

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2007- 08

WHEREAS, applicant Carol S. Ferreri has requested a Special Exception in the Environmentally Critical (EC) and Residential Single-family (RS) zoning district s to permit the construction of a 4-- four-foot aluminum and vinyl-coated chain link fence with five-foot concrete piers on the subject property; and

WHEREAS, the subject property is located at 7840 Estero Blvd., Ft. Myers Beach, FL, with a current STRAP number of 03-47-24-W4-00017.0000, with a legal description attached as Exhibit "A" and incorporated herein; and

WHEREAS, a public hearing was advertised and held before the Local Planning Agency (LPA) on March 20, 2007, and then continued to April 24, 2007 and May 15, 2007; and

WHEREAS, at the hearings on March 20, 2008, April 24, 2007, and May 15, 2007, the LPA gave full and complete consideration to the recommendations of staff, the documents in the file, the request of applicant and the testimony of all interested persons.

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

Based upon the presentations by the Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for granting special exceptions, the LPA recommends the following findings and following conclusions for consideration by the Town Council:

1. The LPA recommends that the Town Council deny applicant's request for a special exception to permit the construction of a 4-- four-foot aluminum fence with five-foot concrete piers on the subject property.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of Sections 34-84 and 34-88 of the LDC regarding consideration of eligibility for a Special Exception, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. There do not exist changed or changing conditions that would make approval of this request appropriate.
2. The requested special exception as conditioned:

- a] is not consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- b] does not meet or exceed all performance and locational standards set forth for the proposed use.
- c] does not protect, conserve or preserve environmentally critical areas and natural resources
- d] will not be compatible with existing or planned uses
- e] will cause damage, hazard, nuisance or other detriment to persons or property; and
- f] will not be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the LDC.

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

Tom Babcock AYE
Evie Barnes AYE
Rochelle Kay ABSENT

Alan Mandel AYE
Bob Raymond NAY
Bob Simon AYE

Dennis Weimer AYE

DULY PASSED AND ADOPTED THIS 15th day of May, 2007.

LPA of the Town of Fort Myers Beach

By: Robert H. Simon
Bob Simon, LPA Vice Chair, for
Tom Babcock, LPA Chair

Approved as to legal sufficiency:

By: Anne Dalton
Anne Dalton, Esquire
LPA Attorney

ATTEST:

By: Michelle D. Mayher
Michelle D. Mayher, Town Clerk