# Fort Myers Beach Local Planning Agency

**Bay Oaks Recreational Center**
**2731 Oak Street**
**Fort Myers Beach, FL 33931**

**Agenda** **Tuesday, January 9, 2024** **9:00 AM**

## ORDER OF BUSINESS

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF MINUTES**

A. Local Planning Agency - December 19, 2023

**V. PUBLIC COMMENT**

**VI. PUBLIC HEARINGS**

A. SEZ 20230302 to request a special exception for COP, 450 Harbor Ct
**Recommended by staff for a continuance to February 13, 2024 of SEZ20230302 for COP at 450 Harbor Court**

B. DCI Rezoning 20230160, 1301 Estero Blvd.
**A CPD with deviations for the redevelopment of a convenience store at 1301 Estero Blvd.**

C. VAR20230233, 11 Palmview Blvd.
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230233, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 11 PALMVIEW BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

D. VAR20230299, 122 Falkirk St.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230299, A VARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED STREET SETBACK BY 11 FEET FROM THE REQUIRED 25 FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 122 FALKIRK STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

E. SEZ20230278, 7400 Estero Blvd

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230278 TO ALLOW RECONSTRUCTION OF A POOL DECK, WALKWAYS, AND FENCE, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

F. SEZ20230226, Pink Shell Resort Pool and Beach Amenities

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**VII. ADMINISTRATIVE AGENDA**

**VIII. LPA MEMBERS ITEMS/REPORTS**

**IX. LPA ATTORNEY ITEMS/REPORTS**

**X. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

**XI. ITEMS FOR NEXT MONTHS AGENDA**

**XII. ADJOURNMENT**

**NOTE: THIS MEETING IS STREAMED LIVE ON FACEBOOK AND YOUTUBE.**

**IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.**



**For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202**

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

# Fort Myers Beach Local Planning Agency

**Diamondhead Beach Resort**
**2000 Estero Blvd.**
**Fort Myers Beach, FL 33931**

**Minutes** **Tuesday, December 19, 2023** **9:00 AM**

**ORDER OF BUSINESS**

## DRAFT

### I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Eckmann, LPA Member Safford, LPA Member Sudduth (via phone), LPA Member Plummer and LPA Member Vanasse.

LPA Member Plummer moved to approve LPA Member Sudduth's participation via phone; seconded by LPA Member Vanasse.
The motion carried unanimously.

### II. INVOCATION

Chair Cereceda.

### III. PLEDGE OF ALLEGIANCE

### IV. APPROVAL OF MINUTES

A. Local Planning Agency - November 14, 2023
LPA Member Plummer moved to approve the minutes; seconded by LPA Member Eckmann.
The motion carried unanimously.

### V. PUBLIC COMMENT

Dale Bonnema, resident, commented that the Moss Marina application was nothing like Margaritaville because Moss Marina was zoned commercial marina with limited uses. He noted that Moss Marina had been a good neighbor until they allowed the Rude Shrimp to set up on their property and play loud music. He stated that they were deceptive with their application and that the bar included outdoor entertainment. He requested that the LPA oppose any application for consumption on premises and outdoor entertainment.

## VI. PUBLIC HEARINGS

A. TPI FMB Ordinance Amendment DCI 202300227

**APPROVE/ APPROVE WITH CONDITIONS/ DENY AN APPLICATION FOR 1170 ESTERO BLVD (INCL. ALL ASSOCIATED MARGARITAVILLE CPD PROPERTIES)(DCI-20230227), REQUESTING AN AMENDMENT OF ORD. 18-04 TO CONDITIONS OF APPROVAL' #6; #12 (F) AND (G); AND #18 (A) AND (B).**

LPA Member Safford recused himself due to a conflict and submitted Form 8b to the Town Clerk. Ex parte communications: Chair Cereceda - spoke to John Richard and emailed Tom Torgerson and LPA Member Plummer - spoke to John Richard. No disclosures from other members.

LPA Member Plummer moved to accept Steve Hartsell as an expert; second by LPA Member Eckmann.

The motion carried unanimously.

The applicant confirmed receipt of a copy of the agenda and materials. Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. The staff did not have a recommendation one way or the other because the restaurant was new, but they felt the request was consistent with the Comprehensive Plan. Staff requested clarification regarding whether there was a difference between the Beach Club and the Aquatic Venue and a new map of the different areas. The applicant also requested extended hours for the COP (Consumption on Premise) areas until 11:00 p.m.

Attorney Steve Hartsell from the Pavese Law Firm represented the applicants. He utilized PowerPoint for his presentation. Slides included a Location Map and Mr. Hartsell explained that the Aquatic Venue was the pool area; Amendments to Condition #7; Amendments to Condition #12 f. and g.; Amendments to Condition #18 b.; MCP Sheet Number Corrections and Conclusion. Attorney Hartsell clarified that the pool part of the Beach Club area was limited to 9:00 p.m. and the amendment would be for days when private events had been scheduled for the Beach Club area and the aquatic venue was closed for those events. Chair Cereceda noted that there could be a private event or multiple private events every day of the year. Mr. Hartsell replied that the idea was with the closure of the aquatic venue, the area was largely unoccupied, and the goal was to allow private events in that area.

LPA Member Eckmann questioned the lighting for sea turtles and wondered if that concern had been addressed. Attorney Hartsell was unaware of anything that would allow light from the area to exceed standards for sea turtles. LPA Member Plummer questioned where the amplified music would be located. Mr. Hartsell responded that speakers were part of the Beach Club deck area for ambient background music.

Planner Propst read the definition of a special event and noted most of the events at the property would be considered private gatherings.

Public comment:
John McClain, resident, was concerned about allowing extended use of the Beach Club. He was not opposed to using that property but felt the request was stretching the original intent.
Public comment closed.
Senior Planner Smalley questioned whether the sand area in Parcel 5 would take on some of the guests during off hours. Mr. Hartsell stated that there was a fence separating Parcel 2 and Parcel 5. He indicated they were asking for an extension of two hours when the aquatic part of the Beach Club area was shut down.
Town Clerk Baker stated that John Richard and Dorie Smith sent a letter that would be entered into the record. She also received an email in opposition from residents Thomas, Christine and Darby Patton, which will be entered into the record.
LPA Member Vanasse questioned whether they would table the issue to come back with a plan for mitigation measures to address some of the concerns regarding music and other matters. Chair Cereceda indicated the concerns were about using the whole Beach Club past 9:00 p.m. LPA Member Plummer shared her positive experiences at the Lah De Dah Bar and Grill.
LPA Member Vanasse noted he would like plans for mitigating the sound. LPA Member Eckmann suggested limiting private events to a specific number of people. LPA Member Sudduth mentioned restricting the use of the pool.
LPA Member Plummer agreed with the mitigation of the location and sound. LPA Member Boan requested clarification of a private event with or without conditions and the use of amplified music related to Parcel 2. Chair Cereceda suggested that it could be continued to a date certain, or they could approve the script errors and then deny or approve the rest with conditions related to stipulations. Attorney Hartsell preferred a recommendation of approval from the LPA with the specific conditions addressed. LPA members Vanasse, Sudduth, Plummer and Boan supported recommending approval with a list of conditions and LPA Member Eckmann preferred to table it for more precise discussions. Chair Cereceda summarized the seven conditions discussed above. LPA Member Vanasse added that John Richard's letter generally supported the request, but Mr.
Richard did not support the extra hour of amplified music and preferred that it end at 9:00 p.m.

Chair Cereceda moved to approve the ordinance amendment with the following conditions: #6 and #18a. are approved as distributed as they are corrections of page numbers and script; #12 f. and g. pertain to the extended hours and amplified music and the conditions are as follows: a mapped plan of how mitigation will occur for special or private events at the venue and define private events, define compliance with the sea turtle ordinance in respect to extended hours and lighting; a clear map identifying the aquatic venue/pool and the beach venue area; create a private event capacity limit;

amplified music would be limited to 10:00 p.m. but the operation may extend to 11:00 p.m.; for #18 a. and b., which is an extension of COP, those would be to approve given the preceding conditions to coincide; seconded by LPA
Public comment:
Sigrid Franz, Secretary of the Sandarac II Association, questioned which side of the building the generator would be located. Ms. Stewart replied that it was on the Sandarac side and approximately 24 feet from the property line. She added that tall landscaping would be planted for screening.
Public comment closed.

LPA Member Vanasse moved to approve the resolution with the finding that it met the criteria, including the conditions recommended by staff; seconded by LPA Member Eckmann.
The motion carried unanimously by roll call vote.

B. VAR20230162, 21391 WIDGEON TERRACE

**RESOLUTION NUMBER 24-185: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

Chair Cereceda read the title of the resolution. No ex parte communications. Planner Propst reviewed the background of the request as stated on the yellow sheet. After another review before the meeting, she changed the staff position to a recommendation of approval for the water body setback variance request. LPA Member Sudduth owned the property at one point and stated this location was the only place a pool would fit.
The LPA confirmed Planner Propst as an expert.
The applicant received a copy of the agenda and materials.
Attorney Robert Burandt represented the applicant and reviewed the background of the request. He stated they received approval from the EPA (Environmental Protection Agency). Attorney Burandt asked that the approval be granted. The applicant, Don Plaisted, commented that he started the process before the rules changed and hoped the LPA would take that into consideration. Attorney Burandt listed the modifications Mr. Plaisted made as requested by the staff.
No public comment.

LPA Member Vanasse moved to recommend it for approval and it met the variance criteria and inclusive of the two conditions by staff; seconded by LPA Member Plummer.
The motion carried unanimously by roll call vote.

C. VAR20230264 for 5350 Estero Blvd

**RESOLUTION NUMBER 23-186: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING VARIANCE VAR20230264 TO DECREASE THE REQUIRED 15-FOOT SIDE YARD SETBACKS BY 8.5 FEET TO ALLOW 6.5-FOOT SIDE SETBACKS, FOR THE COMMERCIAL RESORT ZONED PROPERTY AT 5350 ESTERO BLVD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.**

Chair Cereceda read the title of the resolution. No ex parte communications. Planner Propst reviewed the background of the request as stated on the yellow sheet.
Tyler Knafelc, Pre-construction Project Manager for Homebound, represented the applicant. He stated that the lot was 45 feet and the proposed home was 32 feet wide.
No public comment.
LPA Member Eckmann moved to recommend approval based on compliance with the requirements, it was consistent with the recommendation of staff and the applicant could apply for a rezoning, but it would take a lot of work; seconded by LPA Member Plummer.
The motion carried unanimously by roll call vote.

## VII. ADMINISTRATIVE AGENDA

No items.

## VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Vanasse questioned the timing of the light at Margaritaville and LPA Member Safford agreed that something needed to be done with it. Senior Planner Smalley replied that the FDOT (Florida Department of Transportation) was taking the lead on the timing and Town Manager Hyatt would work with them to correct the situation. LPA Member Vanasse thanked Margaritaville for allowing the beach kids to use their facility. He also thanked the Beach Kids Foundation for the ceremony.
Chair Cereceda requested that Items for Next Month's Agenda include agenda management-type items. She proposed adding a comprehensive discussion regarding parking in the downtown core. LPA Member Vanasse agreed. Planner Propst commented that the Town Council requested that she evaluate parking using ITE (International Traffic Engineer) and other communities to determine if the town's parking quantities aligned with the standard. She was still working on the evaluation and felt that a joint meeting would be beneficial.
No items from other members.

## IX. LPA ATTORNEY ITEMS/REPORTS

No items.

## X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

A. Development Agreements

LPA Member Vanasse provided a handout of three options for development agreements. Town Attorney Stuparich reviewed Town Attorney Vose's materials beginning on page 219 of the packet. LPA Member Vanasse noted that only a site plan with deviations was addressed in the materials. He had hoped that the site plan with deviations could be streamlined by looking at the variances under the whole project rather than applying for each variance separately. It could be a quick design with variances identified on a graphic site plan and provide a general justification that it was a good design that fits in well with the site. He felt that some of the requirements for a site plan with deviations would be more work than doing the variances.

Town Attorney Stuparich indicated that LPA Member Vanasse's options could be concurrent with SB250 as amended. LPA Member Vanasse responded that it would make sense and would provide a degree of certainty for applicants.

Chair Cereceda suggested defining small hotels. LPA Member Vanasse suggested establishing a cap and felt that small was less than 50 and, in his mind, 30 or less was small. Planner Propst suggested basing it on impact and demand, so anything under a specific traffic impact or sewer demand would be considered small. LPA Member Vanasse mentioned the cost of hiring engineers and consultants for impact studies for small hotels. He intended to create a tool other than a CPD for small property owners.

Town Attorney Stuparich stated that municipalities could enter into development agreements that differed from the state statutes and the site plan with deviations could be a separate process.

LPA Member Vanasse explained that larger commercial entities did not need the development agreement process to make them whole compared to the small hotels that existed before Ian.

Chair Cereceda felt they needed clarification on the procedural portion to know what applied to what.

Senior Planner Smalley referred to the third option and questioned what the applicant was entitled to if the plan fell apart, or variances were not granted during the CPD process. LPA Member Vanasse responded that the development agreement was a legal contract and they still had to demonstrate compliance with the code and comprehensive plan through public hearings. Town Attorney Stuparich added that the conceptual agreement had to include specific timelines. LPA Member Vanasse agreed.

LPA Member Vanasse summarized the three options and Town Attorney Stuparich asked the LPA to rank them. LPA Member Vanasse explained why he would like all three to move forward. Planner Propst was concerned about not involving engineers or technical staff because they may not know what they had to do. She described an RPD project that requested several

amendments because the details had not been worked out. LPA Member Vanasse did not see anyone doing conceptual approvals without professionals and the requirements for the third option would be greater than the other two options.

## XI. ITEMS FOR NEXT MONTHS AGENDA

Town Clerk Baker will send an email regarding the time of the joint meeting with the town council.

## XII. ADJOURNMENT

LPA Member Boan moved to adjourn; seconded by LPA Member Plummer. The motion carried unanimously.

The meeting was adjourned at 12:25 p.m.

**Town of Fort Myers Beach**
**Agenda Item Summary** Yellow Sheet Number: **2024-1410**

1. **Requested Motion:** **Meeting Date: January 9, 2024**

Recommended by staff for a continuance to February 13, 2024 of SEZ20230302 for COP at 450 Harbor Court

**Why the action is necessary:**
Meeting was advertised, application is not ready for hearing.

**What the action accomplishes:**
Allows the agenda item to move to the next hearing without the need to readvertise.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**

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5. **Background:**

**Attachments:**
1. LPA postcard 450 Harbor Ct

**Financial Impact:**

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

_____ Date: January 05, 2024
Frankie Kropacek, Operations & Compliance Director

_____ Date: January 05, 2024
Nancy Stuparich, Town Attorney

_____ Date: January 05, 2024
Amy Baker, Town Clerk

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

## NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

**Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please check for meeting changes on our website WWW.FMBGOV.com.**

**TIME: 9 AM**
**DATE: LPA January 9, 2023 and Town Council January 22,2023**
**CASE: SEZ20230302**
**ADDRESS: 450 Harbor Ct**
**APPLICANT: Lisa Lahners**
**REQUEST: The applicant is requesting a special exception for a consumption on premises.**

**TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM**

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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2525 Estero Blvd,
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

**Town of Fort Myers Beach**
**Agenda Item Summary** Yellow Sheet Number: **2024-1409**

1. **Requested Motion:** **Meeting Date: January 9, 2024**

A CPD with deviations for the redevelopment of a convenience store at 1301 Estero Blvd.

**Why the action is necessary:**
The LPA is a recommending body to the Town Council for rezoning requests.

**What the action accomplishes:**
The LPA recommendations will be forwarded to the Town Council.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

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5. **Background:**
The applicant for 1301 Estero Blvd is requesting a rezoning from Downtown zoning to Commercial Planned Development for the redevelopment of a convenience store. The proposed development will have an entrance on Estero Blvd and an entrance on Palermo Circle and a dumpster enclosure with access off of Santos Rd. The site previously contained a 7-Eleven convenience store. The Downtown zoning does allow a convenience store use by-right. The applicant is requesting a CPD to develop the site rather than requesting multiple variances from the Land Development Code. The requested deviations are listed below in this report.

**Attachments:**
1. Staff Report
2. Exhibit A MCP 01-03-24
3. Exhibit B LPA postcard
4. Exhibit C Complete application

**Financial Impact:**
unknown

6. **Alternative Action**
Deny request

7. **Staff Recommendations:**
Recommend approval with conditions

8. **Recommended Approval:**

_____ Date: January 05, 2024
Frankie Kropacek, Operations & Compliance Director

_____ Date: January 05, 2024
Nancy Stuparich, Town Attorney

_____ Date: January 05, 2024
Amy Baker, Town Clerk

# *Town of Fort Myers Beach*

**COMMUNITY DEVELOPMENT DEPARTMENT**
**STAFF REPORT**

| | |
|---|---|
| **TYPE OF CASE:** | **Commercial Planned Development** |
| **CASE NUMBER:** | **DCI Rezoning, 20230160** |
| **CASE NAME:** | **1301 Estero Blvd, rezone the property from Downtown Zoning to Commercial Planned Development for the redevelopment of a convenience store.** |
| **LPA HEARING DATE:** | **January 9, 2024 at 9:00 AM** |
| **STAFF RECOMMENDATION:** | **Approve with conditions** |
| **PREPARED/ SUBMITTED BY:** | **Sarah Propst, AICP, PMP/ Jason Green AICP, CFM** |

## I. APPLICATION SUMMARY

| | |
|---|---|
| Applicant/Owner: | The Neighborhood Company/ 7-Eleven Inc. |
| Request: | The applicant is requesting to rezone the property from Downtown Zoning to Commercial Planned Development for the redevelopment of a convenience store. |
| Subject property: | See attached site plan |
| Physical Address: | 1301 Estero Blvd |
| STRAP #: | 19-46-24-W4-0060B.0160 |
| FLU: | Pedestrian Commercial |
| Zoning: | Downtown |

Adjacent zoning and land uses:

| | |
|---|---|
| North: | Santos/ Mixed Residential<br>Multi-Family Residence |

| | |
|---|---|
| South: | Downtown/ Pedestrian Commercial Commercial |
| East: | Downtown/ Pedestrian Commercial Parking Lot |
| West: | Downtown/ Pedestrian Commercial Restaurant |

## II. BACKGROUND AND ANALYSIS

Background:

The Neighborhood Company, applicant for 1301 Estero Blvd, 7-Eleven, is requesting a rezoning from Downtown zoning to Commercial Planned Development for the redevelopment of a convenience store. The proposed development will have an entrance on Estero Blvd and an entrance on Palermo Circle and a dumpster enclosure with access off of Santos Rd. The site previously contained a 7-Eleven convenience store, the Downtown zoning does allow a convenience store use by-right. The applicant is requesting a CPD to develop the site rather than requesting multiple variances from the Land Development Code. The requested deviations are listed below in this report.

Analysis:

1301 Estero Blvd. has supported a convenience store in this location since 1965. The previous convenience store was approximately 2,100 square feet in size and appears to have provided eight compliant parking spaces and several noncompliant parking spaces. The curb cuts did not comply with the Town's road design requirements and very little landscaping was provided. The previous building did not meet current flood or building code requirements.

The proposed store is 3,500 square feet and will provide eight parking spaces. One of the parking spaces does not meet the minimum depth and two parking spaces will require backing into the Palermo Circle right of way. The proposed site will provide landscaping and compliant curb cut widths. The proposed building will meet all building regulations and will be designed to be FEMA compliant with dry floodproofing.

Requested Deviations:

1) **Relief from Sec. 34-706(d) which requires properties that front on Estero Blvd and have access to a secondary street, to take access from the secondary street, except when the requirement would prohibit reasonable access. The deviation allows driveway access from Palermo Circle and Estero Blvd.**

   Applicant Justification: *The prior site condition provided for existing access points (driveways) both onto Estero Blvd (Primary Street) and Palermo Circle (Secondary Street). Estero Blvd. was approximately 100 feet wide and Palermo Circle approximately 80 feet wide. Due to the unique triangular configuration of the subject property, which has been in place for decades and the need to*

*redevelop the property to bring back the desired commercial convenience store use to the Town, it is necessary to continue to allow for access points from Estero Blvd., and Palermo Circle. Convenience stores rely heavily on customer vehicular traffic and truck deliveries, which require appropriately designed and safe traffic movement. Due to the physical limitations resulting from the triangular shape of the property the site plan continues access from Estero; however, the design has been improved to enhance functionality and safety.*

Staff Comment: The proposed deviation seems appropriate in this instance due to the irregular shape of the parcel. Truck deliveries on this particular parcel would be difficult to accommodate without the ability to enter one side and exit the opposite.

2) **Relief from Sec. 34-2013(a)(3) which limits driveway apron width, at the property line, to 25 feet. The request is to allow a 60-foot-wide curb cut at Palermo Circle and a 35-foot-wide curb cut on Estero Blvd.**

Applicant Justification: *The pre-Ian site design had non-conforming access (driveway) widths along Estero Blvd. and Palermo Circle. Estero Blvd. was approximately 100 feet wide and Palermo Circle approximately 80 feet wide. In order to bring back the desired commercial convenience store use to Fort Myers Beach, the odd shaped lot configuration requires the need to maintain an access point wider than 25 feet along both Palermo Circle and Estero Blvd. The proposed MCP reduces the access point widths from over 100 feet to a maximum of 60 feet for Palermo Circle and 80 feet wide down to a maximum of 35 feet. This new configuration will improve circulation patterns, ensure safe and efficient truck maneuverability, and improve overall public safety conditions.*

Staff Comment: The irregular angle of the Palermo Circle entrance and the short width of the parking lot means that cars may need the additional entrance width to properly make turns and maneuver in the small parking lot.

3) **Relief from Sec. 10-285 the minimum driveway separation requirements along Estero Boulevard and Palermo Circle. The deviation would allow driveway (vehicle access) separation along Estero Boulevard to be a minimum of approximately 141 feet from the adjacent access point to the east and a minimum of approximately 52 feet from the Estero Blvd/Palermo Intersection. The deviation would also allow driveway (vehicle access) separation along Palermo Circle to be a minimum of approximately 52 feet from the Santos Road intersection and approximately 105 feet from the Estero Blvd/Palermo Circle intersection.**

Applicant Justification: *The proposed accessways onto Estero Boulevard and Palermo Circle existed prior to Hurricane Ian and the destruction of the existing convenience store use. Relocation of the existing accessways to meet the distance separation from all surrounding street intersections or other accessways is impossible. Due to the unique triangular configuration of the subject property*

*and the need to manage vehicular traffic and pedestrian connectivity to the site, the proposed site layout as detailed on the Master Concept Plan requires both accessways from Estero Blvd. and Palermo Circle to remain. The two accessways were non-conforming in terms of their location and overall width. The Estero Blvd. accessway was approximately 100 feet wide and Palermo Circle approximately 80 feet wide. Both accessways, pursuant to requested Deviation #2, will be significantly reduced in width. This will improve traffic circulation to and from the adjacent roadways. The proposed configuration, as detailed on the MCP, increases distance separation from all surrounding street intersection and accessways than what previously existed, thus working toward achieving general consistency of the intent of LDC Section 10-285 to provide as much connection separation while keeping the proposed redevelopment feasible.*

Staff Comment: The proposed location for the Palermo Circle entrance is likely the best scenario for this parcel, it is as far away from Estero Blvd without being too close to the Santos Rd. right of way. The location of the entrance from Estero Blvd could be further from Palermo Circle if the proposed building were closer to the Palermo Circle side of the property and the driveway were shifted to the southeast. However, the applicant has indicated that this site layout will not accommodate the proposed structure.

**4) Relief from Sec. 34-706(a) which requires parking to be located in the side or rear of the property. This deviation will allow the parking to be located closer to Palermo Circle than the primary structure.**

Applicant Justification (full justification in application packet): *The proposed redevelopment of the site has relocated the off-street parking to the western side of the site facing Palermo Circle, which is now the primary frontage and main entrance to the building. Although parking is not located in the side or rear yard, it has been relocated from the Estero Blvd. frontage. The reconfigured accessways into the site from Estero Blvd. and Palermo Circle have been reduced in width, allowing for more controlled vehicular movements in and out of the site. The new configuration removes the prior unsafe and undesirable off-street parking onto Estero Blvd. The closest parking stall proposed is more appropriately orientated parallel to Estero Blvd. and with a 10' separation from the Estero Blvd. This orientation also allows for the addition of an internal sidewalk connecting to the existing sidewalk along Estero Blvd., thus allowing for a safer, more pedestrian friendly site.*

Staff Comment: The proposed site layout has the parking to the side of the primary structure from the main roadway frontage, Estero Blvd. The parking is closer to Palermo Circle than the primary structure, however, the oddly shaped lot makes reorientation of the building and relocation of the parking lot challenging.

**5) Relief from Sec. 34-2020(d)(2)i.1. which requires a minimum of four spaces per 1,000 square feet, for a total of 14 spaces for the 3,500 square foot structure. To allow eight parking spaces.**

Applicant Justification (full justification in application packet): *The site is located within an area of the town (Downtown zoning district) considered a "park-once" district and allows for a reduction of required vehicle parking by a multiplier of 67%. Through this multiplier, the required number of vehicle parking spaces would be reduced to a total of 5 spaces. However, LDC Sec. 34-953 states that requests for a rezoning to a Commercial Planned Development (CPD) zoning district require that building placement, size, design, and all other property development regulations, such as parking, shall be the same as for the CB zoning district. Following this requirement means the proposed convenience store is required to revert to providing a minimum of 14 vehicle parking spaces. This is counterproductive to the desired "park-once" intent the town is seeking for this area. Reverting to the CB requirements results in the applicant's inability to apply the parking reduction multiplier and burdens the site with excessive off-street parking in this more urbanized area of the town.*

*The applicant desires to meet the intent of being within the Downton "park-once" district by seeking a reduction in the number of off-street vehicle spaces from 14 to 8. Due to the unique triangular configuration of the subject property, the need to manage vehicular traffic and pedestrian connectivity to the site, and the need to support the proposed convenience store use results in the need to maintain a minimum of 8 parking spaces. The applicant also sees the benefit of and wants to promote the use of alternative modes of transportation to their development. The applicant is accomplishing this by designating an area for 2 bicycle racks, each able to hold 4 bicycles.*

Staff Comment: The applicant justification for providing fewer parking spaces does seem appropriate in this location. The Downtown reduction would apply to this property, if a rezoning to CPD were not being requested.

**6) Relief from Sec. 34-705(a)(1) which requires buildings on Estero Blvd. to have at least 50% building frontage. The request would allow a building with at least 43% frontage along Estero Blvd.**

Applicant Justification(full justification in application packet): *The unique triangular shape of the lot presents a design challenge when attempting to meet the 50% Estero Blvd. frontage requirement. The requested deviation will allow for the frontage requirement to be reduced to 43% on Estero Blvd. The proposed site configuration locates the building where the property is the widest, removes off-street parking from the Estero Blvd. frontage, reduces the width of the vehicular access points from Estero Blvd. and Palermo Circle, and allows for an internal sidewalk from the entrance of the 7-Eleven to the sidewalk along Estero Blvd. This site configuration also brings the building closer to Estero Blvd., establishes a much safer, more pedestrian friendly environment and encourages pedestrian connectivity in a heavily traveled, walkable area of the island.*

Staff Comment: The irregular shape of the lot makes this requirement difficult to meet. Staff and the applicant did discuss other layout options which would

accomplish the 50% building frontage. Per the applicant, the other layout options were not able to accommodate the proposed building size and all of the necessary site features.

**7) Relief from Sec. 34-2015(5) which requires sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. The deviation would allow vehicles to leave the most northern parking spaces in a reverse motion into the Palermo Circle right-of-way.**

Applicant Justification*: Prior to Hurricane Ian, the convenience store's parking configuration required vehicles to back into the Palermo Circle, a local street, and Estero Boulevard, an arterial roadway, rights-of-ways in order to exit the site. The unique triangular shape of the lot presents a design challenge for access and the required parking of vehicles. The lot and redevelopment of the prior use does not provide sufficient room to allow for all spaces to leave in a forward motion into Palermo Circle right-of-way. The proposed reconfiguration of the site has created a defined two-way access from Estero Boulevard as well as Palermo Circle to improve vehicle maneuvering to and from the property. The site configuration has also allowed for improved pedestrian safety and connectivity from the right-of-way to the use. The proposed parking spaces, which are located on a property within the Pedestrian Commercial future land use category, do not unduly interfere with a critical congested road segment (Estero Boulevard) and do not affect normal usage of any existing or proposed sidewalks along Palermo Circle. The requested deviation to allow vehicles to back out of the most northern parking spaces into Palermo Circle, a local street, will not negatively impact the health, safety, and welfare of the community.*

Staff Comment: The irregular shape and small size of the lot makes this requirement difficult to meet. The previous site included several spaces that backed onto Estero Blvd and Palermo Circle. This is an improvement on the previous layout however staff recommends that the parking space includes signage warning drivers that they are backing into a right of way.

Neighborhood Compatibility:
Many of the previously existing commercial and residential properties in the area were destroyed by hurricane Ian. Very few structures remain standing. The proposed development will be more compliant than the previous development and will conform in many aspects. This convenience store use has been in existence in this area for many decades and is not likely to have an adverse impact on the neighborhood.

Findings and Conclusions:
LDC Sec. 34-85(b) and (c) and 34-216(2) sets forth the required considerations and findings for the approval of a rezoning.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:
(1) Whether there exists an error or ambiguity which must be corrected.
*No errors or ambiguities exist.*

(2) Whether there exist changed or changing conditions which make approval of the request appropriate.
*The previous structure was destroyed by Hurricane Ian and redevelopment of the oddly shaped site makes the requests appropriate.*

(3) The impact of a proposed change on the intent of this chapter.
*No impact on the intent of this chapter will occur.*

(4) The testimony of any applicant.

(5) The recommendation of staff and of the local planning agency.

(6)The testimony of the public.

(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
*The proposed development is in compliance with the intent and intensity of the district and the use is allowed in the Downtown zoning district. The proposed site development will create more pedestrian safe sidewalks where an open apron previously existed, this is consistent with several pedestrian related objectives of the comprehensive plan. The redevelopment of a commercial use in the Pedestrian Commercial district is supported by the comprehensive plan. The new structure will be dry floodproofed and designed to current building and flood requirements which is supported by the comprehensive plan.*

(8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
*The proposed development will meet performance standards set for the in 34-2031. There are no special location standards for convenience stores.*

(9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.
*The urban services exist in this location.*

(10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
*The request will have no impact on environmentally critical areas and natural resources.*

(11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
*The proposed use has been in existence in this location for many decades. It is not anticipated to have any detrimental impacts on existing or planned uses.*

(12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
*This use in this location will not place additional burden on the transportation network*

*or other facilities and services.*

(13) For planned development rezonings, see § 34-216 for additional considerations.

(c) Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:
(1) The Fort Myers Beach Comprehensive Plan.
*The proposed use and requested deviations for the CPD comply with the Comprehensive Plan.*

(2) This chapter.
*The proposed use complies with this chapter except in regard to the deviations.*

(3) Any other applicable town ordinances or codes.
*The proposed request complies with the town ordinances and codes, except in regard to the deviations.*

(4) For planned development rezonings, see § 34-216 of this chapter for additional findings.

Sec. 34-216 Findings:

a. The proposed use or mix of uses is appropriate at the subject location;
*The use is allowed by right in this location.*

b. Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations;
*Sufficient safeguards are provided for the public interest.*

c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development;
*All conditions are related to the impacts on the public interest.*

d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.
*Not applicable.*

2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category.
*Not applicable.*

3. Policy 4-C-4 on building heights taller than the standard height limit.
*Not applicable.*

4. Policy 4-C-8 on density transfers.
*Not applicable.*

5. Policy 4-E-1 on pre-disaster buildback.
*Not applicable.*

6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.
*The proposed development is similar in size and use to the previous development and is expected to have no adverse impact on traffic.*

Findings for Deviation Requests:
Per Sec. 34-216(4) all deviations must be approved, approved with modification or rejected based upon a finding that:
a. Each item enhances the achievement of the objectives of the planned development; and
*The requested deviations allow the development of the site, and are primarily due to the odd shape of the parcel.*

b. The general intent of this chapter to protect the public health, safety and welfare will be preserved and promoted; and
*The proposed deviations preserve the public health. The parking space that backs into Palermo Circle is a safety concern, however signage warning of oncoming traffic is required in the conditions.*

c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
The deviations are not a detriment to the public interest and the proposed site is an improvement over the previous development.

d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.
*The deviations are consistent with the comprehensive plan.*

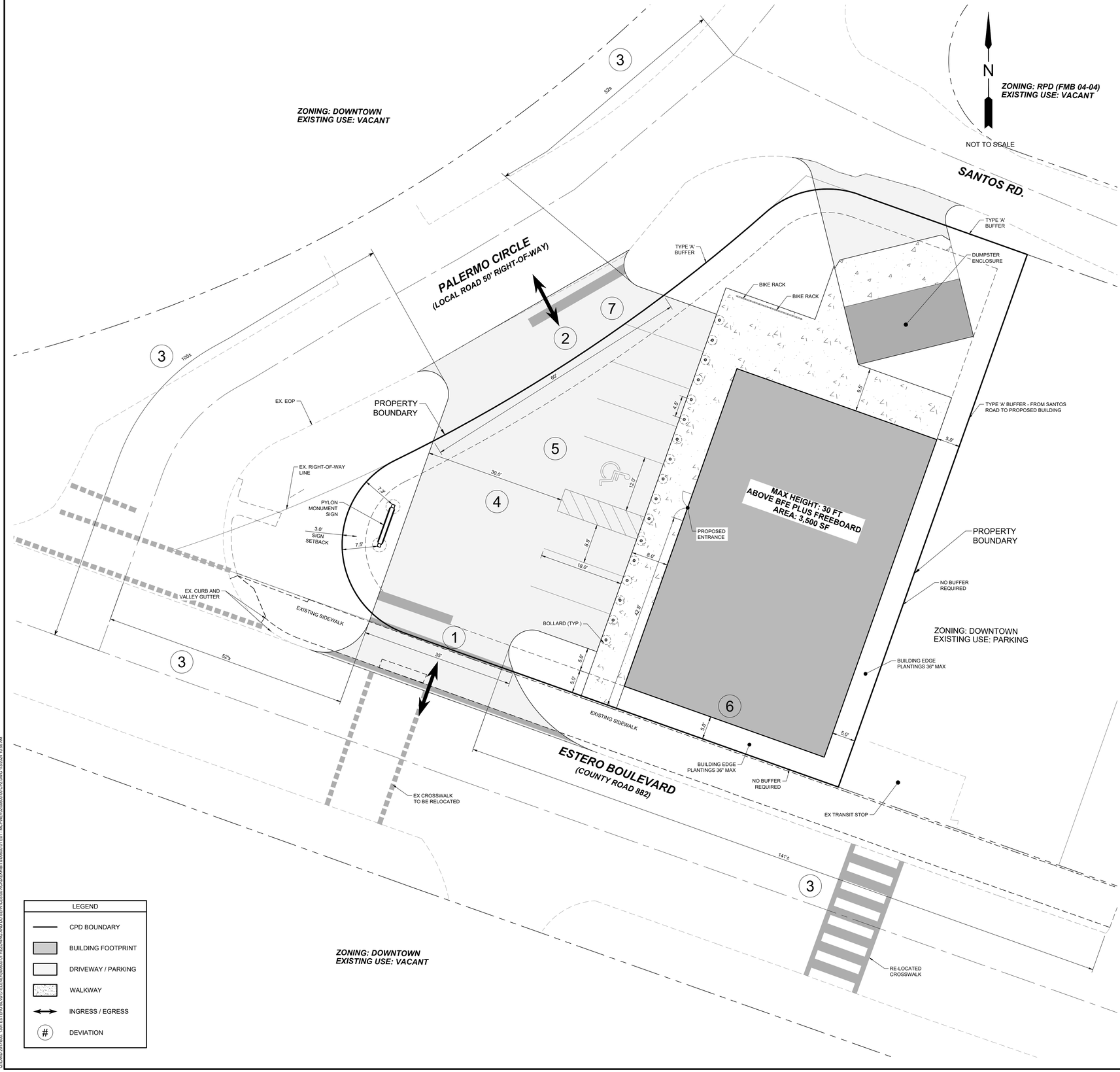
## III. RECOMMENDATION

Staff finds that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends approval of DCI20230160 with the attached conditions.

## IV. CONDITIONS OF APPROVAL

1. A local development order is required prior to any development of the site, in accordance with this planned development approval.
2. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to site development.
3. The parking space closest to Palermo Circle shall includes signage which warns drivers that they are backing into a right of way and to be aware of oncoming traffic.
4. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131

Staff Report Exhibits:
A – Master Concept Plan
B – Letter to Adjacent Property Owners
C – Complete Application




| DEVELOPMENT STANDARDS TABLE | |
|---|---|
| | REQUIRED |
| BUILDING TO LINE | |
| PRIMARY STREET (ESTERO BLVD) | 0-5 FT |
| | |
| BUILDING FRONTAGE | |
| ALL STREETS | MINIMUM 43% OF LOT FRONTAGE |
| | |
| MINIMUM SETBACKS - PRIMARY AND ACCESSORY STRUCTURES | |
| SECONDARY STREET (PALERMO CIR) | 20 FT |
| OTHER STREET (SANTOS) | 7.5 FT |
| SIDE/REAR | 5 FT |
| | |
| MINIMUM LOT DIMENSIONS | |
| LOT WIDTH | 70 FT |
| LOT DEPTH | 100 FT |
| LOT AREA | 0.245 AC |
| | |
| MAXIMUM INTENSITY - FLOOR AREA RATIO (FAR) | |
| MAX FAR | 0.33 |
| MAX INTENSITY | 3,500 SF |
| | |
| MAX BUILDING HEIGHT | |
| | 30 FT ABOVE BASE FLOOD ELEVATION PLUS FREEBOARD |

| OPEN SPACE | | |
|---|---|---|
| | REQUIRED | PROVIDED |
| MINIMUM PERCENTAGE | 0 | 16% |
| MINIMUM AREA | 0 AC | 0.049 AC |

## GENERAL NOTES:

1. THE BUILDING SHALL BE A MAXIMUM OF 3,500 +/- SQUARE FEET.
2. PROJECT WILL BE DEVELOPED IN ONE PHASE.
3. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
4. THE EXACT BUILDING AND SITE IMPROVEMENT CONFIGURATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. THE FINAL DESIGN AND IMPROVEMENT DETAILS SHALL BE DEFINED AS PART OF THE DEVELOPMENT ORDER (DO) PROCESS.
5. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 34 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
6. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT. NO PROTECTED SPECIES SURVEY IS REQUIRED AS PROPERTY IS LESS THAN ONE (1) ACRE PER LDC SEC. 10-473.
7. ANY PROPOSED STRUCTURE LOCATED IN A SPECIAL FLOOD HAZARD AREA (SFHA) WITH COMMERCIAL SPACE BELOW THE BASE FLOOD ELEVATION (AT GROUND LEVEL) WILL BE PROPERLY DRY-FLOODPROOFED IN ACCORDANCE WITH LDC ARTICLE IV. FLOODPLAN REGULATIONS AND LDC SECTION 34-631(C). THE DRY-FLOODPROOFING SHALL INCLUDE FASTENING DESIGNED TO BE 'VISUALLY UNOBTRUSIVE' AND INTERGRATED INTO THE DESIGN OF THE PRINCIPAL FACADES.

## SCHEDULE OF USES:

COMMERCIAL

1. RETAIL STORE, SMALL TO INCLUDE: CONVENIENCE STORES, NO FUEL PUMPS (OPEN 24 HOURS / 7 DAYS)

## PARKING:

1. 8 VEHICLE PARKING SPACES FOR CONVENIENCE FOOD AND BEVERAGE STORES.
2. 8 BICYCLE PARKING SPACES.

## DEVIATIONS:

1. SEEKS RELIEF FROM LDC SECTION 34-706(D), WHICH REQUIRES THAT WHEN PROPERTIES FRONTING ON ESTERO BOULEVARD, EXISTING DRIVEWAY AND PARKING SPACES SHALL BE RELOCATED FROM ESTERO BOULEVARD TO SECONDARY STREETS, EXCEPT WHERE THESE REQUIREMENTS WOULD PROHIBIT ALL REASONABLE ACCESS TO A PROPERTY. THE DEVIATION WOULD ALLOW DRIVEWAYS TO REMAIN THAT CONNECT TO ESTERO BOULEVARD AND PALMERO CIRCLE.
2. SEEKS RELIEF FROM SECTION 34-2013 (A)(3) WHICH STATES THAT THE MAXIMUM WIDTH AT THE PROPERTY FOR PARKING LOT ACCESS IS 25 FEET. THE DEVIATION WOULD ALLOW FOR A MAXIMUM PARKING LOT ACCESS WIDTH AT THE PROPERTY LINE OF 60 FEET ALONG PALERMO CIRCLE AND 35 FEET ALONG ESTERO BLVD.
3. SEEKS RELIEF FROM THE DRIVEWAY SEPARATION REQUIREMENTS OF LDC SECTION 10-285 ALONG PALERMO CIRCLE. THE DEVIATION WOULD ALLOW DRIVEWAY (VEHICLE ACCESS) SEPARATION ALONG ESTERO BOULEVARD TO BE APPROXIMATELY 141 FEET FROM THE ADJACENT ACCESS POINT TO THE EAST AND APPROXIMATELY 52 FEET FROM THE ESTERO BLVD/PALERMO INTERSECTION. THE DEVIATION WOULD ALSO ALLOW DRIVEWAY (VEHICLE) SEPARATION ALONG PALMERO CIRCLE TO BE APPROXIMATELY 52 FEET FROM THE SANITOS ROAD INTERSECTION AND APPROXIMATELY 105 FEET FROM THE ESTERO BLVD/PALERMO CIRCLE INTERSECTION.
4. SEEKS RELIEF FROM LDC SECTION 34-706(A) WHICH REQUIRES OFF-STREET PARKING LOT TO BE PLACED IN THE SIDE OR REAR YARDS. THE DEVIATION WOULD ALLOW THE OFF-STREET PARKING TO BE LOCATED AND ORIENTATED TOWARD THE PALERMO CIRCLE FRONTAGE.
5. SEEKS RELIEF FROM LDC SECTION 34-2020(D)(2)I.1 WHICH REQUIRES A MINIMUM OF FOUR SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA OR 14 PARKING SPACES FOR THE PROPOSED MAX. 3,500 SQUARE FEET OF CONVENIENCE STORE TOTAL FLOOR AREA. THE DEVIATION WOULD ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED PARKING SPACES TO 8 PARKING SPACES.
6. SEEKS RELIEF FROM LDC SECTION 34-705(A)(1) WHICH REQUIRES BUILDING FRONTAGES ON ESTERO BOULEVARD TO BE AT LEAST 50 PERCENT OF THE LOT FRONTAGE. THE DEVIATION WOULD ALLOW FOR THE BUILDING FRONTAGE ON ESTERO BOULEVARD TO BE AT LEAST 43 PERCENT OF THE LOT FRONTAGE.
7. SEEKS RELIEF FROM LDC SECTION 34-2015(5) WHICH REQUIRES SUFFICIENT MANEUVERING ROOM TO ALLOW AN EXITING VEHICLE TO LEAVE THE PARKING LOT IN A FORWARD MOTION. THE DEVIATION WOULD ALLOW FOR VEHICLES TO LEAVE THE MOST NORTHERN PARKING SPACES IN A REVERSE MOTION INTO THE PALERMO CIRCLE RIGHT-OF-WAY.

