

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-43

WHEREAS, Derrick Christy (Applicant) has requested the Town Council rezone an approximately 0.67+/- acre parcel from Commercial Resort (CR) and Residential Multi-family (RM) to Residential Planned Development (RPD) to allow the redevelopment of a project named Bella Beach Villas; and

WHEREAS, the Applicant for the proposed Bella Beach Villas RPD requests approval of 1 building of approximately 9,602 square feet, with 10 residential units, a swimming pool and a shuffleboard court, with a height not to exceed 25 feet above base flood elevation and 3 stories high. The redevelopment would be under the provisions of the pre-disaster build back policy of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the subject property is located at 4501 & 4545 Estero Blvd, Fort Myers Beach, in Section 29, Township 46 South, Range 24 East, Estero Island, Lee County, Florida, and Applicant has indicated the property's current STRAP numbers are 19-46-24-W3-0120A.0100 and 19-46-24-W3-01302.0000 with the legal description attached hereto as Attachment "A" and hereby incorporated by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on December 12, 2006 and continued to February 13, 2007, at which time it was not heard since the revised Master Concept Plan was not received by the Town until May 24, 2007. The LPA held the public hearing, following legal advertisement, on October 16, 2007, at which time the LPA recommended the Town Council approve the rezoning of the subject property from CR and RM to RPD, with further recommendations, conditions, and deviations as set forth in LPA Resolution 2007-21; and

WHEREAS, following proper notice, the Town Council held a hearing on this matter on November 19, 2007, at which time the Town Council gave full and complete consideration to the recommendations of staff, the LPA resolution, the documents in the file, and the testimony of all interested persons; and

WHEREAS, at the conclusion of Town Council deliberations, Councilmember Meador made a motion (1) to approve Applicant's request to rezone the subject property from CR and RM to RPD and (2) to approve redevelopment of the subject property with residential multi-family units not to exceed a maximum of 10 units and not to exceed a total of 9,800 square feet and further approve deviations 3 and 4 as set forth in the staff report. This motion was seconded by Vice Mayor Kiker. The motion failed 3-2, with Councilmember Meador and Vice Mayor voting in favor of the motion and Mayor Boback, Councilmember Shenko and Councilmember Acken voting against the Motion.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

The Town Council **FAILED TO APPROVE** the Applicant's request to rezone the subject property from CR and RM to RPD. The Town Council further **FAILED TO APPROVE** redevelopment of the subject property with a building limited to 4,902 square feet interior

area and up to 10 residential units. Pursuant to Town of Fort Myers Beach Land Development Code Section 34-84 (3) (d), the application being considered is deemed to have been denied and, as set forth in LDC Section 34-84(4) (a) (1), such denial is with prejudice.

AS DETERMINED THIS 19TH DAY OF NOVEMBER, 2007, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: *Dennis C. Boback*
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: *Anne Dalton*
Anne Dalton, Esquire
Town Attorney

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



METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
TOWN OF FT. MYERS BEACH, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING LOTS 4 AND 5 AND PART OF LOTS 1 THROUGH 3, BLOCK "F", HYDE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 20, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK "F", BEING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF ESTERO BOULEVARD AND THE NORTHWESTERLY RIGHT-OF-WAY OF STRANDVIEW AVENUE; THENCE N.52°02'10"W. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 249.80 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, BLOCK "F"; THENCE N.44°45'18"E. ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF GULFVIEW AVENUE FOR 120.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK "F"; THENCE S.52°02'10"E. FOR 124.25 FEET; THENCE S.49°17'26"E. FOR 124.04 FEET TO AN INTERSECTION WITH AFORESAID NORTHWESTERLY RIGHT-OF-WAY OF STRANDVIEW AVENUE; THENCE S.44°22'50"W. ALONG SAID RIGHT-OF-WAY FOR 114.02 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.67 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE COASTAL CONSTRUCTION CONTROL LINE AS BEARING N.53°27'39"W.

