

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 12-23
110 MANGO STREET REZONING

WHEREAS, Marylu Czulewicz, owner of the property located at 110 Mango Street, Fort Myers Beach, Florida has requested to rezone 0.126 acres from Residential Multifamily (RM) to Commercial Boulevard (CB); and

WHEREAS, the subject property is located in the Mixed Residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP for the property is 19-46-24-W3-0120D.0020 and the legal description for the property is Lot 2, Block D, Seagrape Subdivision, according to the plat thereof recorded in Plat Book 4 Page 17, of the Public Records of Lee County, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 11, 2012 at which time the LPA gave full and complete consideration to the rezoning requested by the Applicant, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on November 5, 2012, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2012-014, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-014 and the standards for granting planned development rezoning, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the request to rezone the subject property to the Commercial Boulevard (CB) zoning district.

FINDINGS AND CONCLUSIONS

Based upon the presentations by the Applicant, Staff, and other interested parties at the hearing, and a review of the application and standards for the conventional rezoning

approval, the Town Council makes the following findings and reached the following conclusions:

1. *Whether there exists an error or ambiguity which must be corrected.*

Staff finds that the rezoning from Commercial (C-1) to Residential Multifamily (RM) at the time of the Official Zoning Map adoption was an error that should be corrected.

APPROVE

2. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

Staff finds that changed conditions exist, namely that the existing structure has been used for commercial uses since before the Official Zoning Map adoption and continues to be used for commercial purposes and approval of the request is therefore appropriate. **APPROVE**

3. *The impact of a proposed change on the intent of Chapter 34 of the Fort Myers Beach Land Development Code.*

Staff does not anticipate that the proposed rezoning from RM to CB will have any negative impact on the intent of Chapter 34. **APPROVE**

4. *Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*

As discussed in the analysis section of the Staff Report, the request is generally consistent with the goals, objectives, policies, and intent as well the densities, intensities and general uses of Comprehensive Plan. **APPROVE**

5. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

The applicant has not submitted a plan for redevelopment with this request for rezoning. They have indicated to Staff no intention to change current uses on the subject property, merely a desire to return to a commercial zoning similar to the zoning category the subject property had prior to the Town's incorporation.

APPROVE

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

Urban services, including water, sewer and electricity, are available at the subject property, and are currently in use by the existing commercial tenant. **APPROVE**

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The property was originally developed in the 1920s as a residential cottage, and the property does not include any sensitive and/or environmentally critical land. **APPROVE**

8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

Due to the location of the subject property at the boundary between Mixed Residential and Boulevard Future Land Use categories, the existing restaurant use acts as a buffer between the more intense uses allowed in the Boulevard category and the mostly-residential, mixed uses that are allowed in Mixed Residential. **APPROVE**

9. *Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*

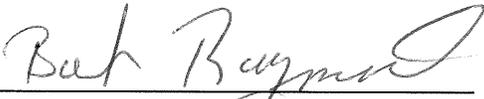
Since the restaurant use already exists, the rezoning of the property from RM to CB will not have any impact on traffic generation. **APPROVE**

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember List and seconded by Councilmember Kosinski, and upon being put to a vote, the result was as follows:

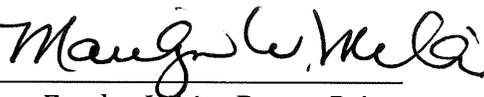
Bob Raymond, Mayor	AYE	Alan Mandel, Vice Mayor	AYE
Dan Andre, Councilmember	AYE	Jo List, Councilmember	AYE
Joe Kosinski Councilmember	AYE		

DULY PASSED AND ADOPTED THIS 5th day of NOVEMBER, 2012.

Town Council of the Town of Fort Myers Beach

By: 
Bob Raymond, Mayor

Approved as to legal sufficiency:

By: 
Fowler White Boggs, P.A.
Town Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk