

RESOLUTION NUMBER 23-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA REGARDING APPLICATION SEZ-20220120, FOR A SPECIAL EXCEPTION APPROVING WITH CONDITIONS A WORK/ LIVE USE FOR THE PROPERTY LOCATED AT 6875 ESTERO BOULEVARD; 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, Ahmad R. Kareh, on behalf of applicant Lemos Unlimited, LLC (“Applicant”), owner of the property located 6875 Estero Boulevard, is requesting a Special Exception approval for Work/ Live use pursuant to Section 34-88 of the Fort Myers Beach Land Development Code (“LDC”); and

WHEREAS, the STRAP number for the subject property is 03-47-24-W1-00002.0020 and the legal description of the subject property (“Property”) is attached as *Exhibit A*; and

WHEREAS, the Property is in in the “Commercial Office” zoning district on the Official Zoning Map and “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan 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 February 14, 2023, at which 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 34-88 of the LDC.

WHEREAS, on March 6, 2023, 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 Section 34-88 and 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 special exception.

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 Variance does meet the requirements of the Town Comprehensive Plan and LDC and approving the Special Exception is in the best interest of the Town to approve. 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 special exception for the use of the Property for Work/ Live use pursuant to Section 34-88 of the Fort Myers Beach Land Development Code (“LDC”)

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval with conditions of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets or exceeds all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

Section 4. If the Town Council approves with conditions the requested special exception, the following conditions of approval are imposed on the Applicant and the Property:

- A. The applicant must provide Community Development staff a buffer-planting plan, prior to issuance of building permits, which maintains and improves the existing greenspace and trees, while increasing the buffer/screening areas which are adjacent to the multi-family properties on the North, East and South-East property lines.
- B. Outdoor storage shall not be allowed.
- C. Manufacturing, assembly, and other intensifications which would change the approved use as General Office will not be allowed.
- D. No deliveries are allowed outside of generally established business hours of 7:30 AM to 5:30 PM Monday through Friday

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Veach 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	Aye
Bill Veach	Aye
Karen Woodson	Aye

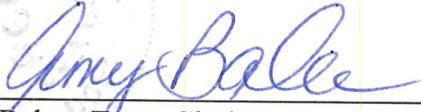
ADOPTED this 6th day of March 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL



Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**


John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 21 day of March 2023.