METRON SURVEYING & MAPPING, LLC
 FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

SCOTT W. SHORE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5743

8-10-2006

RECEIVED

AUG 22 2006

COMMUNITY DEVELOPMENT

SHEET 1 OF 2

APPROVAL
LEGAL

DCI 2006-00069 8/24/06

4945sk.dwg

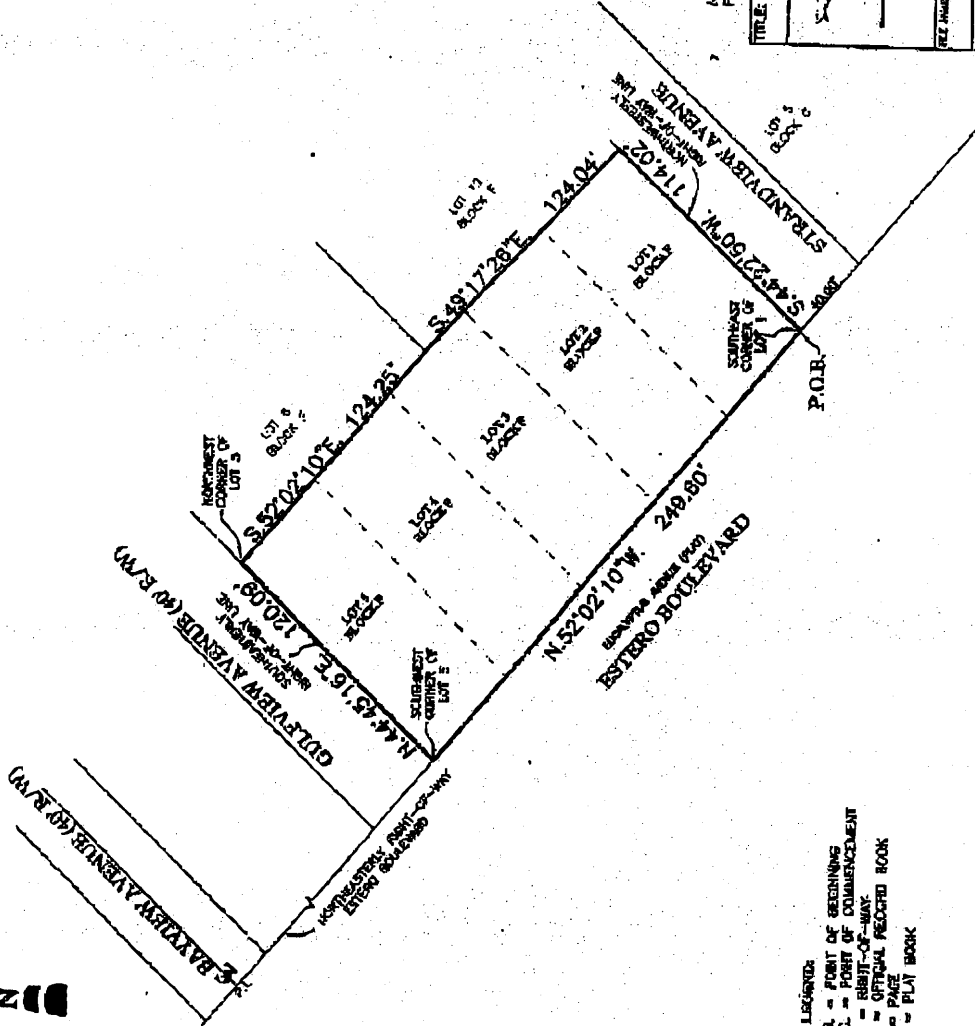
10970 S. CLEVELAND AVE., SUITE #605 • FORT MYERS, FLORIDA 33907 •
 PHONE (239) 275-8575 • FAX (239) 275-8457
 www.metronfl.com

ATTACHMENT A

plg 2

SKETCH TO ACCOMPANY DESCRIPTION

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *



RECEIVED
AUG 22 2006
COMMUNITY DEVELOPMENT

APPROVED LEGAL
APPROVED LEGAL
NOI 2006-00069

* THIS IS NOT A SURVEY *

BY: SCOTT W. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 157 5743

DATE SIGNED: 8/22/06

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH OF DESCRIPTION

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS - FLORIDA
LSM 7871

10070 S. CLEVELAND AVENUE
SUITE 100
FORT MYERS, FLORIDA 33907
PHONE (888) 275-1078
FAX (888) 275-1077
www.metronllc.com

FILE NO.	43-0558-DNR	TITLE	THIS SURVEY	PROJECT NO.	08-45	DATE	8/22/06
DATE	05-10-2008	SCALE	1" = 80'	CREATED BY	SMS	DATE	8/22/06
				SHEET NO.		28-45-24	

ATTACHMENT A *pg 2*