

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-41

WHEREAS, Diamond Annex has filed a request to rezone from Commercial Planned Development (CPD), Commercial C-1 and Single Family Residential (RS-1) to Commercial Planned Development (CPD) to permit a maximum of 1,700 square feet of retail, 30 hotel units and consumption on premises with the building not to exceed 40 feet in height, on 0.66 total acres of land and for a density transfer under Policy 4-C-8 of the Town Comprehensive Plan; and,

WHEREAS, the subject property is located at 1999 and 2001 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as in Section 19, Township 46 South, Range 24 East, Lee County, Florida; and,

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 19-46-24-W4-0090B.0020 and 19-46-24-W4-0090C.0010; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 14, 2000, and they recommended that the Town Council deny the Applicant's request for a density transfer under Comprehensive Plan Policy 4-C-8 Density Transfer concerning the requested hotel rooms because the applicant has failed to show that the requested transfer of density would "clearly be in the public's interest" and failing such a finding the density request would violate the Comprehensive Plan.

WHEREAS, a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.

- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.
- k. Whether the transfer is clearly in the public interest.
- l. Whether the parcels affected are in close proximity to each other.
- m. Whether the transferred density is based upon allowable density levels of the donor property.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS DENIED.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

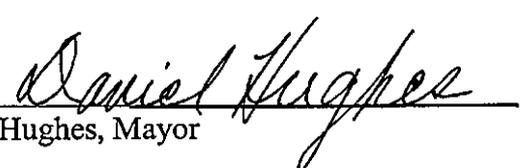
Dan Hughes	aye
Garr Reynolds	aye
Ray Murphy	aye
Terry Cain	aye

APPLICATION DULY ~~GRANTED~~/DENIED this 11th day of December, 2000.

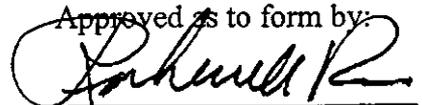
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Dan Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney