no handicap spaces.
- We are adding zero pole mounted or building mounted lights on site.
- Parallel parking spaces will be removed to accommodate a wide enough drive aisle for the nearby parking.
- One (1) handicap stall will be striped. The dimensions are 18' x 12' with 5' access aisle (ADA compliant).





# LEGEND

## COMMON NAME

-  ARBORICOLA, VARIEGATED
-  BROMELIAD, SUN
-  BUTTONWOOD, SILVER
-  CORDYLINE, RED SENSATION
-  CROTON MAMMY
-  CROTON, PETRA
-  FICUS, GREEN ISLAND
-  IRIS, BLUE REGINA
-  PALM, CHRISTMAS
-  PALM, FOXTAIL
-  PALMETTO, BLUE
-  SEA GRAPE
-  TI PLANT

Landscape Design by: Weatherbee Inc.

**Greencare**

Landscape Plan: 01

**The Bay Inn at Lani Kai**

Scale:

1/16" = 1'

Revision #:

Date: 2/12/2025



# QUOTE #16663

SENT ON:

Feb 12, 2025

RECIPIENT:

**Michael Conidaris**

1400 Estero Boulevard  
Fort Myers Beach, Florida 33931

P.O. Box 131  
Estero, Florida 33929

Email: [comments@greencareusa.com](mailto:comments@greencareusa.com)

Website: [greencareusa.com](http://greencareusa.com)

Product/Service	Description	Qty.
Sea Grape Coccoloba uvifera	Labor, Materials and equipment to install Sea Grape Coccoloba uvifera	25
Buttonwood, silver - 3 gal.	Labor, materials and equipment to install silver buttonwood - 3 gal.	60
Bromeliad (Aechmea blanchetiana) 7 Gal.	Labor, Material and Equipment to install Bromeliad (Aechmea blanchetiana) 7 gal	14
Red Ti - 7 gal.	Labor, materials and equipment to install red ti - 7 gal.	18
Croton, Petra (Codiaeum variegatum) 3 Gal	Labor, materials and equipment to install Croton, Petra (Codiaeum variegatum) 3 Gal	24
Croton, Mammy - 3 gal.	Labor, materials and equipment to install Mammy Croton - 3 gal.	20
Foxtail Palm, single	Labor, materials and equipment to install single foxtail palm	12
Adonidia Palm, triple - 25 gal.	Labor, materials and equipment to install Adonidia Palm, Triple - 25 gal.	2
Green Island Ficus	Labor, material and equipment to install Green Island Ficus	40
Apostle Iris 3 Gal	Labor, Materials and Equipment to install Apostle Iris 3 Gal	28
Arboricola, (Schefflera arboricola) 'Trinette'- 3 gal.	Labor, materials and equipment to install Arboricola, (Schefflera arboricola) 'Trinette'- 3 gal.	40
Ti Plant "Black Magic" Cordyline 3 Gal	Labor, Materials and equipment to install Ti Plant "Black Magic" Cordyline 3 Gal	4
Mulch, Brown	Labor, materials and equipment to install brown mulch - 2 cu. ft. bag	350
Irrigation Parts	Irrigation Parts, controller, equipment and labor to provide proper coverage for new plantings	1