

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2013-016
SEZ2013-0005 – Houseboat, LLC Special Exception

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested to add 'retail store, large,' as defined in LDC Chapter 34 with gross floor area in excess of 5,000 square feet, and 'parking lot, shared permanent' as special exception uses on the subject property; and

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

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case SEZ2013-0005 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the LPA on January 14, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-88.

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

The LPA recommends the Town Council **APPROVE** the requested special exception to add 'retail store, large,' as defined in LDC Chapter 34 with gross floor area larger than 5,000 square feet and 'parking lot, shared permanent' as approved uses on the subject property.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding approval of special exceptions, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. Changed or changing conditions **do** exist that make the requested approval, as conditioned, appropriate;
2. The requested special exception, as conditioned, **is** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan;
3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use;

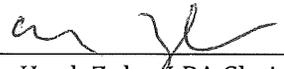
4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources;
5. The requested special exception, as conditioned, **will** be compatible with existing or planned uses and **will not** cause damage, hazard, nuisance or other detriment to persons or property;
6. The requested special exception, as conditioned, **will** in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member **Shamp** and seconded by LPA Member **Bodenhafer**, and upon being put to a vote, the result was as follows:

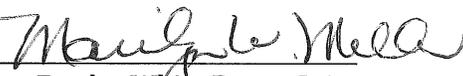
Hank Zuba, Chair	AYE	Joanne Shamp, Vice Chair	AYE
Al Durrett	AYE	John Kakatsch	AYE
Jane Plummer	AYE	Jim Steele	AYE
Chuck Bodenhafer	AYE		

DULY PASSED AND ADOPTED THIS **14th** day of **JANUARY, 2014**.

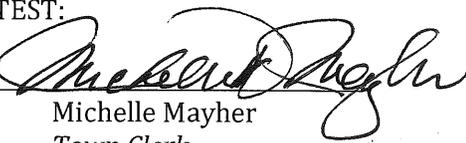
Local Planning Agency of the Town of Fort Myers Beach

By: 
 Hank Zuba, LPA Chair

Approved as to legal sufficiency:

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

ATTEST:

By: 
 Michelle Mayher
 Town Clerk

