

**RESOLUTION NUMBER 25-55**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS VARIANCE VAR20240233 1) A VARIANCE TO REMOVE REQUIRED PARKING ASSOCIATED WITH THE USE OF THE LOT AS A 25-UNIT HOTEL/ MOTEL; AND 2) A VARIANCE TO REMOVE SITE DESIGN REQUIREMENTS SUCH AS PROVIDING LIGHTING FOR VEHICLE AND PEDESTRIAN USES, TURN-AROUND AREA SUFFICIENT TO ALLOW 90-DEGREE PARKING AT THE END OF A ROW, THE ABILITY TO TURN-AROUND AND EXIT THE LOT IN A FORWARD ORIENTATION, STACKING REQUIREMENTS, ADDITIONAL DRAINAGE AND PARKING LOT LANDSCAPE REQUIREMENTS AS DESCRIBED IN SEC. 10-416(C); 3) A VARIANCE TO REMOVE REQUIREMENTS WHICH LIMIT DRIVEWAY WIDTHS TO A MAXIMUM OF 25-FEET; AND 4) A VARIANCE TO ALLOW INTERNAL AISLE WIDTH FOR TWO-WAY TRAFFIC BE NO LESS THAN 22-FEET IN WIDTH. FOR THE PROPERTY LOCATED 1479 ESTERO BLVD.; 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 Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2020(d)(2)(e) to reduce the required parking for their 25-unit hotel/ motel to zero (0); and

**WHEREAS**, applicant Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2015 to remove requirements to provide sufficient lighting, on-site turn-around areas, vehicle stacking and compliant drainage and landscape design; and

**WHEREAS**, applicant Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2016(1) to remove requirements to provide a minimum 22-foot drive aisle for two-way traffic; and

**WHEREAS**, applicant Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2013 to remove limitations on the minimum and maximum width of driveways at the entrance/ exit; and

**WHEREAS**, the STRAP number for the subject property is 19-46-24-W4-0060B.0070; and

**WHEREAS**, the Property is located in the “Pedestrian Commercial” category of the Future Land Use Map of the Comprehensive Plan and 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 January 9, 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 1 recommending approval with conditions of the variances; and

**WHEREAS**, on February 3, 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 34-87 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 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 Town Council **APPROVES WITH CONDITIONS** the variances from Sec. 34-2020(d)(2)(e), 34-2015, 34-2016(1) and 34-2013.

Section 3. In approving with conditions the Variance, the Town Council 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 Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of these variances 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.
- B. The variance shall only apply to the lot as shown on the provided site plan. Demolition or substantial damage to the commercial structure shall render the variances to be null and void.
- C. Property owners shall develop a plan to engage with customers of the commercial lot no less than 40 foot into the property to allow for stacking that approximates requirements for lots which are developing gates within 100 feet of Estero Blvd.
- D. Requirements and agreements made in LDO20230196 including:
  - 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 Vice Mayor Atterholt, 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
Scott Safford, Council Member	Aye
Karen Woodson, 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 07:04 EDT)

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Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
Amy Baker (Apr 29, 2025 13:50 EDT)

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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 28, 2025 21:25 EDT)

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Nancy Stuparich, 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 Plan

Landscaping Plan

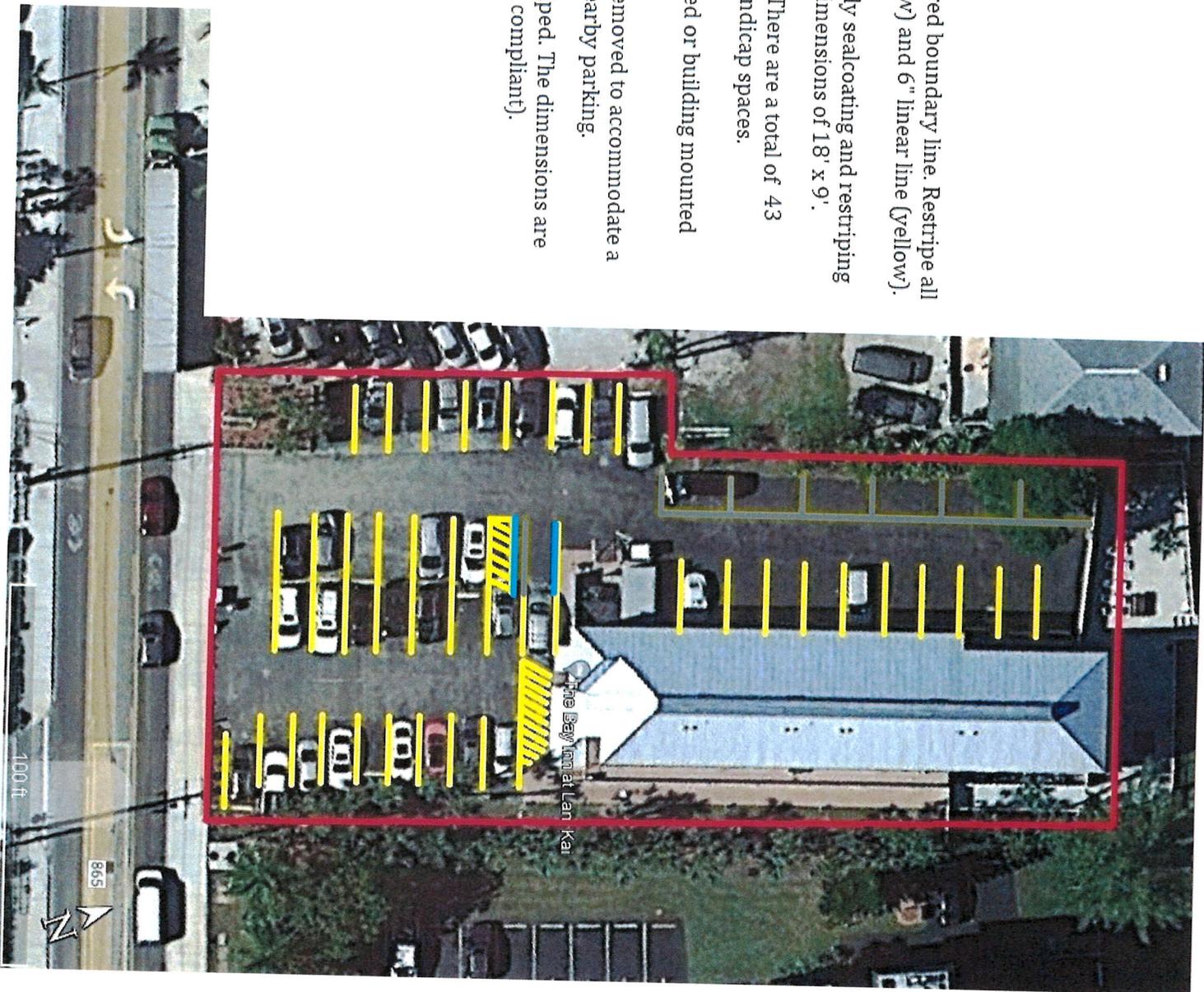
# Lani Kai

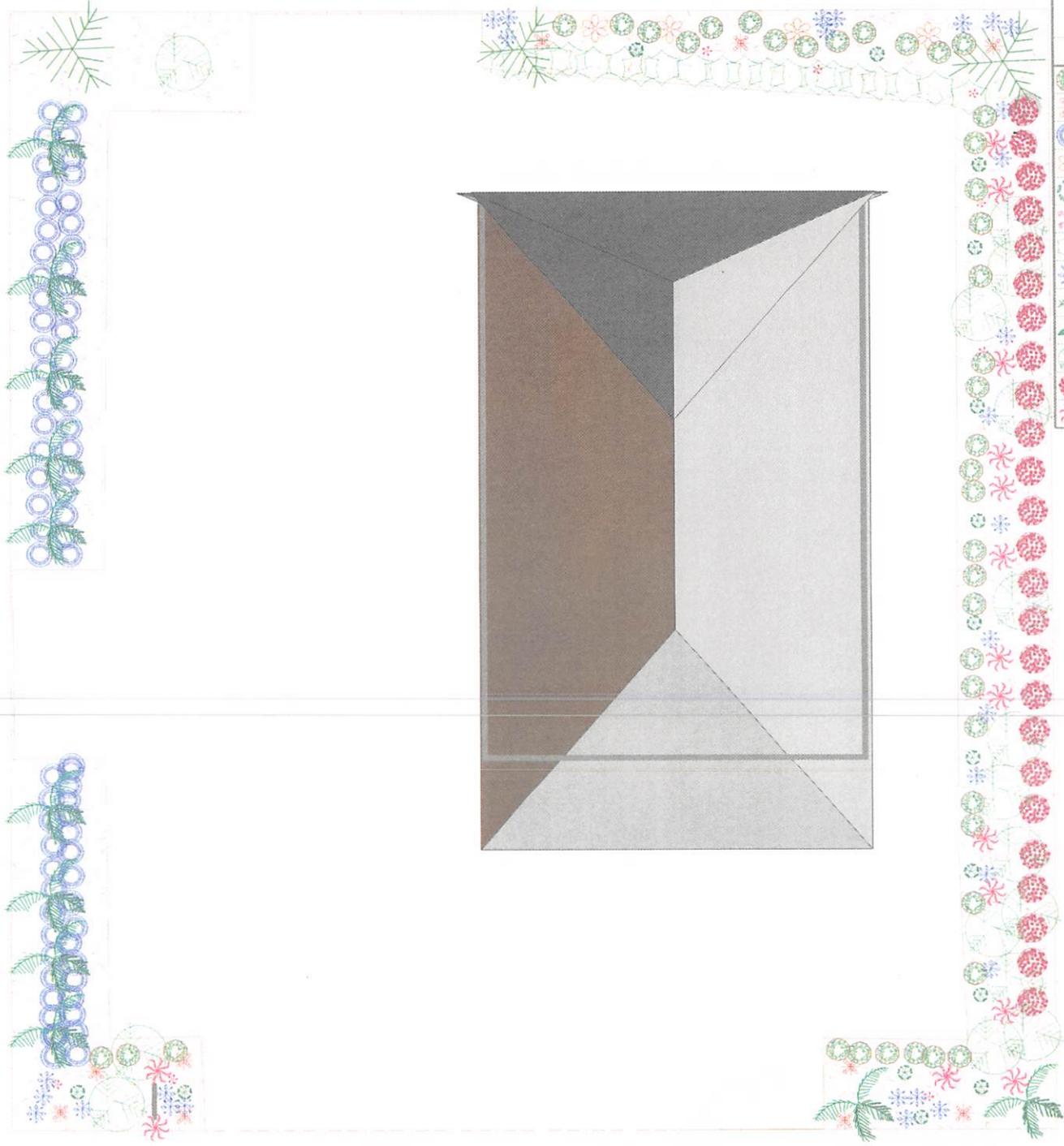
## Address:

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