

**RESOLUTION NUMBER 25-152**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20250033 TO ALLOW REPLACEMENT OF EXISTING RIPRAP, ALUMINUM FENCES, SIDEWALKS, POOL, AND POOL DECK WITH A 494 SQ. FT. POOL DECK EXPANSION IN THE EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 7150 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND 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**, applicant Lloyd M Welker on behalf of owner Creciente Condo South, is requesting a special exception to allow replacement of riprap, aluminum fences and pool deck with 494 sq. ft. pool deck extension in Environmentally Critical zoning district seaward of 1978 CCCL; and

**WHEREAS**, the STRAP number for the subject property is 03-47-24-W1-02400.8000; and

**WHEREAS**, the Property is located in the “Mixed Residential” and “Recreation” category of the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS**, the Property is located in the “Multi-family Residential” and the “Environmentally Critical” zoning district of the Official Zoning Map 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 April 29, 2025, and at said hearing 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. The LPA found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted 7 to 0 recommending approval with conditions of the Special Exception; and

**WHEREAS**, on May 19, 2025 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 34-88 of the LDC; and

**WHEREAS**, the Town Council determined it is in the best interest of the Town to approve/approve with conditions/deny the request.

**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 Applicants **did** meet their burden of proof that the requested Special Exception **does** meet the requirements of and is consistent with the Town's 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 Applicants, Town staff, and interested parties and public, the Town Council **APPROVES WITH CONDITIONS** the special exception request to allow replacement of riprap, aluminum fences and pool deck with an additional 494 sq. ft. pool deck expansion in Environmentally Critical zoning district seaward of 1978 CCCL.

Section 3. In **approving with conditions** 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 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 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; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC: Any repairs must comply with all relevant local and state floodplain regulations.

- A. Repairs may not damage existing dunes or dune vegetation.
- B. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- C. A new special exception must be applied for each time the structure is repaired.

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

- A. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- C. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- D. The applicant will work with the Town's Environmental Manager to ensure coordination of construction during sea turtle season.
- E. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Counselor King and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	<u>Nay</u>
Jim Atterholt, Vice-Mayor	<u>Aye</u>
John R. King, Council Member	<u>Aye</u>
Karen Woodson, Council Member	<u>Aye</u>
Scott Safford, Council Member	<u>Aye</u>

ADOPTED this 19<sup>th</sup> day of May 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

Dan Allers  
Dan Allers (Jun 4, 2025 12:26 EDT)

Dan Allers, Mayor

**ATTEST:**

Amy Baker  
Amy Baker (Jun 6, 2025 1:04 EDT)

