

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 01-06

WHEREAS, Mid Island Marina, Inc., in ref. To Publix Super Market, Inc., CPD has filed a request to amend the CPD zoning approved in zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town's LDC section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign; and,

WHEREAS, the subject property is located at 4791 Estero Blvd., Ft. Myers Beach, Florida, and the applicant has indicated the property's current STRAP number is: 28-46-24-W4-00001.0040; and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and recommended the Town Council approve the Applicant's request to amend the existing Commercial Planned Development zoning to add two deviations with the conditions and deviations as recommended on Pages 2-3 of the Staff Report dated December 29, 2000 which is attached hereto and incorporated herein by reference and one additional condition that requires that all existing temporary signs including but not limited to a mailbox sign are removed prior to completion of the additional requested ground sign; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that the following exist:

- a. That there are/not exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
- c. That the variance is/not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;
- d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

e. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS DISAPPROVED/APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested:

1. The development of this project must continue to be consistent with the original zoning approvals contained in Resolutions Z-98-11 and Z-98-11a.
2. The approved sign must be developed in compliance with the submitted sign plan received on October 31, 2000.
3. The sign must be designed with internal illumination and sign panels with opaque backgrounds and white letter copy.
4. The sign must be located to provide adequate and safe line-of-sight at the driveway entrance for vehicles and pedestrians entering and leaving.
5. All existing temporary signs, including but not limited to a mailbox sign, are to be removed prior to completion of the requested ground sign and may not be replaced.

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

Daniel Hughes	aye
Garr Reynolds	aye
Ray Murphy	aye
Terry Cain	aye
Howard Rynearson	aye

APPROVED this 12<sup>th</sup> day of February, 2001.

ATTEST:

By:   
Marsha Segal-George, Town Clerk

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By:   
Daniel Hughes, Mayor