## DATUM NOTE:

ALL ELEVATIONS REFERENCE NAVD88 VERTICAL DATUM.
APPROXIMATE CONVERSION FOR PROJECT AREA: NAVD88 + 1.18' = NGVD29
ANY DATUM CONVERSIONS SHOULD BE CONFIRMED BY A LICENSED SURVEYOR PRIOR TO USE.

J.R. EVANS ENGINEERING, P.A.
9961 INTERSTATE COMMERCE DR, STE. 230
FT MYERS, FLORIDA 33913
PHONE: (239) 405-9148
FAX: (239) 288-2537
WWW.JREVANSENGINEERING.COM
J.R. EVANS ENGINEERING

# 1301 ESTERO BLVD. COMMERCIAL PLANNED DEVELOPMENT

MASTER CONCEPT PLAN

| # | DATE | REVISIONS |
|---|---|---|

BRANDON M. FREY, P.E.
FL. LICENSE NO. 86651
FL. COA # 29226

PROJECT #: 00600-00

SHEET: 2

O:\LAND 2017\600- 1301 ESTERO BLVD\7-ELEVEN\00600-01 REZONING AND DO SERVICES\00-ACAD\DWG\BTS00600-01 - MCP\REV02\00600-00 CPD.DWG 1/3/2024 10:56 AM

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

## NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

**Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please check for meeting changes on our website WWW.FMBGOV.com.**

**TIME: 9 AM**
**DATE: LPA January 9, 2023 and Town Council January 22,2023**
**CASE: DCI20230160**
**ADDRESS: 1301 Estero Blvd**
**APPLICANT: Kenrick Gallander AICP**
**REQUEST: The applicant is requesting to rezone from Downtown to Commercial Planned Development for the redevelopment of a 7-Eleven convenience store.**

**TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM**

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

August 25, 2023

Town of Fort Myers Beach
Community Development Department
2525 Estero Blvd.
Ft Myers Beach, FL 33931

**Subject:** **1301 Estero Blvd Commercial Planned Development (CPD) – Submittal #1**
**A Planned Development Rezone Application**

Intake Team:

The Neighborhood Company is pleased to submit on behalf of our client, J.R. Evans Engineering, P.A. an Application for a Planned Development associated with the subject property located at 1301 Estero Blvd., Ft Myers Beach, FL 33931. The proposed request is to seek the following:

- Rezoning of the subject property from Downtown to Commercial Planned Development (CPD) to allow flexibility to redevelop the subject property and rebuild a desired 3,500 +/- SF convenience store.

Please find attached the following items to this cover letter consistent with application submittal checklist:

1. Application Filing Fee;
2. Application for Public Hearing:
    - Disclosure of Interest Affidavit & Authorization Form;
    - Letter of Authorization;
    - Exhibit 6-1 – STRAP # and Legal Description (Platted Lots)
    - Exhibit 6-2 – Boundary Survey;
    - Exhibit 6-3 – Area Location Map;
    - Exhibit 6-6 – List of Surrounding Property Owners within 500';
    - Exhibit 6-7– Map Surrounding Property Owners within 500'; and
    - Mailing Labels Surrounding Property Owners within 500';
3. Planned Development Zoning - Supplement PH-D:
    - Narrative:
        - Background & Request
        - Proposed Use/Development
        - Location, Site Design, & Compatibility
        - Supplement PH-D Section A: Comprehensive Plan Amendments
        - Supplement PH-D Section B: Phasing of Construction
        - Supplement PH-D Section C: Comp Plan Compliance
        - Supplement PH-D Section D: Design Standards Compliance:
        - Supplement PH-D Section E: Decision-making Compliance
        - Conclusion



5618 Whispering Willow Way, Fort Myers, FL 33908 | 850.803.5621
www.theneighborhood.company

- Schedule of Deviations and Justifications;
- Master Concept Plan;
- Architectural Elevations; and
- Schedule of Uses.

We look forward to your review and are available to answer questions related to this application.

Sincerely,
**The Neighborhood Company**



Kenrick Gallander, AICP
Vice President, Partner

Attachments: Application Submittal Requirements (listed above)

cc: Creighton Construction & Management
Elizabeth Fountain
Daniel Mumford
File: #230031.01.01



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**1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD)**
**Planned Development Rezone**

# FILING FEE

Town Fee Schedule 2023:

- PD Rezone = $8,000

**TOTAL: $8,000**

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 1301 Estero Blvd., Ft Myers Beach, FL 33931

STRAP Number: 19-46-24-W4-0060B.0160

Applicant: The Neighborhood Company Phone: 850-803-5621

Contact Name: Kenrick S. Gallander, AICP Phone: _____

Email: kg@theneighborhood.company Fax: _____

Current Zoning District: Downtown

Future Land Use Map (FLUM) Category: Pedestrian Commercial

FLUM Density Range: _____ Platted Overlay: ☐ YES ☑ NO

| ACTION REQUESTED | SUPPLEMENTAL FORM REQUIRED |
|---|---|
| ☐ Special Exception | PH-A |
| ☐ Variance | PH-B |
| ☐ Conventional Rezoning | PH-C |
| ☑ Planned Development ■ Commercial ☐ Residential | PH-D |
| ☐ Master Concept Plan Extension | PH-E |
| ☐ Appeal of Administrative Action | PH-F |
| ☐ Vacation of Platted Right-of-way and Easement | PH-G |
| ☐ Other – cite LDC Section: _____ | attach on separate sheet |

### PART I – General Information

A. Applicant*: The Neighborhood Company Phone: 850-803-5621

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 5618 Whispering Willow Way, Fort Myers, FL 33908

Email: kg@theneighborhood.company Fax: _____

Contact Name: Kenrick Gallander Phone: 850-803-5621



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

B. Relationship of Applicant to subject property:

☐ Owner* ☐ Land Trust* ☐ Partnership*
☐ Corporation* ☐ Association* ☐ Condominium*
☐ Subdivision* ☐ Timeshare Condo* ☐ Contract Purchaser*
☒ Authorized Representative* ☐ Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Kenrick Gallander, AICP Phone: 850-803-5621
Address: 5618 Whispering Willow Way, Ft Myers, FL 33908
Email: kg@theneighborhood.company Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Elizabeth Fountain, P.E. Phone: 239-405-9148
Address: 9961 Interstate Commerce Dr. #230, Fort Myers, FL 33913
Email: Elizabeth@jrevansengineering.com Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

## PART II – Nature of Request

Requested Action (each request requires a separate application)

☐ Special Exception
☐ Variance from LDC Section _____ - _____
☐ Conventional Rezoning from _____ to _____
☑ Planned Development
☑ Rezoning from Downtown to ☑ Commercial PD ☐ Residential PD
☐ Amendment. List the project number: _____
☐ Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

## PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

## PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

## AFFIDAVIT
## APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

_____ _____
Signature Printed Name

**STATE OF** _____ **COUNTY OF** _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ____ online notarization, this _____day of _____, 20____, by _____ ☐ who is personally known to me OR ☐ who has produced _____ as identification.

(SEAL) _____
Notary Public Signature

### PART V
### Property Ownership (Multiple Owners)

☑ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☑ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

### DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage Ownership |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address and Office | Percentage of Stock |
|---|---|
| 7-Eleven, INC- 3200 Hackberry Rd Irving, TX 75063 | 100% |
| | |
| | |
| | |

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

| Name | Address |
|---|---|
| | |
| | |
| | |
| | |

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____

Signature Printed Name

**AFFIDAVIT**

**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Grant Distel (name), as Sr. Director of Development (title) of 7-Eleven Inc. (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

7-Eleven Inc
Name of Entity (corporation, partnership, LLP, LLC, etc)

Grant Distel
Signature

Sr Director of Development
Title

Grant Distel
Typed or Printed Name

Date

**STATE OF** Florida **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of ✓ physical presence OR ☐ online notarization, this 15 day of August, 2023, by Grant Distel, ☑ who is personally known to me OR ☐ who has produced _____ as identification.

KELLI J FROST
Notary Public - State of Florida
Commission # GG 962681
My Comm. Expires Feb 26, 2024
Bonded through National Notary Assn.

Notary Public Signature

### PART VI– Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0060B.0160

Property Address: 1301 Estero Blvd., Ft Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☑ Yes. Property identified in subdivision: Venetain Gardens Blk B

Book: 6 Page: 70 Unit: _____ Block: _____ Lot(s): 16 & 17

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

C. Property Dimensions: SEE SURVEY.

Width (please provide an average width if irregular in shape) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: 10,677 +/- ☐ acres ☑ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

The site is approximately 0.2 miles south and east of the Matanzas Pass Bridge on Estero Blvd. at the corner of Estero Blvd. and Palermo Circle.

☑ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☑ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☑ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☑ Attach a map showing the surrounding property owners as Exhibit 6-7.

☑ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density
☐ Mixed Residential
☐ Boulevard
☑ Pedestrian Commercial
☐ Marina
☐ Recreation
☐ Wetlands
☐ Platted Overlay


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Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

## EXPLANATORY NOTES

***Please do not print, copy and submit these instructions***

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

THE NEIGHBORHOOD COMPANY

I Grant Distel, as authorized member of 7-Eleven, Inc. owner of property located at 1301 Estero Blvd., Fort Myers Beach, FL, identified by STRAP Number 19-46-24-W4-0060B.0160, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Ft Myers Beach Planned Development Rezone Application.

7-Eleven, Inc.

By: _____

Print Name: Grant Distel

Title: Sr. Director of Development

STATE OF FLORIDA

CITY OF LEE

The foregoing instrument was acknowledged before me by means of ☑ physical presence or □ online notarization, this 15 day of AUGUST, 2023 by GRANT DISTEL, as SR. DIRECTOR OF DEVELOPMENT of 7-ELEVEN, INC, on behalf of the company(s), who □ is personally known to me OR □ has produced a(n) driver's license as identification.

(NOTARY STAMP)

KELLI J FROST
Notary Public - State of Florida
Commission # GG 962681
My Comm. Expires Feb 26, 2024
Bonded through National Notary Assn.

_____

Notary Public, State of FLORIDA

Print Name: KELLI J FROST

My Commission Expires: 2-26-24

THE NEIGHBORHOOD COMPANY

**1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD)**
**Planned Development Rezone**

# EXHIBIT 6-1: STRAP# & LEGAL DESCRIPTION

- STRAP#: 19-46-24-W4-0060B.0160

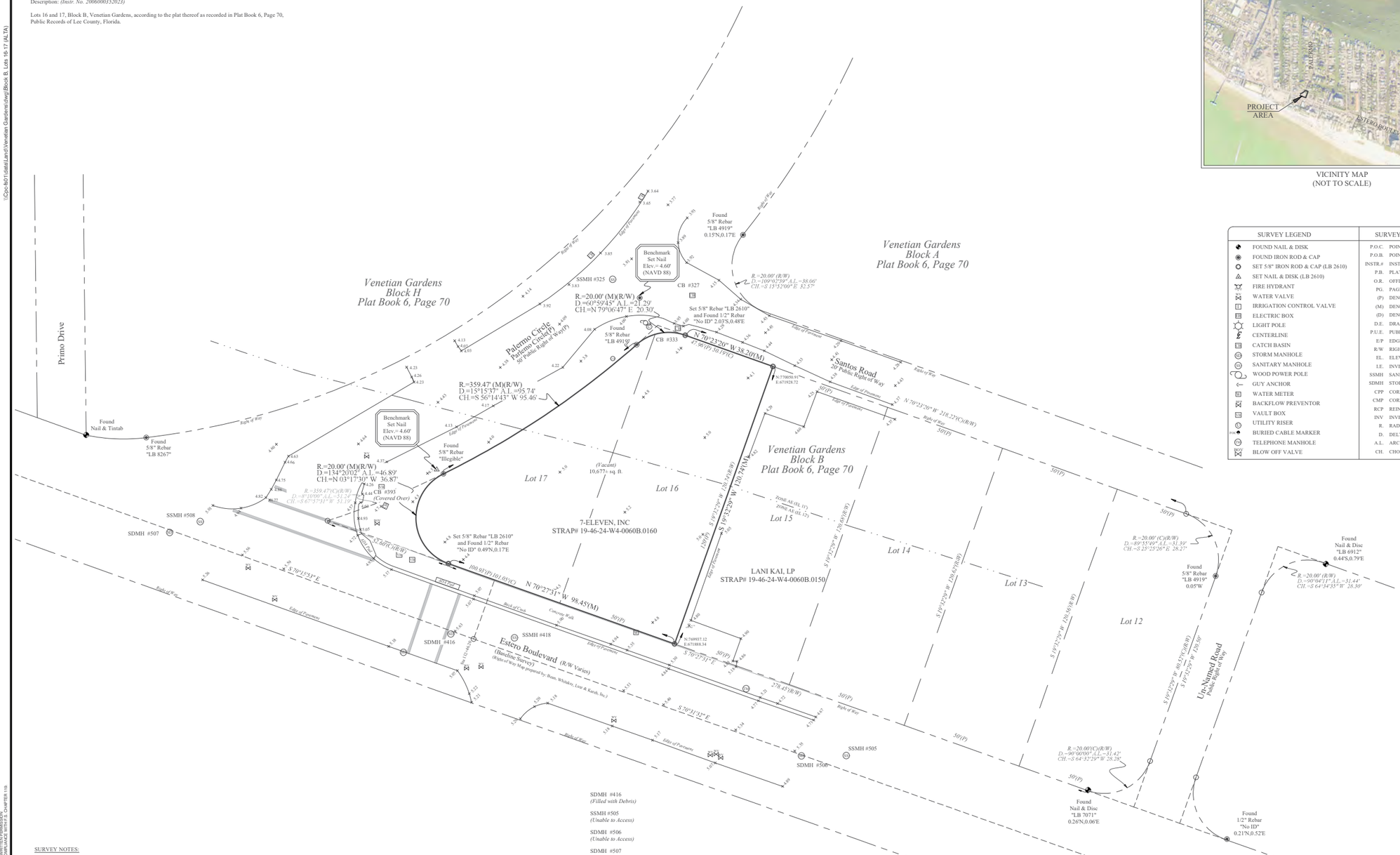
- Description: *(Instr. No. 2006000352023)*
    - Lots 16 and 17, Block B, Venetian Gardens, according to the plat thereof as recorded in Plat Book 6, Page 70, Public Records of Lee County, Florida.



5618 Whispering Willow Way, Fort Myers, FL 33908 | 850.803.5621
www.theneighborhood.company

Description: *(Instr. No. 2006000352023)*

Lots 16 and 17, Block B, Venetian Gardens, according to the plat thereof as recorded in Plat Book 6, Page 70, Public Records of Lee County, Florida.







VICINITY MAP
(NOT TO SCALE)

| SURVEY LEGEND | | SURVEY ABBREVIATIONS | |
|---|---|---|---|
| ● | FOUND NAIL & DISK | P.O.C. | POINT OF COMMENCEMENT |
| ◉ | FOUND IRON ROD & CAP | P.O.B. | POINT OF BEGINNING |
| ○ | SET 5/8" IRON ROD & CAP (LB 2610) | INSTR.# | INSTRUMENT NUMBER |
| △ | SET NAIL & DISK (LB 2610) | P.B. | PLAT BOOK |
| FH | FIRE HYDRANT | O.R. | OFFICIAL RECORDS BOOK |
| WV | WATER VALVE | PG. | PAGE |
| IRR | IRRIGATION CONTROL VALVE | (P) | DENOTES PLAT |
| EB | ELECTRIC BOX | (M) | DENOTES MEASURED |
| LP | LIGHT POLE | (D) | DENOTES DEED |
| | CENTERLINE | D.E. | DRAINAGE EASEMENT |
| CB | CATCH BASIN | P.U.E. | PUBLIC UTILITY EASEMENT |
| SD | STORM MANHOLE | E/P | EDGE OF PAVEMENT |
| SS | SANITARY MANHOLE | R/W | RIGHT OF WAY |
| | WOOD POWER POLE | EL. | ELEVATION |
| | GUY ANCHOR | I.E. | INVERT ELEVATION |
| WM | WATER METER | SSMH | SANITARY SEWER MANHOLE |
| BFP | BACKFLOW PREVENTOR | SDMH | STORM DRAIN MANHOLE |
| VB | VAULT BOX | CPP | CORRUGATED PLASTIC PIPE |
| UR | UTILITY RISER | CMP | CORRUGATED METAL PIPE |
| BCM | BURIED CABLE MARKER | RCP | REINFORCED CONCRETE PIPE |
| TM | TELEPHONE MANHOLE | INV | INVERT |
| BOV | BLOW OFF VALVE | R. | RADIUS |
| | | D. | DELTA |
| | | A.L. | ARC LENGTH |
| | | CH. | CHORD |

SDMH #416
*(Filled with Debris)*

SSMH #505
*(Unable to Access)*

SDMH #506
*(Unable to Access)*

SDMH #507
*(Unable to Access)*

SSMH #508
*(Unable to Access)*

CB #393
*(Unable to Access)*

SSMH #418
Rim El.5.31'
W.I.E. = (-) 1.88' 8" PVC
S.I.E. = (-) 1.74' 8" PVC
E.I.E. = (-) 0.96' 8" PVC

SSMH #325
Rim El. = 5.76'
E.I.E. = (-)3.39' 8" PVC
S.I.E. = (-) 6.06' 8"PVC
N.I.E. = (-) 5.99' 8" PVC

CB #333
Grate El 3.82'
E.I.E. = (-) 0.68' 36" RCP
W.I.E. = (-) 0.18' 30" RCP
S.I.E. = (-) 0.08' 18" RCP

CB #327 *(Box silted in)*
Grate El. = 3.98'
N.I.E. = (-) 0.12' 18" RCP

SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
5. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.88) AND BASED ON NATIONAL GEODETIC SURVEY BENCHMARK (872-5366 TIDAL 2).
6. THE NATIONAL FLOOD INSURANCE INFORMATION:
   COMMUNITY NUMBER: 120673
   PANEL NUMBER: 12071 C 0554
   SUFFIX: G
   EFFECTIVE DATE: 11/17/2022
   FIRM ZONE: AE 11 AND AE 12
   BASE FLOOD ELEVATION: EL 11' AND EL 12' (N.A.V.D.88)
   (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION).
7. BEARINGS ARE BASED ON THE NORTHERLY RIGHT OF WAY OF ESTERO BOULEVARD, BEING N70°27'31"W.
8. DATE OF LAST FIELD WORK : JULY 7, 2023.
9. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
10. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN UP TO DATE TITLE COMMITMENT.
11. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2023, ARDURRA GROUP, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
12. COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (FPRN).
13. NO BUILDINGS, NO CEMETERIES, NO HISTORICAL MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSES, AND NO EARTH MOVING WORK.
14. FIRM LINES SHOWN HEREON BASED UPON HEADS UP DIGITIZATION OF LINEWORK DEPICTED ON THE FEMA FLOOD INSURANCE RATE MAPS.

I hereby certify that, to the best of my knowledge and belief, the survey represented hereon, made under my direction on July 7, 2023 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Digitally signed by John M Harris
DN: CN=John M Harris, E=jharris@ardurra.com, OU=Ardurra Group, C=US
Location: State of Florida
Contact Info: LS7424
Date: 2023.07.11 10:06:26-04'00'

**JOHN M. HARRIS (FOR THE FIRM)**
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 7424
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

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ARDURRA
COLLABORATE. INNOVATE. CREATE.
324 Nicholas Parkway W. Unit A
Cape Coral, Florida 33991
Phone: (239) 334-1441
www.Ardurra.com
License #LB-2610

| NO. | DATE | REVISION | BY |
|---|---|---|---|

Boundary and Topographic Survey
*1301 Estero Boulevard*
lying in Section 19, Township 46 South, Range 24 East Fort Myers Beach, Lee County, Florida.

Prepared for: Cleraghton

SECTION 19, TOWNSHIP 46 S, RANGE 24 E

John M. Harris
John Mark Harris
License Number
LS 7424
STATE OF FLORIDA
Professional Surveyor and Mapper
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 7424

| | |
|---|---|
| JOB NO: | 2023-0719 |
| FIELD BOOK: | 420 |
| DATE: | 07/07/2023 |
| SCALE: | AS SHOWN |

1 of 1

DRAWN BY
MW




PROJECT LOCATION (N.T.S)







J.R. EVANS ENGINEERING

7-ELEVEN
1301 ESTERO BOULEVARD
AREA LOCATION MAP

LOCATION MAP.DWG
August 9, 2023

# 1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD)

## EXHIBIT 6-6: 500’ SURROUNDING PROPERTY OWNERS LIST

**Buffer: 500 List Size: 90**

| FolioId | OwnerName | OwnerName2 | MailAddress | MailCity | MailState | MailZip |
|---|---|---|---|---|---|---|
| 10228074 | 7-ELEVEN INC | CORP INCOME TAX DEPT | 3200 HYACKBERRY RD | IRVING | TX | 75063 |
| 10127256 | TPI-FMB LLC | | 103 15TH AVE NW STE 200 | WILLMAR | MN | 56201 |
| 10617008 | VENETIAN GARDENS CANAL | | PALERMO CIR | FORT MYERS BEACH | FL | 33931 |
| 10617009 | VENETIAN GARDENS CANAL | | PALERMO CIR | FORT MYERS BEACH | FL | 33931 |
| 10228046 | VAN BURGESS ROBERT | | PO BOX 2717 | FORT MYERS BEACH | FL | 33932 |
| 10228062 | LANI KAI LP | | 1400 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228063 | LANI KAI LP | | 1400 ESTERO RD | FORT MYERS BEACH | FL | 33931 |
| 10228064 | AULLS PATRICIA E L/E | | 7241 BERGAMO WAY UNIT 101 | FORT MYERS | FL | 33966 |
| 10228065 | WILCOX LANCE | | 1339 SANTOS RD | FORT MYERS BEACH | FL | 33931 |
| 10228066 | PARILLA DAVID R TR | | 1335 SANTOS RD | FORT MYERS BEACH | FL | 33931 |
| 10228067 | CONNER CHARLES R & GAIL D | | 53 POMPANO ST | FORT MYERS BEACH | FL | 33931 |
| 10228068 | PARILLA DAVID R TR | | 1335 SANTOS RD | FORT MYERS BEACH | FL | 33931 |
| 10477703 | LKLB OF FLORIDA INC | | 1400 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228069 | KLC SURF LLC | CHRISTOPHER PRIMEAU | 4625 W EUCLID AVE | TAMPA | FL | 33629 |
| 10228070 | KLC SURF LLC | CHRISTOPHER PRIMEAU | 4625 W EUCLID AVE | TAMPA | FL | 33629 |
| 10228071 | LANI KAI LP | ROBERT G CONIDARIS | 1400 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228072 | LANI KAI LP | ROBERT G CONIDARIS | 1400 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228073 | LANI KAI LP | ROBERT G CONIDARIS | 1400 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10469664 | 463 PALMERO LLC | | 1421 E LAKE SHORE DR | SPRINGFIELD | IL | 62712 |
| 10228091 | 499 PALERMO LLC | | 1421 E LAKE SHORE DR | SPRINGFIELD | IL | 62712 |
| 10228092 | MILLER JONATHAN T | | PO BOX 80490 | FORT WAYNE | IN | 46898 |
| 10228093 | TEZAK HELEN C TR | | 50 CHAPEL ST APT 4 | FORT MYERS BEACH | FL | 33931 |
| 10228094 | R & D ENTERPRISES OF | | 3436 CHURCH ST | STEVENS POINT | WI | 54481 |
| 10558864 | WEIGERT ANTJE & MARTIN | | 415 CAPE CORAL PKWY W | CAPE CORAL | FL | 33914 |
| 10228095 | JAMES R BRATLEY & JOAN E BRATL | | 15120 WEST ILIFF PL | LAKEWOOD | CO | 80228 |
| 10228096 | GNIRCK RAPHAEL + | | AM MUEHLBERG 39A | BAD HOMBURG VD HOEHE | GERMANY | 61348 |
| 10228097 | STRICK RICHARD A & | | 5804 PARK RIDGE CT | FORT COLLINS | CO | 80528 |
| 10228098 | HENNESSEY PATRICIA J & | | 460 PALERMO CIR | FORT MYERS BEACH | FL | 33931 |
| 10228099 | NORTH KEY INC | | 7150 RED LION FIVE POINTS RD | SPRINGBORO | OH | 45066 |
| 10228100 | DONNA M BYRD TRUST + | | 5701 BLUNK KNOB RD | ELIZABETH | IN | 47117 |
| 10228101 | RELAAX LLC | | 2201 E WILLOW ST STE D 363 | SIGNAL HILL | CA | 90755 |
| 10228102 | RELAAX LLC | | 2201 E WILLOW ST STE D 363 | SIGNAL HILL | CA | 90755 |
| 10599453 | LUSSIER TARA CORBISHLEY & | | 745 BIMINI LN | PUNTA GORDA | FL | 33950 |
| 10599454 | RELAAX LLC | | 2201 E WILLOW ST STE D 363 | SIGNAL HILL | CA | 90755 |
| 10228134 | JKCK LLC | | 3360 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10619304 | 201 PALERMO LLC | | 1421 E LAKE SHORE DR | SPRINGFIELD | IL | 62712 |
| 10619305 | 201 PALERMO LLC | | 1421 E LAKE SHORE DR | SPRINGFIELD | IL | 62712 |
| 10228136 | DAY BILLY WAYNE | | 3708 SHANNON RUN TRL | LOUISVILLE | KY | 40299 |
| 10228137 | LUMP THOMAS F & ANN C | | 145 PALERMO CIR | FORT MYERS BEACH | FL | 33931 |
| 10228138 | SLOMSKI STEVEN A & | | PO BOX 2428, PMB 25382 | PENSACOLA | FL | 32513 |
| 10228156 | RILEY SUSAN K TR | | 180 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10228157 | BAILEY JAMES P & LANA C | | 162 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10574248 | SANDY BEACH L L C | | 1892 SANDY BEACH RD | CLARION | IA | 50525 |
| 10574249 | NEUMANN SHEILA | | 146 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10228159 | 140 PRIMO LLC | SHEILA NEUMANN | 146 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10228160 | SEABIRD RESIDENTIAL LLC | | 1709 SW 47TH TER | CAPE CORAL | FL | 33914 |
| 10228161 | HIGHLEY JAY E & MARY B | | 124 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10228162 | HIGHLEY MARY BETH TR | | 6620 ESTERO BLVD #1006 | FORT MYERS BEACH | FL | 33931 |
| 10228163 | KWSH RE LLC | | 2601 MULBERRY AVE | MUSCATINE | IA | 52761 |
| 10228164 | ARLINGTON GREEN HOMES LLC | | 44 ALGONQUIN CT | MARCO ISLAND | FL | 34145 |
| 10228165 | KALIDINDI RAMA USHA + | | 44354 APACHE CIR | ASHBURN | VA | 20147 |
| 10228167 | 1249 ESTERO ADVENTURES LLC | | 290 BAHIA VIA | FORT MYERS BEACH | FL | 33931 |
| 10228184 | SMART PARK OF FMB LLC | | 11330 LONG WATER CHASE COURT | FORT MYERS | FL | 33908 |
| 10228190 | GANIM GEORGE W & JOSEPHINE | | 4666 MAIN ST | BRIDGEPORT | CT | 6606 |
| 10228191 | GANIM GEORGE W & JOSEPHINE | | 4666 MAIN ST | BRIDGEPORT | CT | 6606 |
| 10228192 | LANI KAI LP | ROBERT G CONIDARIS | 1400 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228193 | STEPNEY LLC | | 4666 MAIN ST | BRIDGEPORT | CT | 6606 |
| 10228194 | GANIM GEORGE W SR & | | 4666 MAIN ST | BRIDGEPORT | CT | 6606 |
| 10228195 | ATWATTER LLC | WALTER RAY SIMMONS | 12711 CHATHAM DR | FORT MYERS | FL | 33908 |
| 10228196 | RIGHT CHOICE INVESTMENTS LLC | | 4448 KELLY DR | STERLING HEIGHTS | MI | 48314 |
| 10228197 | OUR BEACH SAND LLC | | 12483 SUMMERWOOD DR | FORT MYERS | FL | 33908 |
| 10228348 | GANIM PROPERTIES LLC | | 4666 MAIN ST | BRIDGEPORT | CT | 6606 |
| 10557364 | GANIM PROPERTIES LLC | | 4666 MAIN ST | BRIDGEPORT | CT | 6606 |
| 10599528 | TPI-FMB LLC | | 103 15TH AVE NW STE 200 | WILLMAR | MN | 56201 |
| 10557293 | TPI-FMB SUITES LLC | | 1207 ESTERO BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228358 | JAMES A + JEAN B BISCHOFF TRUS | JEFF MAAAS | 20468 ARDORE LN | ESTERO | FL | 33928 |
| 10228359 | GRIFFIS LLC | | 9051 E CHICAGO RD | JEROME | MI | 49249 |
| 10228360 | PATTON THOMAS D & | | 153 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10228361 | ALMEIDA ROBERT M + | | 163 PRIMO DR | FORT MYERS BEACH | FL | 33931 |
| 10228378 | RICHARD JOHN W TR | | 237 OLD SAN CARLOS BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228379 | DEEP DISH DOUGH LLC | | 328 BUCKLIN ST | LA SALLE | IL | 61301 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 10228380 | MILLER CONRAD RE LLC | | PO BOX 80490 | FORT WAYNE | IN | 46898 |
| 10456515 | INVESTMENTS OF FMB LLC | MARK DEIFT | 560 NW 118 AVE | PLANTATION | FL | 33325 |
| 10569721 | RICHARD JOHN W TR | | 237 OLD SAN CARLOS BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228395 | BATIKI WEST CONDO ASSN INC | SUITOR MIDDLETON COX + ASSOC | 15751 SAN CARLOS BLVD STE 8 | FORT MYERS | FL | 33908 |
| 10462572 | CRESCENT SHORE CONDO ASSOC | | PO BOX 2990 | FORT MYERS BEACH | FL | 33932 |
| 10599529 | TPI-FMB LLC | | 103 15TH AVE NW STE 200 | WILLMAR | MN | 56201 |
| 10599530 | TPI-FMB LLC | | 103 15TH AVE NW STE 200 | WILLMAR | MN | 56201 |
| 10599531 | TPI-FMB LLC | | 103 15TH AVE NW STE 200 | WILLMAR | MN | 56201 |
| 10599532 | TPI-FMB LLC | | 103 15TH AVE NW STE 200 | WILLMAR | MN | 56201 |
| 10228463 | 1300 ESTERO BLVD LLC | | 32 BAYVIEW BLVD | FORT MYERS BEACH | FL | 33931 |
| 10228464 | BEYER TAMMY E TR | | 9656 HALYARDS CT # 24 | FORT MYERS | FL | 33919 |
| 10228465 | ANDRESEN EDWIN TR | | 7960 PRESERVATION DR | INDIANAPOLIS | IN | 46278 |
| 10228466 | BOCCELLA SALVATORE | | 4 POINT VIEW CT | SICKLERVILLE | NJ | 8081 |
| 10228467 | JOHNSON NANCY ANN L/E | | 9 NANCY LN | FORT MYERS BEACH | FL | 33931 |
| 10228468 | HECK LLC | | 15561 CATALPA COVE DR | FORT MYERS | FL | 33908 |
| 10228469 | CONANT DONNA TR | | 8122 S FOREST HILL CIR | FRANKLIN | WI | 53132 |
| 10228470 | DENNIS R + CYNTHIA L LOKEN TRU | | 106 ICHABOD LN | MANKATO | MN | 56001 |
| 10228471 | LANDOLFI STEVEN J | | 22 VETO ST | PROVIDENCE | RI | 2908 |
| 10228472 | NIEMEIER RYAN & SUMMER | | 106 S WALNUT ST | LA CRESCENT | MN | 55947 |

THE NEIGHBORHOOD COMPANY

**1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD)**
**Planned Development Rezone**

# EXHIBIT 6-7: 500' SURROUNDING PROPERTY OWNERS MAP






5618 Whispering Willow Way, Fort Myers, FL 33908 | 239.398.2016
www.theneighborhood.company

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VAN BURGESS ROBERT
PO BOX 2717
FORT MYERS BEACH FL 33932

LANI KAI LP
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
1400 ESTERO RD
FORT MYERS BEACH FL 33931

AULLS PATRICIA E L/E
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33966

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
53 POMPANO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

LKLB OF FLORIDA INC
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

463 PALMERO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

499 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

MILLER JONATHAN T
PO BOX 80490
FORT WAYNE IN 46898

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TEZAK HELEN C TR
50 CHAPEL ST APT 4
FORT MYERS BEACH FL 33931

WEIGERT ANTJE & MARTIN
415 CAPE CORAL PKWY W
CAPE CORAL FL 33914

GNIRCK RAPHAEL +
AM MUEHLBERG 39A
BAD HOMBURG VD HOEHE 61348
GERMANY

HENNESSEY PATRICIA J &
460 PALERMO CIR
FORT MYERS BEACH FL 33931

DONNA M BYRD TRUST +
5701 BLUNK KNOB RD
ELIZABETH IN 47117

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

201 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

SLOMSKI STEVEN A &
PO BOX 2428 PMB 25382
PENSACOLA FL 32513

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R & D ENTERPRISES OF
3436 CHURCH ST
STEVENS POINT WI 54481

JAMES R BRATLEY & JOAN E BRATL
15120 WEST ILIFF PL
LAKEWOOD CO 80228

STRICK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

NORTH KEY INC
7150 RED LION FIVE POINTS RD
SPRINGBORO OH 45066

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

LUSSIER TARA CORBISHLEY &
745 BIMINI LN
PUNTA GORDA FL 33950

JKCK LLC
3360 ESTERO BLVD
FORT MYERS BEACH FL 33931

201 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

RILEY SUSAN K TR
180 PRIMO DR
FORT MYERS BEACH FL 33931



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BAILEY JAMES P & LANA C
162 PRIMO DR
FORT MYERS BEACH FL 33931

NEUMANN SHEILA
146 PRIMO DR
FORT MYERS BEACH FL 33931

SEABIRD RESIDENTIAL LLC
1709 SW 47TH TER
CAPE CORAL FL 33914

HIGHLEY MARY BETH TR
6620 ESTERO BLVD #1006
FORT MYERS BEACH FL 33931

ARLINGTON GREEN HOMES LLC
44 ALGONQUIN CT
MARCO ISLAND FL 34145

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

GANIM GEORGE W & JOSEPHINE
4666 MAIN ST
BRIDGEPORT CT 06606

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

GANIM GEORGE W SR &
4666 MAIN ST
BRIDGEPORT CT 06606

RIGHT CHOICE INVESTMENTS LLC
4448 KELLY DR
STERLING HEIGHTS MI 48314

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SANDY BEACH L L C
1892 SANDY BEACH RD
CLARION IA 50525

140 PRIMO LLC
SHEILA NEUMANN
146 PRIMO DR
FORT MYERS BEACH FL 33931

HIGHLEY JAY E & MARY B
124 PRIMO DR
FORT MYERS BEACH FL 33931

KWSH RE LLC
2601 MULBERRY AVE
MUSCATINE IA 52761

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

SMART PARK OF FMB LLC
11330 LONG WATER CHASE COURT
FORT MYERS FL 33908

GANIM GEORGE W & JOSEPHINE
4666 MAIN ST
BRIDGEPORT CT 06606

STEPNEY LLC
4666 MAIN ST
BRIDGEPORT CT 06606

ATWATTER LLC
WALTER RAY SIMMONS
12711 CHATHAM DR
FORT MYERS FL 33908

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908



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GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

JAMES A + JEAN B BISCHOFF TRUS
JEFF MAAAS
20468 ARDORE LN
ESTERO FL 33928

PATTON THOMAS D &
153 PRIMO DR
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

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GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

TPI-FMB SUITES LLC
1207 ESTERO BLVD
FORT MYERS BEACH FL 33931

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

ALMEIDA ROBERT M +
163 PRIMO DR
FORT MYERS BEACH FL 33931

DEEP DISH DOUGH LLC
328 BUCKLIN ST
LA SALLE IL 61301

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

BATIKI WEST CONDO ASSN INC
SUITOR MIDDLETON COX + ASSOC
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

1300 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931



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BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

DENNIS R + CYNTHIA L LOKEN TRU
106 ICHABOD LN
MANKATO MN 56001

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

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ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

Case # _____ Date Received: _____

# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT

## Supplement PH-D

### Additional Required Information for a Planned Development Application

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Fee in the amount of $8000.00 up to 1 acre +1000.00 per additional acre
$2000.00 PD Amendment minor (< acre total property area)
$4000.00 PD Reinstatement or $6500.00 PD Amendment

| |
|---|
| **Project Name:** 1301 Estero Blvd Commercial Planned Development Rezone |
| **Authorized Applicant:** Kenrick S. Gallander, The Neighborhood Company |
| **STRAP Number(s):** 19-46-24-W4-0060B.0160 |
| |

| |
|---|
| **Current Property Status:** Vacant (Pre-Ian - developed with 7-Eleven convenience store) |
| **Current Zoning:** Downtown |
| **Future Land Use Map (FLUM) Category:** Pedestrian Commercial |
| **Platted Overlay?** ☐ **yes,** ☑ **no** **FLUM Density Range:** |

**Requested Action:**

| | |
|---|---|
| ☐ | DRI (with rezoning) |
| ☑ | Planned Development (also check below) |
| ☑ | Rezoning from: Downtown to: CPD |
| ☐ | Amendment to Master Concept Plan/attendant documentation |

# PART I
## Narrative Statements

A. **Comprehensive Plan Amendments** (check one)

| |
|---|
| ☐ There are NO Comprehensive Plan Amendments pending that could affect the future use of this property. |
| ☑ The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect) |
| See attached NARRATIVE document. |
| |
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B. **Phasing of Construction**

| |
|---|
| ☑ The development is to be constructed in a single phase. |
| ☐ The development is to be constructed in phases as follows: (describe proposed phasing below) |
| |
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C. **Comprehensive Plan Compliance.**

Explain how the proposed development complies with applicable Goals, Objectives, and Policies of the Fort Myers Beach Comprehensive Plan.

| See attached NARRATIVE document. |
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**D. Design Standards Compliance**

For projects required to meet Commercial Design Standards, explain how the proposed development complies with the design standards set forth in LDC Sections 34-991 through 34-997.

| See attached NARRATIVE document. |
|---|
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**E. Decision-making Compliance**

Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

| See attached NARRATIVE document. |
|---|
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**F. Schedule of deviations and written justification**

Provide a list of the requested deviations keyed to the Master Concept Plan and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

| Please see attached SCHEDULE OF DEVIATIONS AND JUSTIFICATION |
|---|
| document. |
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**G. Administrative amendments to approved Master Concept Plan**

For amendments to an approved Master Concept Plan, indicate the specific amendments that could not be approved administratively as set forth in LDC Section 34-219.

| |
|---|
| There are no administrative amendments to an approved Master Concept Plan. |
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PART 2

Submittal Requirements

All applications for a planned development must submit fourteen (14) copies of this application form and all applicable exhibits.

**Required Items**

Public Hearing Request Form
Supplement Form PH-D
Master Concept Plan
Traffic Impact Statement - IF DEEMED REQUIRED - TO BE PROVIDED ON SEPARATE COVER.
Architectural Elevations
Schedule of Uses
Fee in the amount of $8000.00 up to 1 acre +1000.00 per additional acre $2000.00 PD Amendment minor (< acre total property area)
$4000.00 PD Reinstatement or $6500.00 PD Amendment

For DRI: A Binding letter of interpretation from DCA or a complete and sufficient ADA.

THE NEIGHBORHOOD COMPANY

**1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD)**
**Planned Development Rezone Application**

# NARRATIVE

## BACKGROUND & REQUEST

The subject property is located at 1301 Estero Blvd., Fort Myers Beach, FL 33931, and consists of a single parcel (STRAP#: 19-46-24-W4-0060B.0160) totaling 10,677± sq. ft. (0.245± acres) (See Figure 1). The property has a Future Land Use (FLU) Map Designation of Pedestrian Commercial and is within the Downtown Zoning District.

The Neighborhood Company, The Applicant, Authorized Representative and Agent on behalf of the owner 7-Eleven Inc, is submitting this Planned Development Rezone Application to request the following:

- Rezone from Downtown to Commercial Planned Development (CPD)

The subject property prior to Hurricane Ian was developed with a 2,016± sq. ft. convenience store (7-Eleven) (See Figure 2). As a result of the hurricane, the property and existing structure received significant damage (See Figure 3). Assessments of the property required the structure and site infrastructure to be demolished and the site cleared (See Figure 4)




**Figure 1. Location Map**



5618 Whispering Willow Way, Fort Myers, FL 33908 | 239.398.2016
www.theneighborhood.company




**Figure 2. Pre Hurricane Ian**




**Figure 3. Post Hurricane Ian**



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**Figure 4. Existing Conditions**

## PROPOSED USE/DEVELOPMENT

The 7-Eleven, which existed on the property for decades, was a very popular commercial business and provided convenience benefits to local residents and visitors. Based on the historic demand and continued need for convenience stores on Fort Myers Beach (FMB), the owner wants to redevelop the property with the same use. The plan for a new convenience store (7-Eleven) improves upon what existed prior to Hurricane Ian, and also reduces or eliminates non-conformities that existed on the property.

Convenience stores have been and continue to be a staple and necessary commercial business in all communities throughout the United States. Fort Myers Beach, Florida is no exception. A convenience store has been at this location for decades. As Fort Myers Beach continues to rebuild and regain its pre-Hurricane Ian resident and visitor populations, convenience related businesses will once again be needed and expected on this part of the island.

The proposed redevelopment of the property will consist of the following:

- A maximum 3,500+/- sq. ft. convenience store to be open 24 hours and seven days a week.
- Two (2) access points from Palermo Circle and Estero Boulevard significantly reduced in width from those that existed prior to Hurricane Ian.
- Dumpster and enclosure with direct access from Santos Road.

The Comprehensive Plan's Pedestrian Commercial FLU designation indicates that the maximum Floor Area Ratio (FAR) specified under the Land Development Code (LDC) may be as high as 2.5. With the subject property currently located within the Downtown zoning district, LDC Sec. 34-675(c)(3) allows an FAR up to 1.4.

An FAR of 1.4 would allow approximately 14,947.8 square feet of building. The CPD is proposing a total building area of approximately 3,500 square feet that is well below the potential maximum allowed.

## LOCATION, SITE DESIGN & COMPATIBILITY

The property is situated within the "Core Area" of Fort Myers Beach at the northeast corner of Estero Blvd. and Palermo Circle. The north side of the property is bordered by Santos Road. Located approximately one quarter mile east of "Times Square" on Estero Blvd., the property is within a heavily travelled and walkable area of the island, which provides visitors with opportunities for shopping, dining, lodging, and access to the beach. This mixed-use "Core Area" is an ideal location for a convenience store. It is where the prior 7-Eleven served the needs of residents and visitors for decades and represents an area of continued activity with the opening of Margaritaville, and the planned redevelopment of the Beached Whale, Tuna Skin Apparel Store and the Cottage.

The subject property is oddly shaped and presents numerous design challenges that would require multiple variances if utilizing conventional zoning regulations. As such, the Commercial Planned Development provides for regulatory flexibility and allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) reconfigures the old site to make it more functional, attractive, resilient, and safer. It also reduces or eliminates non-conformities and makes it generally consistent with the intent of the Downtown redevelopment district.

First, the building is placed where the property is the widest. This allows for a safer and more functional parking lot design where cars will no longer back onto Estero Blvd. Access will be limited to two access points - one along Estero Blvd and the one along Palermo Circle. This will allow for a logical circulation pattern and will provide safer ingress and egress movements. Additionally, this configuration allows for a slightly larger convenience store that will be newer, more resilient, and better meet the needs of the community.

Second, the revised configuration will provide a primary façade along Palermo that will cater to the motorist and improve vehicular access and a secondary facade closer to Estero, which will provide improved, quick and easy access to the pedestrian, cyclist and beachgoer. The placement of the building closer to Estero Blvd is consistent with the Downtown District build to lines and helps activate the street, create visual interest and encourages bicycle and pedestrian activity.

Third the site configuration provides improved setbacks, and more space on the property for bike racks, a connection to the bus/trolley stop, sidewalks, improved landscaping and an enclosed/shielded dumpster pad. These improvements will create a more inviting, visually attractive development and will ensure locational compatibility.

The zoning and existing land uses surrounding the property are as follows:

- North: Santos RPD / Santos Road Right-of Way and Vacant
- South: Downtown / Estero Blvd Right-of-Way and Vacant
- East: Downtown/ Parking Lot
- West: Downtown / Palermo Circle Right-of-Way and Vacant



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For decades, the properties surrounding this site were used for commercial purposes and will remain commercial as the island redevelops. Currently, the properties to the north, south and west are mostly vacant due to the impacts of the hurricane. The property to the north was previously Santo by the Beach, a weekly & monthly rental lodging, to the south across Estero Blvd. were various retails stores and public beach access. To the west was The Whale, a longtime Fort Myers Beach restaurant, and to the east is the Lani Kai's commercial parking lot.

As outlined within the Development Standards Table on the MCP, the proposed build to line and setbacks are as follows:

- Build-to line:
  - Primary Street (Estero Blvd.): 5 feet max
- Minimum Setbacks – Primary and Accessory Structures:
  - Secondary Street (Palermo Circle): 20 feet
  - Local Street (Santos Road): 7.5 feet'
  - Side/Rear: 5 feet

The development standards, inclusive of the build-to line and setbacks, further ensure compatibility with adjacent uses and are appropriate for property located at the center of commercial activity and surrounded by three roadways.

Development order approval will include code compliant landscaping throughout the property. Buffers for the site are not required as the property is adjacent to public rights-of-way on three sides and a parking lot to the east. However, it is the intent to enhance landscaping on the property. Plantings will be planned as part of the development order approval within the buffer areas along Palermo Circle, Santos Road, and between a portion of the subject property and the commercial parking lot to the east. Building edge plantings will also be provided along portions of the building facing Estero Blvd. and the remainder of the property adjacent to the commercial parking lot to the east. The dumpster enclosure, located on the north side of the property will be screened as required by LDC.

A minimum of 50% of the subject property is required to be open space in the Downtown zoning district as stated in LDC Sec. 34-677(b)(2). Prior to Hurricane Ian, the existing site provided an estimated 21% of open space. Due to the unique characteristics of the property and in order to build a modern convenience store and supporting infrastructure that provides for a safer and better functioning property, the site will not meet the intended 50% open space requirement but will maintain a minimum of 21% as previously provided. The 50% requirement would severely reduce the development footprint and render the project unfeasible. A 50% open space requirement is more consistent with suburban standards and is not realistic for an urban infill redevelopment project. The project intends to increase the amount of open space from what existed prior to Hurricane Ian to approximately 25%, which the majority will be located within the northern portion of the property helping to ensure further compatibility with those surrounding uses in the area.

The previously established convenience store use has a proven history of being compatible at this location with the surrounding roadways, lodging, restaurant and retail uses over the years. The proposed development standards, enhanced buffering, additional open space requirements outlined within the proposed CPD will continue to ensure any proposed use is compatible.



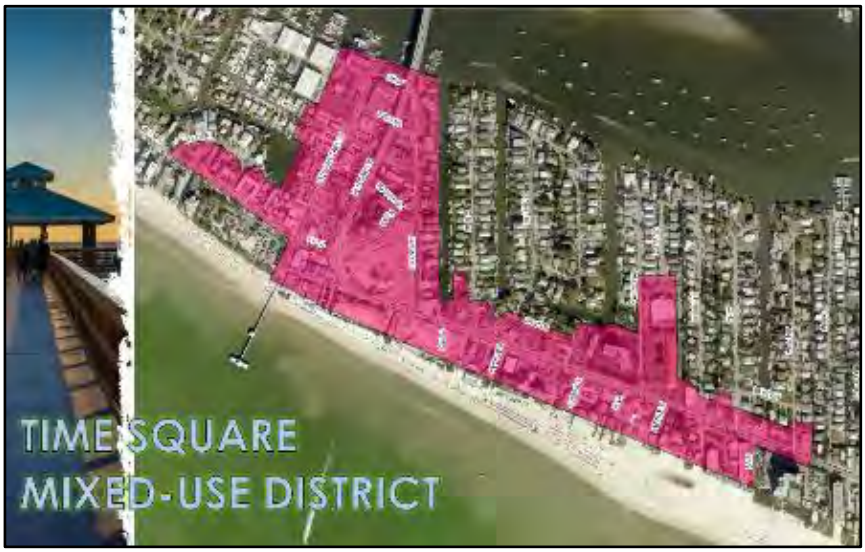
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**THE FOLLOWING ADDRESSES APPLICABLE SECTIONS PROVIDED FOR IN THE PLANNED DEVELOPMENT APPLICATION – SUPPLEMENT PH-D FORM:**

## A. COMPREHENSIVE PLAN AMENDMENTS

The following Comprehensive Plan Amendments are pending and could affect the future use of this property:

- Mixed Use Districts Designation – Time Square Mixed-Use District




The applicant is aware that the town is currently in the early stages of amending its Comprehensive Plan Future Land Use Map (FLUM) as presented by the town's consultant, the town is considering a Future Land Use change for the subject property that would remove the property from the Pedestrian Commercial FLUM designation and place the property within a newly created "Time Square Mixed-Use District". The applicant intends to comply and be consistent with the existing and potential Future Land Use designation for this area. While it is uncertain if and when the Time Square Mixed Use District will be approved, it is our understanding that it intends to promote a mix of uses, greater commercial intensity and enhanced bicycle and pedestrian activity, which are all consistent with the proposed CPD.

## B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.



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## C. COMPREHENSIVE PLAN COMPLIANCE

**COMMUNITY DESIGN ELEMENT:**

**OBJECTIVE 1-A ESTERO BOULEVARD — Improve the functioning and appearance of Estero Boulevard as the premier public space and primary circulation route of Fort Myers Beach.**

**POLICY 1-A-1 Changes along Estero Boulevard should improve on the characteristics that make it a boulevard in character and not just in name: safe and interesting to walk along, impressive landscaping, and scaled to people rather than high-speed traffic.**

The redevelopment plan proposes enhancements to the frontage along Estero Blvd. and throughout the site. These enhancements will include improved access management, increased open space and green areas, defined sidewalks for pedestrian connectivity to Estero Blvd and nearby transit, and improved landscaping. Due to the unusual configuration of the site, which is triangular in shape and bordered by Estero Blvd., Palermo Circle and Santos Road, it was determined that the proposed building location and orientation resulted in a more functional site with improved managed traffic flow to allow all vehicles to leave the parking lot in a forward motion.

This plan proposes a reduction in the width of the driveway opening along Estero Blvd. to create a defined and controlled entrance into the development. Moreover, the new configuration will provide more open space and green areas along Estero Blvd and throughout the property. Additional enhancements to the site include landscaping, enhanced buffering, and potential mural artwork along Estero Blvd. and the rear portion of the building. These enhancements create a development with improved accessibility and safety for pedestrians, while improving the appearance for residents and visitors on the primary circulation route of Fort Myers Beach, thus supporting the "Estero Blvd" vision as described in Objective 1-A and Policy 1-A-1 of the Fort Myers Beach Comprehensive Plan.

**FUTURE LAND USE ELEMENT:**

**GOAL 4: To keep Fort Myers Beach a healthy and vibrant "small town," while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage that a hurricane could inflict.**

**OBJECTIVE 4-A SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented "public realm" that allows people to move around without their cars even in the midst of peak-season congestion.**

The proposed project will rebuild a previously established commercial business which for decades provided easy and practical access to convenience goods for both residents and visitors. The proposed project will provide a more pedestrian friendly environment, through the reconfiguration of parking, the reduced width of the driveway opening from Estero Blvd., orientation of the building, appropriate setbacks/building location, and potential mural artwork on the east and south walls. Through the implementation of these elements, the development will enhance the public realm of Fort Myers Beach and add to its unique small-town character.

Finally, in an effort to minimize the damage that a future hurricane could inflict, the new building will be built to the current Florida Building Code, FEMA standards, and meet all applicable state and federal regulations.



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**Policy 4-A-2 The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm.**

Located along Estero Blvd., approximately one quarter mile east of Times Square, the proposed project will re-establish a long-standing convenience-based business that has provided goods to both residents and visitors for decades. The previous building was destroyed by Hurricane Ian but was an integral component to the heavily travelled Estero Blvd. and walkable area of the town.

The proposed site configuration will provide a primary façade along Palermo catering to the motorist and improve vehicular access. A secondary facade closer to Estero will provide improved, quick and easy access for the pedestrian, cyclist and beachgoer. The placement of the building closer to Estero Blvd is consistent with the Downtown District build to lines and helps activate the street, create visual interest and encourages bicycle and pedestrian activity. Other site elements provide for appropriately applied setbacks, enhanced buffers/landscaping, more space on the property for bike racks, a connection to the bus/trolley stop, relocation of an existing crosswalk, accessway/driveway width reductions, sidewalks, and an enclosed/shielded dumpster pad. These improvements will create a more inviting, safer, visually attractive development ensuring locational compatibility and improved pedestrian oriented areas consistent with Policy 4-A-2.

**POLICY 4-B-6: Pedestrian Commercial: a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code.**

The project site is located within the Pedestrian Commercial FLUM, and as stated in Policy 4-B-6, commercial activities must contribute to the pedestrian-oriented public realm. The site plan proposes to provide enhancements to the public realm through the improved vehicular patterns on the site, clearly defined pedestrian sidewalks and the proposed mural located on the building to add to the pedestrian experience as people move along Estero Blvd. These proposed enhancements will contribute to the pedestrian-oriented public realm of Fort Myers Beach and is consistent with Policy 4-B-6.

**POLICY 4-C-2: The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the "Pedestrian Commercial" category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the "Pedestrian Commercial" category as high as 2.5, and in other categories as high as 1.5.**

The Comprehensive Plan's Pedestrian Commercial FLU designation indicates that the maximum Floor Area Ratio (FAR) specified under the Land Development Code (LDC) may be as high as 2.5. With the subject property currently located within the Downtown zoning district, LDC Sec. 34-675(c)(3) allows an FAR up to 1.4.

An FAR of 1.4 would allow approximately 14,947.8 square feet of building. The CPD is proposing a total building area of approximately 3,500 square feet which equals an FAR of approximately 0.33 is well below the potential maximum allowed and thus is consistent with Policy 4-C-2.

**POLICY 4-C-3. ii. Where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.**

The Fort Myers Beach Land Development Code states that the intent of the Commercial Planned Development (CPD) zoning district is to allow a landowner the ability to submit a specific proposal for a land development that is primarily nonresidential and complies with the Fort Myers Beach Comprehensive Plan but does not meet all of the specific requirements of a conventional or redevelopment district. Due to the unique configuration of the subject property and the destruction caused by Hurricane Ian, this application requests a rezoning to CPD so the property can be redeveloped and to remove nonconformities which existed on the site prior to Hurricane Ian.

A proposed convenience retail store use is being requested within this CPD. This use classification is permitted by right within the Downtown zoning district as well as the Pedestrian Commercial category of the Fort Myers Beach Comprehensive Plan. The CPD rezone request is thereby in compliance with Policy 4-C-3.

**OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards.**
**For flood- and wind-resistance, and by improving the current post-disaster build back policy.**

The new commercial building will be more resilient and will comply with the latest and more stringent Florida Building Code. Additionally, state and federal flood regulations will be followed, improving the resiliency of the island's structures.

**COASTAL MANAGEMENT ELEMENT:**

**GOAL 5: To keep the public aware of the potential effects of hurricanes and tropical storms and to plan a more sustainable redevelopment pattern that protects coastal resources, minimizes threats to life and property, and limits public expenditures in areas subject to destruction by storms.**

**POLICY 5-A-1 The town shall maintain and enforce building codes at least as stringent as required by Florida law to limit the potential damage of structures from hurricanes and tropical storms. These codes shall include wind-resistance commensurate with the risk of a coastal environment and building elevation requirements that conform with federal laws and Flood Insurance Rate Maps.**

The proposed redevelopment of the site will be in compliance with all applicable federal, state and local regulations to develop a resilient commercial property to serve the residents and visitors of Fort Myers Beach.

## TRANSPORTATION ELEMENT

**GOAL 7: To improve peak-season mobility without reducing the permeability of Estero Boulevard to foot traffic or damaging the small-town character of Fort Myers Beach. The town seeks to reduce speeding, improve evacuation capabilities, and improve mobility through balanced transportation improvements such as a continuous system of sidewalks and bikeways, a network of trolleys and water taxis linked to off-island systems, and parking options matched to road capacity.**

**POLICY 7-D-3 ALTERNATE TRAVEL MODES**
**The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify Its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas.**

To better serve the public, the proposed site design includes a clearly marked parking lot with a reduced entrance width from Estero Blvd., appropriate parking lot lighting, and an unobstructed sidewalk with nearby street crossings. To encourage use of alternate travel modes under Policy 7-D-3 the development will provide bike racks for bicycle parking and will maintain a pedestrian pathway to the existing transit top located on the property to the east of the subject site.

## UTILITIES ELEMENT

**GOAL 8: To improve the existing systems that provide safe drinking water, irrigation water, sewer service, and solid waste disposal in order to reduce environmental impacts on land and water while keeping costs as economical as possible.**

**POLICY 8-A-1 Mandatory customer connections to water and sewer utilities shall continue to be the policy of the Town of Fort Myers Beach.**

The proposed development will connect to central water and sewer utilities as mandated by the Town of Fort Myers Beach.



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## D. DESIGN STANDARDS COMPLIANCE

The proposed 7-Eleven convenience store will be consistent with the overall purpose and intent of the commercial design standards provided under LDC Section 34-991. The following outlines compliance with the specified design standards within LDC Sections 34-994 through 34-997:

As depicted in the architectural representations provided (See the required Architectural Elevations included in the submittal documents), the proposed exterior walls will be a combination of stucco and fiber cement panels/boards, which are identified as an appropriate finish material under LDC Section 34-994. The structure will be dry-floodproofed with all fastenings and design to be "visually unobtrusive" and compliant with being located within FIRM Zones: AE 11 and AE 12. The principal façade will be designed to be compliant with the requirements for transparent windows, glazing, and shape.

The proposed building will generally comply with the intent and applicable portions of LDC Section 34-995 related to "Principal Façade Walls" standards. 7-Eleven is proposing to design and install murals on the principal side wall façade facing Estero Blvd (primary street) and the building's rear wall façade facing the commercial parking lot in order to not have blank walls and to enhance visual interest toward the public realm.

LDC Section 34-996 specifically allows for a variety of roof types. The proposed 7-Eleven is designed with a flat roof and parapet, which is permitted under subsection (b). Above the front entrance facing Palermo Circle, an architectural "entry tower" with a hip roof is proposed. The "entry tower" roof consists of a standing seam metal roof, which is permitted under subsection (c).

Due to the unique configuration and small lot size, the proposed design cannot support plazas and courtyards. The project does generally provide for portions of the building to be located close to and oriented toward the existing public sidewalk along Estero Boulevard. The project also provides for internal pedestrian passages or connections along the primary façade facing Palermo Circle to the existing sidewalk along Estero Boulevard, thus meeting the intent of LDC Section 34-997(d).

## E. DECISION-MAKING COMPLIANCE

**(1) Whether there exists an error or ambiguity which must be corrected.**

There are no known errors or ambiguity that must be corrected in relation to the requested rezoning from Downtown to CPD. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Through the proposed CPD rezone request, reductions in prior existing non-conformities are being corrected specific to accessway widths, amount of open space provided, and development standards.

**(2) Whether there exist changed or changing conditions which make approval of the request appropriate.**

The Town of Fort Myers Beach has been devastated by Hurricane Ian. The proposed rezoning will allow the rebuilding of the pre-storm 7-Eleven convenience store. This building will assist in the Town's redevelopment by bringing back a well-established local business and providing a convenience store that will serve local residents and visitors.

**(3) The impact of a proposed change on the intent of this chapter.**

The proposed rezoning change to CPD is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC). The CPD will encourage and promote the redevelopment of a destroyed convenience store business that is needed in the community, reduce or eliminate prior non-conformities, and provide for a more resilient and improved development within the Pedestrian Commercial FLU designation. Through the rezoning process allowed under this chapter and subsequent development order review and approvals, the new 7-Eleven will not negatively impact the community's health, safety, and general welfare.

**(4) The testimony of any applicant.**

The professional experts retained to support the petition will provide future testimony during the appropriate public hearings.

**(5) The recommendation of staff and of the local planning agency.**

The petition will be reviewed by staff, expert testimony will be provided during the public hearing process before the Local Planning Agency and a recommendation will be made to the Town Council.

**(6) The testimony of the public.**

The public will be provided with the opportunity to testify before the LPA and Town Council. Such testimony will be evaluated as applicable and appropriate to the request for the LPA's recommendation and Town Council's decision.

**(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.**

Please see Section C above, which explains how the petition is consistent with the town's comprehensive plan.

**(8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.**

The rezoning request and the proposed redevelopment of a convenience retail store are ideal for the location. The site was previously developed with a convenience store supporting the residents' and visitors' needs. The subject property is located within an urban and commercialized area of the town with limited or no impact to any existing long-term residential uses.

**(9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.**

All urban services were in place for the previous 7-Eleven and remain in place to adequately serve the subject site.

**(10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.**

The subject property was previously developed and has been subsequently cleared of all existing natural vegetation due to the catastrophic impacts of Hurricane Ian. No environmentally critical areas and natural resources exist on the site.

**(11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.**

The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to person or property as the proposed use existed prior to the catastrophic events of Hurricane Ian. There are no known documented code enforcement cases indicating the prior convenience retail use was deemed a nuisance, hazard, or caused detrimental effects to the community. The adjacent surrounding uses consist of public rights-of-way (Estero Boulevard, Palermo Circle, and Santos Road) and a commercial pay to park parking lot. Just beyond the roadways, are vacant or redeveloping commercially zoned lands, which are compatible with the proposed commercial use. All proposed setbacks, buffers, and open space areas are consistent with the standards provided for within the Land Development Code or are suitably proposed and complementary to the highly urbanized development pattern, and unique characteristics of the subject property.

**(12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.**

Given that this CPD simply replaces the previously existing 7-Eleven, there will be no net changes on public facilities and the proposed request does not create any burden upon existing transportation or other services and facilities. The CPD does improve site design to facilitate and enhance bicycle and pedestrian access.

**(13) For planned development rezonings, see § 34-216 for additional considerations.**

This request to rezone the subject property from Downtown to Commercial Planned Development (CPD) will be presented at public hearing before the local planning agency and the town council consistent with LDC Section 34-216(a)(1). As demonstrated throughout this narrative, the proposed CPD meets the following criteria under LDC Section 34-216(2):

a. The proposed convenience retail use, as provided for within the Schedule of Uses is appropriate for the subject location due to the fact that a 7-Eleven previously existed on the property for decades without issue.
b. Sufficient safeguards are in place to protect the public interest through the proposed CPD and supporting MCP. The design, location and proposed use and development standards are generally consistent with the mixture of uses and pedestrian nature of the area and will meet the needs of the town's residents and visitors. As depicted on the MCP, access and circulation will be safer and more functional, the pedestrian experience will be improved and the site will be rebuilt with a new store, additional open space and improved landscaping.
c. If recommended special conditions are presented and are deemed reasonable and feasible, the applicant will be willing to accept them to further ensure sufficient safeguards are established.
d. The proposed rezoning request meets specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:
    1. Policy 4-C-3: See Section "C" within the above narrative.
    2. Policies 4-B-6 and 4-C-3: See Section "C" within the above narrative.
    3. Policy 4-C-4: Proposed height of 30 feet is not taller than the standard height limit allowed under the Land Development Code.
    4. Policy 4-C-8: Density transfers. Not applicable.
    5. Policy 4-E-1: The existing development was consistent with and well below the allowed intensity (FAR 1.4) prior to the natural disaster (Hurricane Ian). Any proposed redevelopment will be consistent with the maximum intensity allowed under the comprehensive plan and LDC.
    6. Policy 7-J-2: The proposed rezone request is not a major rezoning as the request applies to a property that is less than one-quarter of an acre in area. Additionally, the proposed future redevelopment of an existing convenience retail store of similar size will render no net increase in traffic and will not adversely impact the surrounding network.

**CONCLUSION:**

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. Addressing the unique characteristics of the subject property through the regulatory flexibility of the CPD process, reduction or elimination of prior non-conformities, and compliance with today's Florida Building Codes and FEMA standards, the developer will provide a project that is more resilient and functional to the public. This rezoning effort will help bring back a much needed convenience store on the island, helping to improve living conditions and supporting the public's overall health, safety and welfare.



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# MASTER CONCEPT PLAN FOR

# 1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT
# (7- ELEVEN STORE #7043)

LOCATED IN LEE COUNTY, FLORIDA

PART OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST

## DEVELOPED BY

**PROPERTY OWNER**

7-ELEVEN INC
C/O CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

**DEVELOPED BY**

CREIGHTON CONSTRUCTION & MANAGEMENT
2240 W FIRST ST, SUITE 101
FORT MYERS, FLORIDA 33901

## PROPERTY INFORMATION

**SITE ADDRESS**

1301 ESTERO BLVD
FORT MYERS BEACH FL 33931

**FOLIO NUMBER**

10228074

**FLOOD ZONE**

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12071C0554G, EFFECTIVE DATE: NOVEMBER 17, 2022, THE PROPERTY IS LOCATED IN FLOOD ZONES "AE-11" AND "AE-12"

**CURENT ZONING**

DOWNTOWN DISTRICT




VICINITY MAP
N.T.S.




LOCATION MAP
N.T.S.

## INDEX OF SHEETS


1. COVER SHEET
2. MASTER CONCEPT PLAN


DATUM NOTE:

ALL ELEVATIONS REFERENCE NAVD88 VERTICAL DATUM.
APPROXIMATE CONVERSION FOR PROJECT AREA: NAVD88 + 1.18' = NGVD29
ANY DATUM CONVERSIONS SHOULD BE CONFIRMED BY A LICENSED SURVEYOR PRIOR TO USE.


J.R. EVANS ENGINEERING, P.A.
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J.R. EVANS ENGINEERING

ALVARO J. YUSTY, P.E.
FL. LICENSE NO. 92973
FL. COA # 29226


1301 ESTERO BLVD. COMMERCIAL PLANNED DEVELOPMENT

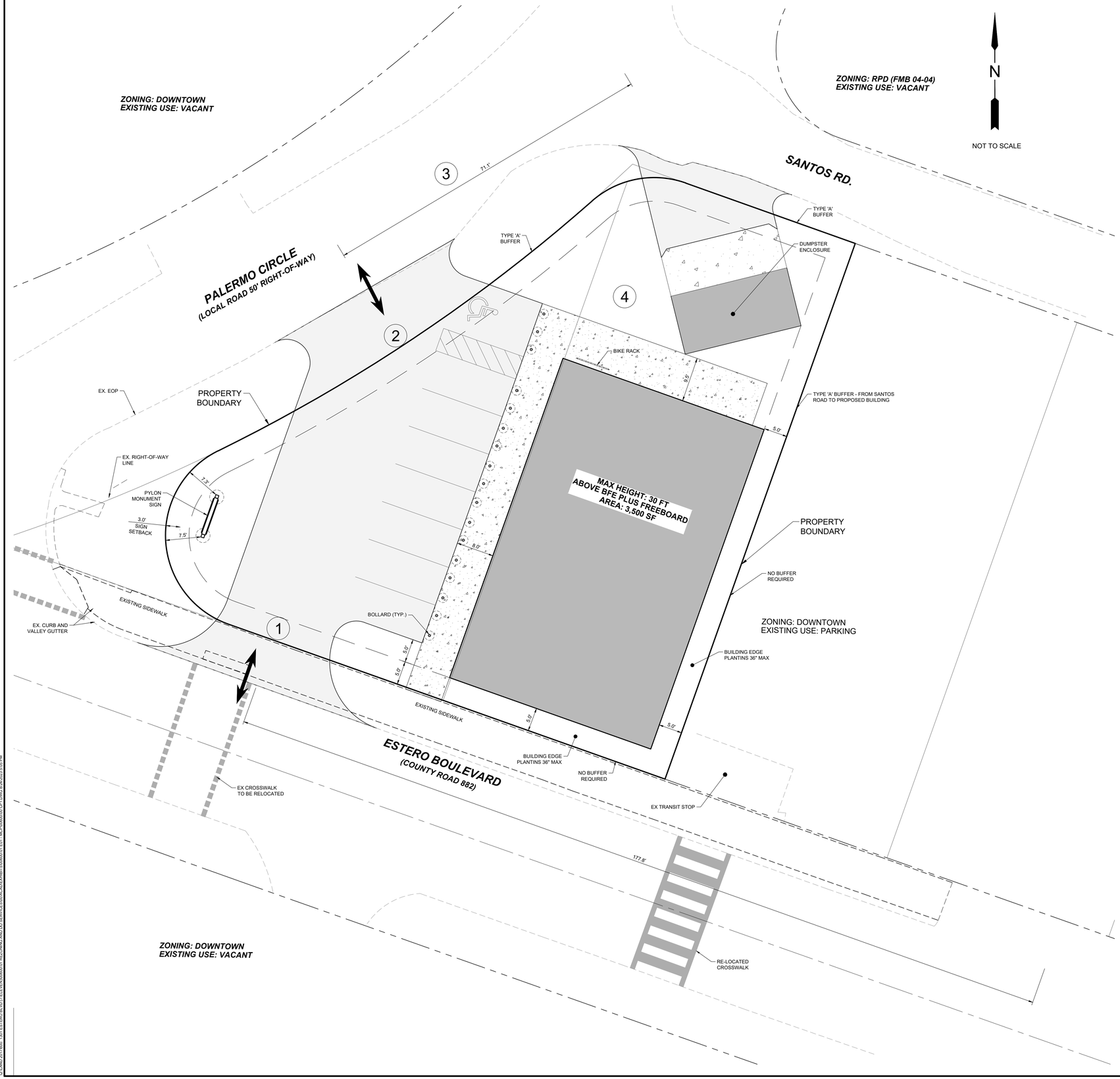
COVER SHEET

| # | DATE | REVISIONS |
|---|---|---|

PROJECT #: 00600-00

SHEET: 1


O:\LAND DEVELOPMENT\7-ELEVEN\1301 ESTERO BLVD, FMB\CAD\PLOT FILES\[1301 ESTERO BLVD, FMB - MASTER CONCEPT PLAN.DWG]Layout: COVER SHEET 2/3/2023 2:16 PM




| DEVELOPMENT STANDARDS TABLE | |
|---|---|
| | REQUIRED |
| BUILDING TO LINE | |
| PRIMARY STREET (ESTERO BLVD) | 0-5 FT |
| | |
| BUILDING FRONTAGE | |
| ALL STREETS | MINIMUM 45% OF LOT FRONTAGE |
| | |
| MINIMUM SETBACKS - PRIMARY AND ACCESSORY STRUCTURES | |
| SECONDARY STREET (PALERMO CIR) | 20 FT |
| OTHER STREET (SANTOS) | 7.5 FT |
| SIDE/REAR | 5 FT |
| | |
| MINIMUM LOT DIMENSIONS | |
| LOT WIDTH | 70 FT |
| LOT DEPTH | 100 FT |
| LOT AREA | 0.245 AC |
| | |
| MAXIMUM INTENSITY - FLOOR AREA RATIO (FAR) | |
| MAX FAR | 0.33 |
| MAX INTENSITY | 3,500 SF |
| | |
| MAX BUILDING HEIGHT | |
| | 30 FT ABOVE BASE FLOOD ELEVATION PLUS FREEBOARD |

| OPEN SPACE | | |
|---|---|---|
| | REQUIRED | PROVIDED |
| MINIMUM PERCENTAGE | 50% | 25% * |
| MINIMUM AREA | 0.124 AC | 0.061 AC |

*SEE DEVIATION 4

## GENERAL NOTES:

1. THE BUILDING SHALL BE A MAXIMUM OF 3,500 +/- SQUARE FEET.
2. PROJECT WILL BE DEVELOPED IN ONE PHASE.
3. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VERY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
4. THE EXACT BUILDING AND SITE IMPROVEMENT CONFIGURATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. THE FINAL DESIGN AND IMPROVEMENT DETAILS SHALL BE DEFINED AS PART OF THE DEVELOPMENT ORDER (DO) PROCESS.
5. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 34 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
6. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT. NO PROTECTED SPECIES SURVEY IS REQUIRED AS PROPERTY IS LESS THAN ONE (1) ACRE PER LDC SEC. 10-473.

## SCHEDULE OF USES:

COMMERCIAL

1. RETAIL STORE, SMALL TO INCLUDE: CONVENIENCE STORES, NO FUEL PUMPS (OPEN 24 HOURS / 7 DAYS)

## DEVIATIONS:

1. SEEKS RELIEF FROM SEC. 34-676(D)(1), WHICH REQUIRES THAT WHEN PROPERTIES FRONTING ON ESTERO BOULEVARD, EXISTING DRIVEWAY AND PARKING SPACES SHALL BE RELOCATED FROM ESTERO BOULEVARD TO SECONDARY STREETS, EXCEPT WHERE THESE REQUIREMENTS WOULD PROHIBIT ALL REASONABLE ACCESS TO A PROPERTY. THE DEVIATION WOULD ALLOW DRIVEWAYS TO REMAIN THAT CONNECT TO ESTERO BOULEVARD AND PALMERO CIRCLE.
2. SEEKS RELIEF FROM SEC. 34-2013(A)(3), WHICH STATES THE REQUIRED MAXIMUM WIDTH AT THE PROPERTY FOR PARKING LOT ACCESS IS 25 FEET. THE DEVIATION WOULD ALLOW FOR A MXIMUM PARKING LOT ACCESS WIDTH OF 50 FEET AT THE PROPERTY LINE ALONG PALMERO CIRCLE.
3. SEEKS RELIEF FROM THE DRIVEWAY SEPARATION REQUIREMENTS OF LDC SECTION 10-285 ALONG ESTERO BOULEVARD AND PALERMO CIRCLE. THE DEVIATION WOULD ALLOW DRIVEAY SEPARATIONS ALONG ESTERO BOULEVARD TO BE A MINIMUM OF 175 FEET AND A MINIMUM OF 70 FEET ALONG PALMERO CIRCLE.
4. SEEKS RELIEF FROM SEC. 34-677(B)(1) WHICH REQUIRES PORTIONS OF PROPERTIES THAT LIE EAST OF PALERMO CIRCLE AND MORE THAN 300 FEET BEYOND THE NORTH EDGE OF THE ESTERO BOULEVARD RIGHT-OF-WAY SHALL RETAIN 50 PERCENT OF THAT PORTION AS OPEN SPACE. THE DEVIATION WOULD ALLOW FOR A MINIMUM OF 25 PERCENT OPEN SPACE.

LEGEND

- CPD BOUNDARY
- BUILDING FOOTPRINT
- DRIVEWAY / PARKING
- WALKWAY
- INGRESS / EGRESS
- (#) DEVIATION

DATUM NOTE:

ALL ELEVATIONS REFERENCE NAVD88 VERTICAL DATUM.
APPROXIMATE CONVERSION FOR PROJECT AREA: NAVD88 + 1.18' = NGVD29
ANY DATUM CONVERSIONS SHOULD BE CONFIRMED BY A LICENSED SURVEYOR PRIOR TO USE.

J.R. EVANS ENGINEERING, P.A.
9961 INTERSTATE COMMERCE DR, STE. 230
FT MYERS, FLORIDA 33913
PHONE: (239) 405-9148
FAX: (239) 288-2537
WWW.JREVANSENGINEERING.COM
J.R. EVANS ENGINEERING

# 1301 ESTERO BLVD. COMMERCIAL PLANNED DEVELOPMENT

MASTER CONCEPT PLAN

| # | DATE | REVISIONS |
|---|---|---|

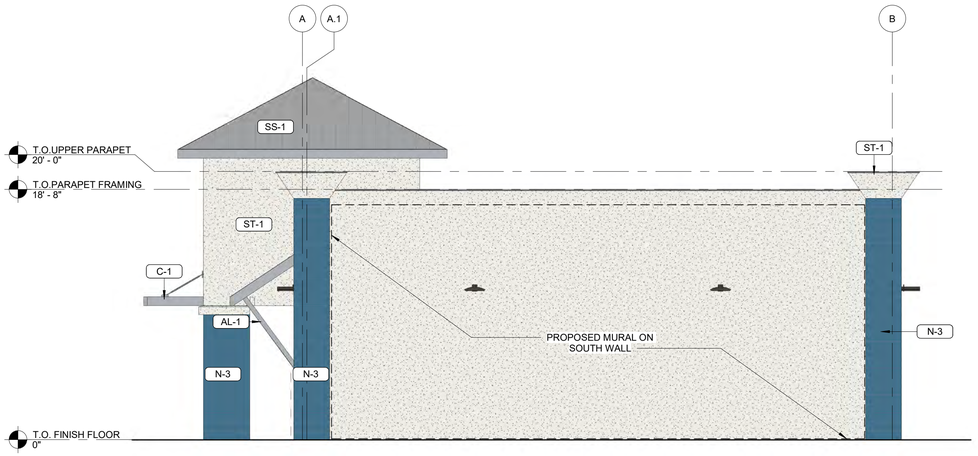
ALVARO J. YUSTY, P.E.
FL. LICENSE NO. 92973
FL. COA # 29226

PROJECT #: 00600-00

SHEET: 2

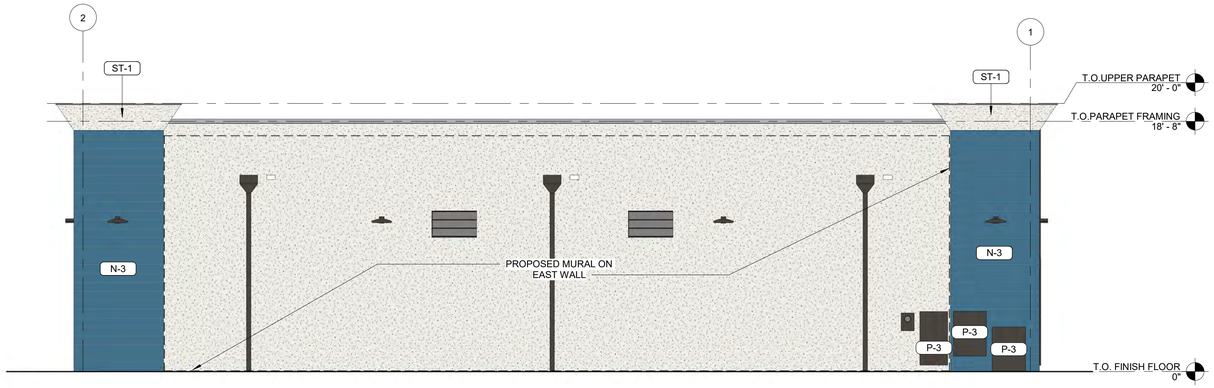
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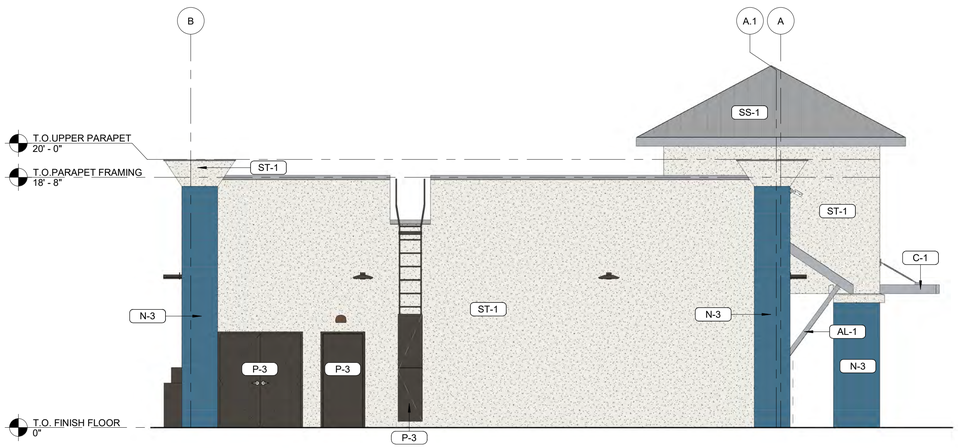



4 R0.01 **ELEVATION - RIIGHT (SOUTH)**
**3/16" = 1'-0"**

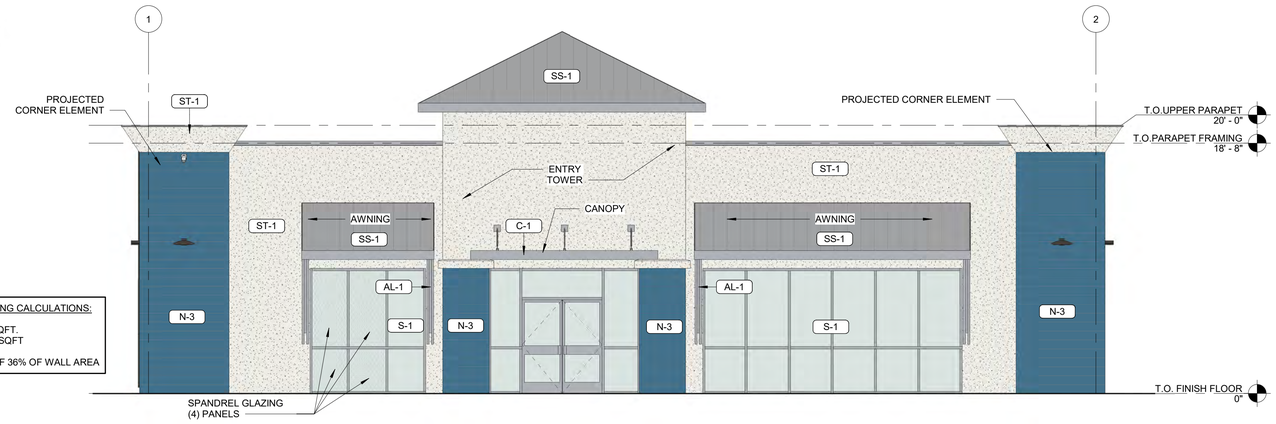
| EXTERIOR MATERIALS SCHEDULE | | | |
|---|---|---|---|
| (NOT ALL MATERIALS IN SCHEDULE ARE USED) | | | |
| **NO.** | **MATERIAL** | **MANUFACTURER** | **COLOR** |
| MR-1 | MEMBRANE ROOFING | DUROLAST | WHITE |
| N-1 | FIBER CEMENT PANEL | NICHIHA | DOWN POUR SW 6516 |
| P-3 | EXTERIOR HM DOORS, FRAMES, TRASH ENCLOSURE GATE, GRAVEL GUARDS, AND LIGHT POLES | SHERWIN WILLIAMS | SEAL SKIN SW 7675 |
| S-1 | ALUMINUM STOREFRONT GLAZING | KAWNEER | CLEAR |
| C-1 | PREFINISHED ALUMINUM CANOPY | MAPES LUMISHADE CANOPY | CLEAR ANODIZED |
| SS-1 | STANDING SEAM METAL ROOF | BERRIDGE | LEAD COTE |
| ST-1 | STUCCO | DRYVIT OR EQ | PAINTED (P-1) |
| ST-2 | STUCCO | DRYVIT OR EQ | PAINTED (P-2) |
| AL-1 | ALUMINUM CANOPY BRACKETS | TBD | CLEAR ANODIZED |




3 R0.01 **ELEVATION - REAR (EAST)**
**3/16" = 1'-0"**




2 R0.01 **ELEVATION - LEFT (NORTH)**
**3/16" = 1'-0"**




FRONT FACADE GLAZING CALCULATIONS:

-WALL AREA = 1,005 SQFT.
-GLAZING AREA = 366 SQFT

WINDOWS CONSIST OF 36% OF WALL AREA

1 R0.01 **ELEVATION - FRONT (WEST)**
**3/16" = 1'-0"**

| REV. # | DATE | DESCRIPTION |
|---|---|---|
| | | |

PROTO:7043 CST 2022-02

**7-ELEVEN #1055525**
1301 ESTERO BLVD.
FORT MYERS BEACH, FL. 33931

CREIGHTON COMMERCIAL DEVELOPMENT
900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991

REVIEW BOARD ELEVATIONS

CREIGHTON
COMMERCIAL DEVELOPMENT

BOTI
ARCHITECTURE
504 W. COLLEGE ST.
SPRINGFIELD, MO 65806
TEL: 877.297.2684
www.boti.studio

Drawings and Specifications as instruments of service are and shall remain the property of the Architect. They are not to be used on other projects or extensions to this project except by agreement in writing and with appropriate compensation to the Architect.

Contractor is responsible for confirming and correlating dimensions at job site; the Architect will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the project.

The seal and signature apply only to the document to which they are affixed and we expressly disclaim any responsibility for all other plans, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the project.

NOT FOR CONSTRUCTION

07/07/2023

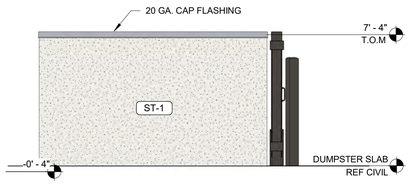
JOB#: 23039
DATE: 07/07/2023
SHEET: R0.01

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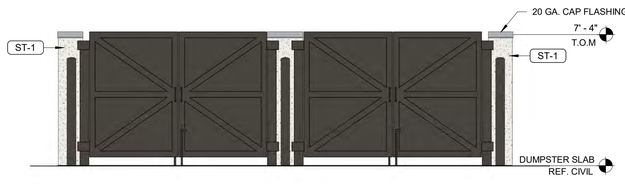
4 R0.02 **REAR ELEVATION DUMPSTER ENCL. (SOUTH)**
**1/4" = 1'-0"**




1 R0.02 **DUMPSTER ENCLOSURE PLAN**
**3/8" = 1'-0"**




3 R0.02 **SIDE ELEVATION DUMPSTER ENCL. (EAST)**
**1/4" = 1'-0"**




2 R0.02 **GATE ELEVATION DUMPSTER ENCL. (NORTH)**
**1/4" = 1'-0"**

| REV.# | DATE | DESCRIPTION |
|---|---|---|
| | | |

PROTO:7043 CST 2022-02

**7-ELEVEN #1055525**
1301 ESTERO BLVD.
FORT MYERS BEACH, FL. 33931

CREIGHTON COMMERCIAL DEVELOPMENT
900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991

REVIEW BOARD DUMPSTER ENCLOSURE

CREIGHTON COMMERCIAL DEVELOPMENT

BOTI ARCHITECTURE
504 W. COLLEGE ST.
SPRINGFIELD, MO 65806
TEL: 877.297.2684
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NOT FOR CONSTRUCTION

07/07/2023

JOB#: 23039
DATE: 07/07/2023
SHEET: R0.02



1 R001 **STREET VIEW - RIGHT (SOUTHWEST)**
**N.T.S.**

| REV.# | DATE | DESCRIPTION |
|---|---|---|
| | | |

PROTO:7043 CST 2022-02

**7-ELEVEN #1055525**
1301 ESTERO BLVD.
FORT MYERS BEACH, FL. 33931

CREIGHTON COMMERCIAL DEVELOPMENT
900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991

3D RENDERINGS

CREIGHTON
COMMERCIAL DEVELOPMENT

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504 W. COLLEGE ST.
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NOT FOR CONSTRUCTION

08/10/2023

| | |
|---|---|
| JOB#: | 23039 |
| DATE: | 08/10/2023 |
| SHEET: | R001 |

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1 R003 **STREET VIEW - REAR (SOUTHEAST)**
**N.T.S.**

| REV.# | DATE | DESCRIPTION |
|---|---|---|
| | | |

PROTO:7043 CST 2022-02

**7-ELEVEN #1055525**
1301 ESTERO BLVD.
FORT MYERS BEACH, FL. 33931

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3D RENDERINGS

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NOT FOR CONSTRUCTION

08/10/2023

| | |
|---|---|
| JOB#: | 23039 |
| DATE: | 08/10/2023 |
| SHEET: | R003 |

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**1301 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD)**
**Planned Development Rezone**

# SCHEDULE OF USES

**COMMERCIAL**

RETAIL STORE, SMALL TO INCLUDE:

CONVENIENCE STORES, NO FUEL PUMPS (OPEN 24 HRS/7 DAYS)



5618 Whispering Willow Way, Fort Myers, FL 33908 | 850.803.5621
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THE NEIGHBORHOOD COMPANY

**Commercial Planned Development (CPD)**
**Planned Development Rezone**

# SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

**DEVIATION #1 seeks relief from LDC Section 34-706(d) which requires that when properties are fronting on Estero Boulevard, existing driveway and parking spaces shall be relocated from Estero Boulevard to secondary streets, and new driveways shall connect only to secondary streets, except where these requirements would prohibit all reasonable access to a property. The deviation would allow driveways to remain that connect to Estero Boulevard and Palermo Circle.**

**Justification:** The prior site condition provided for existing access points (driveways) both onto Estero Blvd (Primary Street) and Palermo Circle (Secondary Street). Estero Blvd. was approximately 100 feet wide and Palermo Circle approximately 80 feet wide. Due to the unique triangular configuration of the subject property, which has been in place for decades and the need to redevelop the property to bring back the desired commercial convenience store use to the Town, it is necessary to continue to allow for access points from Estero Blvd., and Palermo Circle. Convenience stores rely heavily on customer vehicular traffic and truck deliveries, which require appropriately designed and safe traffic movement. Due to the physical limitations resulting from the triangular shape of the property the site plan continues access from Estero; however, the design has been improved to enhance functionality and safety.

**DEVIATION #2 seeks relief from LDC Section 34-2013(a)(3) which states that the maximum width at the property for parking lot access is 25 feet. The deviation would allow for a maximum parking lot access width at the property line of 60 feet along Palermo Circle and 35 feet along Estero Blvd.**

**Justification:** The pre-Ian site design had non-conforming access (driveway) widths along Estero Blvd. and Palermo Circle. Estero Blvd. was approximately 100 feet wide and Palermo Circle approximately 80 feet wide. In order to bring back the desired commercial convenience store use to Fort Myers Beach, the odd shaped lot configuration requires the need to maintain an access point wider than 25 feet along both Palermo Circle and Estero Blvd. The proposed MCP reduces the access point widths from over 100 feet to a maximum of 60 feet for Palermo Circle and 80 feet wide down to a maximum of 35 feet. This new configuration will improve circulation patterns, ensure safe and efficient truck maneuverability, and improve overall public safety conditions.

**DEVIATION #3 seeks relief from the minimum driveway separation requirements of LDC Section 10-285 along Estero Boulevard and Palermo Circle. The deviation would allow driveway (vehicle access) separation along Estero Boulevard to be a minimum of approximately 141 feet from the adjacent access point to the east and a minimum of approximately 52 feet from the Estero Blvd/Palermo Intersection. The deviation would also allow driveway (vehicle access) separation along Palermo Circle to be a minimum of approximately 52 feet from the Santos Road intersection and approximately 105 feet from the Estero Blvd/Palermo Circle intersection.**



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www.theneighborhood.company

**Justification:** The proposed accessways onto Estero Boulevard and Palermo Circle existed prior to Hurricane Ian and the destruction of the existing convenience store use. Relocation of the existing accessways to meet the distance separation from all surrounding street intersections or other accessways is impossible. Due to the unique triangular configuration of the subject property and the need to manage vehicular traffic and pedestrian connectivity to the site, the proposed site layout as detailed on the Master Concept Plan requires both accessways from Estero Blvd. and Palermo Circle to remain. The two accessways were non-conforming in terms of their location and overall width. The Estero Blvd. accessway was approximately 100 feet wide and Palermo Circle approximately 80 feet wide. Both accessways, pursuant to requested Deviation #2, will be significantly reduced in width. This will improve traffic circulation to and from the adjacent roadways. The proposed configuration, as detailed on the MCP, increases distance separation from all surrounding street intersection and accessways than what previously existed, thus working toward achieving general consistency of the intent of LDC Section 10-285 to provide as much connection separation while keeping the proposed redevelopment feasible.

**DEVIATION #4 seeks relief from LDC Section 34-706(a) which requires an off-street parking lot to be placed in the side or rear yards. The deviation would allow the off-street parking to be located and orientated toward the Palermo Circle frontage.**

**Justification: T**he requested deviation from LDC Sec. 34-706(a) is to allow for off-street parking to be placed on the west side of the property (Palermo Circle frontage) as depicted on the MCP. Prior to Hurricane Ian the off-street parking for the site was located primarily along Estero Blvd., a major arterial roadway, with additional parking at the western side of the store along Palermo Circle. The parking configuration required vehicles to back into the rights-of-way from several of the parking stalls in order to exit the property. Pedestrians were not able to reach the front entrance of the building without walking through the parking lot, either behind or between vehicles.

The proposed redevelopment of the site has relocated the off-street parking to the western side of the site facing Palermo Circle, which is now the primary frontage and main entrance to the building. Although parking is not located in the side or rear yard, it has been relocated from the Estero Blvd. frontage. The reconfigured accessways into the site from Estero Blvd. and Palermo Circle have been reduced in width, allowing for more controlled vehicular movements in and out of the site. The new configuration removes the prior unsafe and undesirable off-street parking onto Estero Blvd. The closest parking stall proposed is more appropriately orientated parallel to Estero Blvd. and with a 10' separation from the Estero Blvd. This orientation also allows for the addition of an internal sidewalk connecting to the existing sidewalk along Estero Blvd., thus allowing for a safer, more pedestrian friendly site. The new accessways from Estero Blvd. and Palermo Circle will be clearly defined through pavement markings, and as previously stated a sidewalk connecting the store entrance directly to the existing Estero Blvd. sidewalk. The parking stalls will be located at the front of the store along Palermo Circle with adequate space to allow vehicles to exit the site without having to back into the Estero Blvd. right-of-way. The proposed site design, as detailed on the MCP, significantly reduces the nonconformities which existed prior to Hurricane Ian. It also creates a safer, more pedestrian friendly site with enhancements to the pedestrian realm along Estero Blvd. thus achieving general consistency with the intent of LDC Section 34-706(a) while working within the unique triangular configuration of the subject property in order to redevelop the property with a new convenient store use needed in the town.



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**DEVIATION #5 seeks relief from LDC Section 34-2020(d)(2)i.1 which requires a minimum of four spaces per 1,000 square feet of total floor area or 14 parking spaces for the proposed max. 3,500 square feet of convenience store total floor area. The deviation would allow for a reduction in the minimum required parking spaces to 8 parking spaces.**

**Justification:** Parking requirements for a convenience store are four spaces per 1,000 square feet, which equates to a total of 14 vehicle parking spaces required for the proposed maximum 3,500 square foot convenience store. The site is located within an area of the town (Downtown zoning district) considered a "park-once" district and allows for a reduction of required vehicle parking by a multiplier of 67%. Through this multiplier, the required number of vehicle parking spaces would be reduced to a total of 5 spaces. However, LDC Sec. 34-953 states that requests for a rezoning to a Commercial Planned Development (CPD) zoning district require that building placement, size, design, and all other property development regulations, such as parking, shall be the same as for the CB zoning district. Following this requirement means the proposed convenience store is required to revert to providing a minimum of 14 vehicle parking spaces. This is counterproductive to the desired "park-once" intent the town is seeking for this area. Reverting to the CB requirements results in the applicant's inability to apply the parking reduction multiplier and burdens the site with excessive off-street parking in this more urbanized area of the town.

The applicant desires to meet the intent of being within the Downton "park-once" district by seeking a reduction in the number of off-street vehicle spaces from 14 to 8. Due to the unique triangular configuration of the subject property, the need to manage vehicular traffic and pedestrian connectivity to the site, and the need to support the proposed convenience store use results in the need to maintain a minimum of 8 parking spaces. The applicant also sees the benefit of and wants to promote the use of alternative modes of transportation to their development. The applicant is accomplishing this by designating an area for 2 bicycle racks, each able to hold 4 bicycles. As stated in LDC Sec. 34-2020(c), commercial buildings may eliminate one required vehicle parking space by providing and maintaining a bicycle rack able to hold four bicycles.

The requested deviation to allow for the reduction to a minimum of 8 vehicle parking spaces for a convenience store is consistent with the intent to reduce off-street parking impacts as allowed within the Downtown zoning district, provides areas for additional bicycle parking, addresses the unique site configuration limitations, and does not negatively impact the health, safety and welfare of the community.

**DEVIATION #6 seeks relief from LDC Section 34-705(a)(1) which requires building frontages on Estero Blvd. to be at least 50 percent of the lot frontage. The deviation would allow for the building frontage on Estero Blvd to be at least 43 percent of the lot frontage.**

Due to the subject property's location at the corner of Estero Blvd. and Palermo Circle, LDC Sec. 34-705(a)(1) requires the building to be located within the corner of the lot nearest the street intersections. The unique triangular shape of the lot presents a design challenge when attempting to meet the 50% Estero Blvd. frontage requirement. The requested deviation will allow for the frontage requirement to be reduced to 43% on Estero Blvd.



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Prior to Hurricane Ian, the convenience store's primary front façade was at an angle facing Estero Blvd. with off-street parking encompassing the entire frontage area of the property. The proposed building orientation as shown on the MCP has the primary front façade now facing Palermo Circle and moved adjacent to Estero Blvd. property line, resulting in meeting the desired pedestrian friendly "build-to" site orientation than existed prior to Hurricane Ian.

The proposed site configuration locates the building where the property is the widest, removes off-street parking from the Estero Blvd. frontage, reduces the width of the vehicular access points from Estero Blvd. and Palermo Circle, and allows for an internal sidewalk from the entrance of the 7-Eleven to the sidewalk along Estero Blvd. This site configuration also brings the building closer to Estero Blvd., establishes a much safer, more pedestrian friendly environment and encourages pedestrian connectivity in a heavily traveled, walkable area of the island.

The placement of the building helps activate Estero Blvd., creates visual interest, and encourages bicycle and pedestrian activity which supports the goal of the Downtown and CB zoning districts under the proposed CPD rezoning. The proposed site design allows for the redevelopment of a convenience store on the unique triangular site in a manner that provides a much-needed service to the island while enhancing the quality and character of the pedestrian-oriented commercial activities along Estero Blvd. thus meeting the intent of the LDC's building frontage requirement for Estero Blvd. Based on the justifications provided, the granting of this deviation will not negatively impact the health, safety, and welfare of the community.

**DEVIATION #7 seeks relief from LDC Section 34-2015(5) which requires sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. The deviation would allow vehicles to leave the most northern parking spaces in a reverse motion into the Palermo Circle right-of-way.**

Prior to Hurricane Ian, the convenience store's parking configuration required vehicles to back into the Palermo Circle, a local street, and Estero Boulevard, an arterial roadway, rights-of-ways in order to exit the site. The unique triangular shape of the lot presents a design challenge for access and the required parking of vehicles. The lot and redevelopment of the prior use does not provide sufficient room to allow for all spaces to leave in a forward motion into Palermo Circle right-of-way. The proposed reconfiguration of the site has created a defined two-way access from Estero Boulevard as well as Palermo Circle to improve vehicle maneuvering to and from the property. The site configuration has also allowed for improved pedestrian safety and connectivity from the right-of-way to the use. The proposed parking spaces, which are located on a property within the Pedestrian Commercial future land use category, do not unduly interfere with a critical congested road segment (Estero Boulevard) and do not affect normal usage of any existing or proposed sidewalks along Palermo Circle. The requested deviation to allow vehicles to back out of the most northern parking spaces into Palermo Circle, a local street, will not negatively impact the health, safety, and welfare of the community.



5618 Whispering Willow Way, Fort Myers, FL 33908 | 850.803.5621
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**Town of Fort Myers Beach**
**Agenda Item Summary** Yellow Sheet Number: **2024-1404**

1. **Requested Motion:** **Meeting Date: January 9, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230233, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 11 PALMVIEW BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**Why the action is necessary:**
The LPA hears and recommends action to the Town Council for variance requests.

**What the action accomplishes:**
The recommendation will be forwarded to the Town Council.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

---

5. **Background:**
Roby Robinson, the applicant for 11 Palmview Boulevard, is requesting a variance from the Town's Land Development Code (LDC) 34-638(d)(1)g. Mechanical equipment such as air conditioners, generators, service panels, meters, and pool equipment, associated with new homes, may encroach up to three feet into rear and waterbody primary structure setbacks but must meet the same street and side setbacks as the building it serves. 1. On lots where the side setbacks are not equal on both sides, mechanical equipment may not be placed on the side of the house with the smaller setback unless the smaller setback is 20 feet wide or more.

This new pool equipment was constructed at grade and encroaches 3.3 feet into the required setback and is located in the smaller side setback. The Applicant is requesting a variance of 3.3 feet for a side yard setback of 4.2 feet to allow a pool equipment pad in the north side yard of an existing single-family home.

**Attachments:**
1. staff report
2. Application packet
3. Res 24-11- 11 Palmview

**Financial Impact:**
Unknown

6. **Alternative Action**
RECOMMEND DENIAL

7. **Staff Recommendations:**
Recommend approval with conditions.

8. **Recommended Approval:**

_____ Date: January 03, 2024

Frankie Kropacek, Operations & Compliance Director

_____ Date: January 05, 2024

Nancy Stuparich, Town Attorney

_____ Date: January 05, 2024

Amy Baker, Town Clerk

# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT
## STAFF REPORT

**TYPE OF CASE:** **Variance**

**CASE NUMBER:** **VAR20230233**

**CASE NAME:** **11 Palmview Blvd; requesting relief from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.**

**LPA HEARING DATE:** **January 9, 2024**

**STAFF RECOMMENDATION:** **APPROVAL**

**PREPARED/ SUBMITTED BY:** **Sarah Propst, AICP, PMP / Jason Green, AICP, CFM**

## I. APPLICATION SUMMARY

| | |
|---|---|
| Applicant/Owner: | Roby Robinson (Applicant and Owner) |
| Request: | Variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths. |
| Subject property: | See attached site plan |
| Physical Address: | 11 Palmview Blvd |
| STRAP #: | 34-46-24-W4-00600.0330 |
| FLU: | Low Density Residential |
| Zoning: | Residential, Single Family |

Adjacent zoning and land uses:

| | |
|---|---|
| North: | RESIDENTIAL, SINGLE FAMILY (RS)<br>Single-Family Residence |
| South: | RESIDENTIAL, SINGLE FAMILY (RS)<br>Single-Family Residence |
| East: | Water Canal |
| West: | RESIDENTIAL, SINGLE FAMILY (RS)<br>Single-Family Residence across Palmview Blvd |

## II. BACKGROUND AND ANALYSIS

Background:
Roby Robinson, the applicant for 11 Palmview Boulevard, is requesting a variance from the Town's Land Development Code (LDC):

34-638(d)(1)g. Mechanical equipment such as air conditioners, generators, service panels, meters, and pool equipment, associated with new homes, may encroach up to three feet into rear and waterbody primary structure setbacks but must meet the same street and side setbacks as the building it serves. 1. On lots where the side setbacks are not equal on both sides, mechanical equipment may not be placed on the side of the house with the smaller setback unless the smaller setback is 20 feet wide or more.

This new pool equipment was constructed at grade and encroaches 3.3 feet into the required setback. The property also has a larger side setback on the opposite side of the house, which was not used for the equipment. The Applicant is requesting a variance of 3.3 feet for a side yard setback of 4.2 feet to allow a pool equipment pad in the north side yard of an existing single-family home.

Analysis:
The property is a 75 feet wide and 110 feet deep conforming lot zoned Single-Family Residential, RS. The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. The width of the lot and the minimum setbacks in the LDC guide the development of a home and its mechanical equipment.

The subject property currently supports a single-family residence and is a waterbody lot situated along Palmview Blvd. The existing single family home has a north side yard setback of 8.1 feet that contains an AC pad with a side yard setback of 4.1 feet. This AC pad existed before the Applicant bought the subject property.

The Applicant recently built a pool equipment pad with a side setback of 4.1 feet on permit approval and failed final inspection. The Applicant is requesting a variance of 3.4 feet for a side yard setback of 4.1 feet to allow the newly built pool equipment pad in the north side yard of an existing single-family home.

The provided survey indicates a public utility easement along the north side property line. This appears to be an error (the original plat shows the drainage easement on the south side of the property), however staff has recommended and the applicant has agreed to a condition to ensure that if an easement exists in this location and the utility must access the easement, that the equipment in this location will be moved at the owner's expense.

Neighborhood Compatibility:
All properties with 75 feet or lesser width along Palmview Blvd are required to have a minimum of 7.5 feet wide side yard setbacks. Similar to the subject property, several single-family residences along this corridor have a pool in the rear yard and equipment in the side yard. It is unknown whether the equipment was installed original to the home and met the Town's LDC requirements at the time of construction.