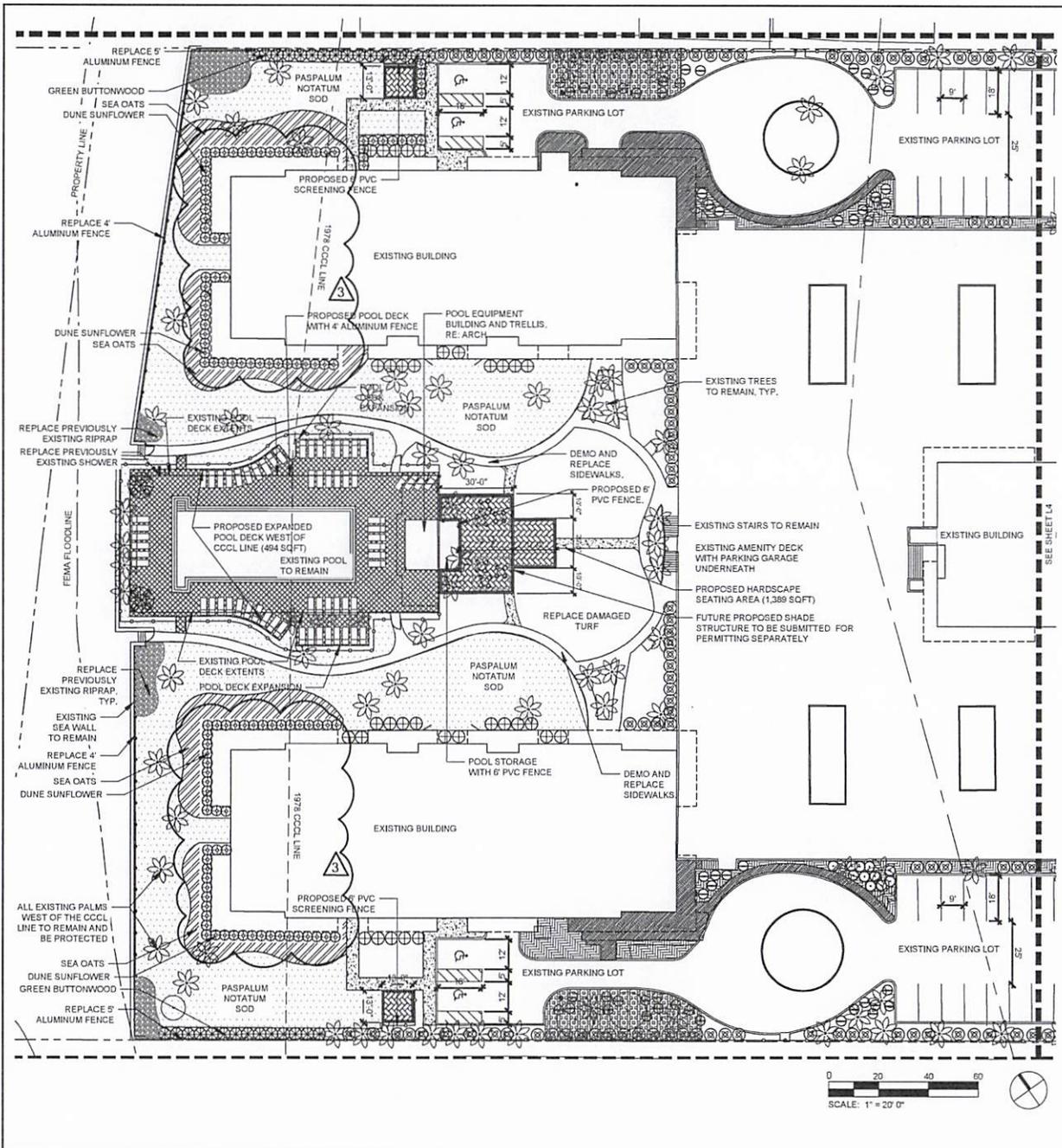
Amy Baker, Town Clerk

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

M. S. H.  
M. S. H. (Jun 6, 2025 07:02 EDT)

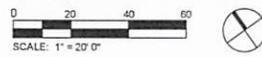
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 5<sup>th</sup> day of June 2025.



PLANT SCHEDULE				
CODE	CODE	QTY	BOTANICAL NAME	COMMON NAME
<b>TREES</b>				
(Symbol)	CON SER	6	CONOCARPUS ERECTUS F. SERICEUS	SILVER BUTTWOOD
<b>EXISTING TREES</b>				
(Symbol)	EXT PAL	124	EXISTING PALM	EXISTING PALM
(Symbol)	EXT TRE	4	EXISTING TREE	EXISTING TREE
<b>SHRUBS</b>				
(Symbol)	CHR ICA	52	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCO PLL
(Symbol)	CLU GUT	160	CLUSIA GUTTIFERA	SMALL LEAF CLUSIA
(Symbol)	CON ERE	30	CONOCARPUS ERECTUS	BUTTONWOOD
(Symbol)	HEL DEB	118	HELIANTHUS DEBILIS	DUNE SUNFLOWER
(Symbol)	ZAM INT	108	ZAMIA INTEGRIFOLIA	COONTIE
<b>EXISTING SHRUB</b>				
(Symbol)	EXT SHR	43	EXISTING SHRUB	EXISTING SHRUB
<b>SHRUB AREAS</b>				
(Symbol)	UN# SE2	386	UNIOLA PANICULATA	SEA OATS
<b>GROUND COVERS</b>				
(Symbol)	ERN LIT	185	ERNODEA LITTORALIS	GOLDEN CREEPER
(Symbol)	PAS VAG	17,684 SF	PASPALUM VAGINATUM	SEASHORE PASPA
<b>TURF</b>				
(Symbol)	PAS NOT	1,468 SF	PASPALUM NOTATUM	BAHAGRASS

PAVING SCHEDULE	
DESCRIPTION	
(Symbol)	CONCRETE PAVING
(Symbol)	CONCRETE FLUSH CURB
(Symbol)	POOL DECK PAVING
(Symbol)	PEDESTRIAN PAVER
(Symbol)	STAMPED CONCRETE
(Symbol)	FLAGSTONE PAVER WITH SHELL FILL



MEAD LANDSCAPE DESIGN  
 LANDSCAPE DESIGN  
 1801 11th St. South  
 Ft. Lauderdale, FL 33315

CONSULTANTS

OWNER

**CRECIENTIE CONDOS**  
 7150 ESTERO BLVD  
 FORT MYERS BEACH, FL 33931



REVISIONS	
NO.	DATE

SHEET INFORMATION	
DATE	DATE
08/30/2024	
JOB NUMBER	1133.02
DRAWN BY	CE
CHECKED BY	TM



**Sunshine 811**

SITE PLAN

L5

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