Findings and Conclusions:
LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

   The applicant had the equipment installed professionally and it was placed on the wrong side of the house. The Applicant was unaware that the equipment was in the wrong location until the final inspection failed. The applicant has worked with staff to resolve this issue. Moving the equipment and replumbing the pool would be an unnecessary burden, considering the AC pad is already located in this side yard.

b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

   The homeowner hired a pool company to do this work and believed that it was completed properly. He was not aware of the issue until the final inspection revealed that the equipment was in the incorrect location.

c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

This is the minimum variance that would resolve the setback encroachment.

*d. That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

Changes to the code made this variance request necessary and staff is proposing further changes to the code per a request by the LPA.

## III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths. Staff found that the variance request does meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **APPROVAL** of VAR20230233, a request for a variance of 3.4 feet for a side yard setback of 4.1 feet to allow a pool equipment pad in the north side yard of an existing single-family home.

## IV. CONDITIONS FOR APPROVAL

If the Town's LPA recommends approval for the variance, town's staff recommends the following conditions of approval.

1) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.
2) If the utility provider of the existing 6-feet public utility easement needs access, the equipment within the easement must be moved at homeowner's expense.

## V. EXHIBITS

Exhibit A: Complete Application Packet
Exhibit B: Postcards to Adjacent Property Owners

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 11 Palmview Bl

STRAP Number: 34-46-24-00600 10330

Applicant: Roby Robinson Phone: 239-5609287

Contact Name: _____ Phone: _____

Email: Roby5566@Aol.com Fax: _____

Current Zoning District: _____

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

| ACTION REQUESTED | SUPPLEMENTAL FORM REQUIRED |
|---|---|
| ☐ Special Exception | PH-A |
| ☑ Variance | PH-B |
| ☐ Conventional Rezoning | PH-C |
| ☐ Planned Development ☐ Commercial ☐ Residential | PH-D |
| ☐ Master Concept Plan Extension | PH-E |
| ☐ Appeal of Administrative Action | PH-F |
| ☐ Vacation of Platted Right-of-way and Easement | PH-G |
| ☐ Other – cite LDC Section: _____ | attach on separate sheet |

### PART I – General Information

A. Applicant*: Roby Robinson Phone: 239-560 9287

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 11 Palmview Bl Ft. Myers Beach FL 339

Email: Roby5566@Aol.com Fax: _____

Contact Name: _____ Phone: _____



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- [x] Owner*
- [ ] Land Trust*
- [ ] Partnership*
- [ ] Corporation*
- [ ] Association*
- [ ] Condominium*
- [ ] Subdivision*
- [ ] Timeshare Condo*
- [ ] Contract Purchaser*
- [ ] Authorized Representative*
- [ ] Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

### PART II – Nature of Request

Requested Action (each request requires a separate application)

- [ ] Special Exception
- [x] Variance from LDC Section 34 - 1174 (1) (D)
- [ ] Conventional Rezoning from _____ to _____
- [ ] Planned Development
- [ ] Rezoning from _____ to [ ] Commercial PD [x] Residential PD
- [ ] Amendment. List the project number: _____
- [ ] Extension/reinstatement of Master Concept Plan. List project number: _____



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
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☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☑ Easement

☐ Other. Please Explain: _____

_____

_____

## PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

## PART IV – Property Ownership (Single Owner)

☑ Single Owner (individual or husband and wife)

Name: Roby Robinson Phone: 239-560 9287

Mailing Address: 11 Palmview Bl

Email: Roby55566@AOL.com Fax: _____

## AFFIDAVIT
## APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Roby Robinson swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Roby Robinson
Signature

Roby Robinson
Printed Name

**STATE OF** Fl **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR _____ online notarization, this _____day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

_____
Notary Public Signature

### PART V
### Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

### DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage Ownership |
|---|---|
| | |
| | |
| | |
| | |





Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

| Name | Address |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____

Signature Printed Name

**AFFIDAVIT**

**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

Roby Robinson
Name of Entity (corporation, partnership, LLP, LLC, etc)

Roby Robinson
Signature

owner
Title

Roby Robinson
Typed or Printed Name

10-26-23
Date

**STATE OF** FL **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this _____day of _____, 20____ , by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

_____
Notary Public Signature

### PART VI– Property Information

A. Legal Description:

STRAP: 34-46-24-W4-00600.0330

Property Address: 11 Palmview B1

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 75 feet

Depth (please provide an average width if irregular in shape) 110 feet

Frontage on street: 75 feet. Frontage on waterbody: 75 feet

Total land area: 8250 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

go over Bridge turn left go 4½ miles turn left into Fairview Isles on to Albatross turn right on Palmview Bl

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☐ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☐ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☐ Attach a map showing the surrounding property owners as Exhibit 6-7.

☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density
☐ Mixed Residential
☐ Boulevard
☐ Pedestrian Commercial
☐ Marina
☐ Recreation
☐ Wetlands
☐ Platted Overlay

## EXPLANATORY NOTES

***Please do not print, copy and submit these instructions***

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Case # _____ Date Received: _____

# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### Supplement PH-B

### Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

| |
|---|
| **Case Number:** |
| **Project Name:** |
| **Authorized Applicant:** |
| **LeePA STRAP Number:** |
| |

| | | | |
|---|---|---|---|
| **Current Property Status:** | | | |
| **Current Zoning:** | | | |
| **Future Land Use Map (FLUM) Category:** | | | |
| **Comp Plan Density:** | **Platted Overlay?** | ☐ **Yes** | ☐ **No** |

**Variance is requested from:**

| **LDC Section Number** | **Title of Section or Subsection** |
|---|---|
| 34-1174(1)(10) | |
| | |
| | |
| | |
| | |
| | |

Complete the narrative statements below for EACH variance requested.

Case # _____ Date Received: _____

PART I

Narrative Statements

**Request for variance from _____(LDC Section number)**

**Explain the specific regulation contained in this section from which relief is sought:** See narrative statement page #1

**Reasons for request**

**Explain why the variance is needed:**

See narrative statement Page #2

**Explain the possible effect the variance, if granted, would have on surrounding properties:**

See narative statement page # 3

**Explain the hardship (what is unique about the property) that justifies relief from the regulation:**

See narative statement page # 4.

Case # _____ Date Received: _____

| **Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.** |
| --- |
| See Part II Submittal Requirement narrative page #5, #6, #7 |

Case # _____ Date Received: _____

PART 2
Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - iworq (talktomycity.com)

**Required Items**

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of $1800.00 (residential)/Additional Variance $500.00
- Variance (non-residential) $2800.00/ Additional Variance $700.00

**Guide to filing PH-B Additional Required Information for a Variance Application**

**Cover page**

**Case Number** will be inserted by Community Development staff.
**Project Name** must be the same as the name used on the Request for Public Hearing form.
**Applicant** must be the same as on the Request for Public Hearing form.
**STRAP numbers** must be the same as on the Request for Public Hearing form.
**Current status of property** must be the same as on the Request for Public Hearing form.
**"Variance is requested from…"** Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

**Narrative statements**

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

**Site plan**

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

**LDC Section 34-87**

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

PART I Narrative Statements Page #1

Town of Fort Myers Beach Variance Application

Request for variance (LDC Section number) 34-1174 (1) (10)

Explain the specific regulation contained in this section from which relief is sought.

After failing the final inspection, I went to Town Hall to inquire how to solve the issue.

The consensus was that I should apply for a variance because the equipment pad is 4'7" off the property line.

I was advised to move the equipment on the pad as far from the property line as possible. Gulf Coast Pools came and moved the equipment 9" closer to the house and away from the property line.

I am requesting a variance to leave everything where it is, and be granted an exception of 2'2" from said setback.

PART I Narrative Statement Page #2

Town of Fort Myers Beach Variance Application 34-1174 (1)(10)

Reason for Request

Explain why the variance is needed:

I am requesting a variance because the final inspection on my pool failed. Tropical Pools submitted a different survey plan with the equipment pad in a different place than originally drawn. They say I moved the pad and equipment myself. I DID NOT.

LIS Engineering, LLC (Bob) drew the drainage plan. Tropical Pools then submitted that plan to the town. IT PASSED INSPECTION.

Tropical Pools then set the equipment on the pad as the original LIS Engineering plan specified. IT PASSED INSPECTION

I found out that I had an issue when the final inspection failed.

It has been over three years since this project started, so I called Tropical Pools to find out what happened. During the conversation, Ronnie told me he "F'd" up and he would take care of it. He never did. As time passed, he changed his story saying I moved the pad, plumbing, and equipment myself. That is not true.

Fort Myers Beach Variance Application 34-1174 (1)(10)

Explain the possible effect the variance, if granted would have on surrounding properties:

There are no adverse effects.

The abutting neighbor has no problem with the equipment placement as is. Mr. Louis J. Santoro's A/C and pool equipment are likewise near the same property line.

He is more concerned about the noise that will be generated if it is moved where shown on the NEW survey drawing that was submitted with the final paperwork. It places the equipment even with his Lani. It will be in his view. He will have to contend with the noise while relaxing on his Lani.

Explain the hardship (what is unique to the property) that justifies relief from regulation

The equipment was installed three years ago. It has had two inspections. Both passed.

At this point I have paid Tropical Pools in full. ($34,000.00)

I have paid Diamond Bright Pools to drain, acid wash, and pebble tech pool bottom because Tropical left it stagnant for one and one half years ($4,500.00).

I spent another ($1,100.00) after Ian to drain, acid wash it again.

And then another refill for ($550.00)

The cost of this application ($1,800.00)

Returning to my home post Ian (100,000.00)

Having to move the equipment, plumbing, and the pad will be costly. I estimate $6,500.00.

That expense on top of everything stated above is just more than I can afford in my retirement.

My neighbor is happy. His view is not obscured, the noise is confined between the two houses where it bothers no one. Our mechanicals run in tandem down the same property line at this time. We would like to keep it that way.

Fort Myers Beach Variance Application 34-1174(1)(10)

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

1) As per conversations with the Town Hall I have had the existing equipment moved as close to the house as possible. Placing it 9" further in on the pad, and away from the property line.
I am asking for an exception of 2'2".

2) Asking for this variance is not the result of my actions. Tropical Pools placed the equipment on the pad where it was indicated on the water run off survey. The Town approved it.
I was unaware and did not grant permission for the survey schematic to be redone and altered for final inspection.
Tropical Pools (Ronnie) submitted the wrong drawing and refused to revise and send the original one that everyone was working from. Ronnie made the error and at this point is protecting himself and selling me down the river.

3) I am asking for 2'2" to close my open permit and finalize the pool that was started over three years ago.
I agreed to make payment in full because Ronnie promised to take care of their errors. Instead Tropical is full of excuses and has changed their attitude. They are not helping, but instead hurting the very situation they created.

4) There is no injury or detriment to the neighborhood. The equipment in question runs in tandem with my neighbors. He agrees it is a good spot. It is out of everyone's view and placement buffers the noise when it's running. It is where the original survey shows it placed. (ie…two enclosed notarized letters saying so).

5) I believe the nature of this request is reasonable. The circumstances that put us here were not of my doing.
This is my fourth pool on the island with Tropical Pools. I trusted them to get it right and be professional like they had been in the past. Apparently, a change in employees changed their dependability.
They left my pool unfinished and filled with stagnant water for over a year and one half.
This forced me to hire another company to drain, acid wash, and pebble tec the pool to fix the unhealthy situation.
Once Tropical Pools received their final payment with promises of a speedy CO, they were not returning calls and the secretary was full of excuses.
When the final paperwork was submitted to the town the schematics had been changed. These new plans did not match the original site plan/survey drawing.
Without my knowledge or permission, the pad location got moved (on paper).
On top of that, Ronnie from Tropical Pools is saying I physically moved the plumbing, pad, and equipment. I DID NOT.
Enclosed in this application for a variance you will find two notarized letters and copies of the survey.
One letter is from my abutting neighbor, Louis J. Santoro stating the pad was never moved.

The second letter is from the electrician that ran the original ground wire to the only pad that has ever been here. He states the same.
After all that I (we, the residents) have gone through the past few years…..
Hurricane Ian
Covid
Supply chain issues
Contractor using supply chain issues to underperform on contracts.
I believe the nature of this request is reasonable. Please grant my variance for a 2'2" exception to close this permit.
Thank you

LIS ENGINEERING, LLC

August 23, 2022

Town of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Re: Site Address: 11 Palmview Blvd.
Permit No: 201595
LIS Job No: DRAIN20-138

To whom it may concern,

In regard to the above referenced project, I conducted a site inspection of this single-family residence on August 23, 2022. Based on this inspection, it appears, to the best of my knowledge and belief that the site drainage system was constructed in substantial compliance with the site drainage plan and specifications approved by the Town of Fort Myers Beach.

Please do not hesitate to contact me should you have any questions or require any additional information.

Sincerely,

Digitally signed by ROBERT W CASE
Date: 2022.08.23 16:57:24 -04'00'

Robert W. Case, P.E.
LIS Engineering, LLC
FL P.E 44643


- Southwest FL 21430 Palm Beach Blvd. Alva, FL 33920 239-693-9244 Fax: 239-693-9827
- Central FL 2572 W. SR 426 #2064 321-244-0402 Fax: 321-244-9419

**Paula Kiker**

**From:** bob C <bobc@lis-e.com>
**Sent:** Wednesday, February 1, 2023 5:22 PM
**To:** Paula Kiker
**Cc:** roby5566@aol.com; Jason Green; Stephen Poposki
**Subject:** RE: Roby Robinson Pool Issue
**Attachments:** DRAIN20-138-DRAINAGE(ESIGN).pdf; ENGINEERING LETTER 8-23-22 (ESIGN).pdf

Paula,
Let me clarify. We (LIS Engineering) completed a drainage plan for this property on 11/3/20 (see attached), we also completed an engineering certification letter on 8/23/22, based on an as-built survey, photos, and site observations (see attached). Obviously, this was before the hurricane. I have no idea what it looks like today. Both of these documents would have been transmitted to the owner / contractor. The only time we hear back from the owner or contractor is when there is a problem. Therefore, I am not sure what was given to whom. I also know that many jurisdictions allow some mechanical equipment to be located in side setbacks (within reason). However, it sounds like the best thing to do is apply for a variance at this point.

Thanks,

Bob Case, P.E.
LIS Engineering, LLC

-LIS-
Engineering
21430 Palm Beach Blvd.
Alva, FL 33920
239-693-9244 Fax: 239-693-9828

**From:** Paula Kiker <Paula@fmbsun.com>
**Sent:** Wednesday, February 1, 2023 3:11 PM
**To:** bob C <bobc@lis-e.com>
**Cc:** roby5566@aol.com; Jason Green <green@fmbgov.com>; Stephen Poposki <spoposki@fmbgov.com>
**Subject:** Roby Robinson Pool Issue

Bob,

I have Jason Green and Steve Poposki (Town staff) on this email as well. They have been working with us also to resolve this.

I truly appreciate you helping Roby out with this pool issue… I pulled the following documents off the Permitting site. Roby mentioned you have "proof" of approval of the original location of the equipment? Anything you can forward to me?

From the Permit View – it looks like Carl Benge approved the zoning back in 2020, not sure that is the time you got approved?

Also on the "stamped" copy with the permit number on it, they have the plan showing the equipment on the side of the home (see page 3 of 33) **AS WELL AS** the "hand drawn" equipment word from Tropical Pools.

*Paula Kiker*
*Broker-Owner, Lahaina Realty*
*#1 Selling Office of Residential Properties Since 2008*
*13881 Plantation Rd #11, Fort Myers, FL 33912*
*6035 Estero Blvd, Fort Myers Beach, FL 33931*
*Office: 239-463-0000 ext. 128*
*Cellular: 239-565-1970*
*Fax: 239-463-5617*
*Email: paula@fmbsun.com*

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## SWIMMING POOL PROPOSAL

No.

NAME ROB ROBINSON
PHONE 560-7227 BUS #
JOB ADDRESS 111 AMVIEW AV

POOL SIZE 23 ft x 11 ft (approx)
DEPTH 3 ft x 4'6" ft (approx)

160 W 12 V POOL LIGHT Yes ☑ No ☐
LOVE SEAT SECOND STEP Yes ☑ No ☐
SWIM OUT Yes ☑ No ☐
HYDROTHERAPY AIR JETS ____ Yes ☐ No ☑
STAINLES STEEL HAND RAIL(S) ____ Yes ☐ No ☑
PPOWDER COATED RAIL ____ Yes ☐ No ☑

COPING TILE ☐ BULLNOSE ☑ CANTILEVER ☐ OTHER ☐
INSTALLATION VARIABLE SPD H.P. PUMP
FILTER TYPE CARTRIDGE SIZE 172.00 sq ft
ELECTRIC WIRING Yes ☑ No ☐ OTHER
NEW CONSTRUCTION PREWIRE BY BUILDER
(NEW HOME CONSTRUCTION ONLY) Yes ☐ No ☑

OPTIONS:

DIRT REMOVAL Yes ☑ No ☐
CHLORINATOR Yes ☑ No ☐ TYPE SALT
VISION Yes ☐ No ☐ TYPE
EXPOSED AGGREGATE Yes ☑ No ☐ STONE SCAPES #1
ENERGY SAVER PACKAGE Yes ☑ No ☐ G.P.M. PLANES
BUILT-IN POOL CLEANER Yes ☐ No ☑ TYPE
HEAT PUMP Yes ☑ No ☐ MODEL
SOLAR HEAT Yes ☐ No ☑
GAS HEAT Yes ☐ No ☑ MODEL
POOL BLANKET Yes ☐ No ☑

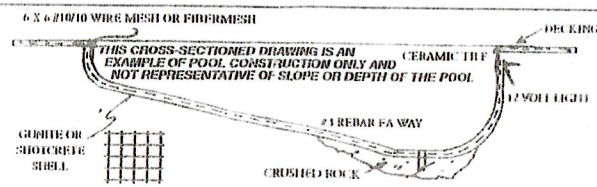
SPA: APROX SIZE ___ X ___ TYPE SHOTCRETE ☐ ACRYLIC ☐
HEATER
RAISED ABOVE DECK Yes ☐ No ☐ (approx.)
WIRELESS REMOTE CONTROL SYSTEM Yes ☐ No ☐
4 FUNCTION AIR SWITCH Yes ☐ No ☐
PUMP FILTER
HYDROTHERAPY AIR JETS BLOWER H.P.
108 W 12 V SPA LIGHT Yes ☐ No ☐
STAINLESS STEEL HANDRAIL Yes ☐ No ☐
SOLAR BLANKET Yes ☐ No ☐

DECK:
BRUSHED CONCRETE ☐ STIPPLED SCORED CONCRETE ☐
KEYSTONE ☐ RIVER ROCK ☐ PAVERS ☐ FLOWCRETE ☐
DYED & STAMPED CONCRETE ☐ ACRYLIC SPRAY ☐
DECK DRAIN Yes ☐ No ☐
PLANTER(S) Yes ☐ No ☐
FOOTER Yes ☐ No ☐
RETAINING WALL Yes ☐ No ☐
MONOLITHIC POUR Yes ☐ No ☐
TOPPING EXISTING PATIO Yes ☐ No ☐
TOPPING RISER Yes ☐ No ☐
GUTTERS & DOWNSPOUTS: Yes ☐ No ☐
FASCIA SIZE
COLOR BRONZE ☐ WHITE ☐ APPROX FT
SCREEN ENCLOSURE: BRONZE ☐ WHITE ☐ # OF DOORS
ROOF: FLAT GABLE HIP MANSARD OTHER
FLORIDA GLASS Yes ☐ No ☐ FT
SCREEN CHARCOAL 18/15 MESH
PANTOUR Yes ☐ No ☐
BABY BARRIER Yes ☐ No ☐
ALARMS Yes ☑ No ☐ BY CUSTOMER


BCPC 1456576

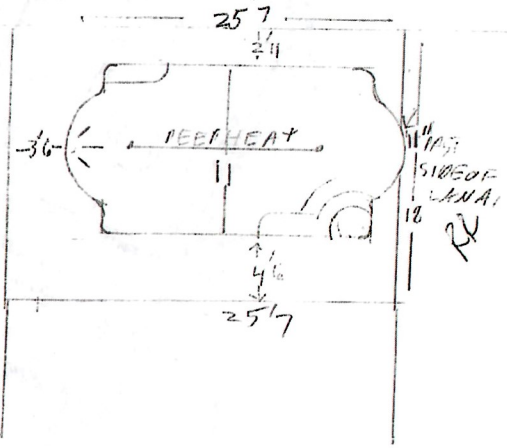
**Tropical Pools Construction, LLC.**
234 N. Del Prado Blvd., Suite 4
Cape Coral, FL 33909
(239) 458-7770


# RESIDENTIAL SWIMMING POOL




**PROPOSAL DOES NOT INCLUDE ROCK REMOVAL, EXCESSIVE DEWATERING, SPRINKLER SYSTEMS OR LANDSCAPING**

CUSTOMER WILL INSTALL ALL DECKING, FOOTING, BANDING, RWALL




ANY REUSE OF THIS PROPOSAL WILL RESULT IN A $375 ARCHITECTUAL FEE.

## CUSTOMER APPROVAL

LOCATION POINTS, DIMENSIONS AND CONSTRUCTION SPECIFICATIONS HAVE BEEN EXPLAINED TO ME AND I APPROVE OF THEM. EVERYTHING WE HAVE DISCUSSED IS SHOWN AND THERE ARE NO VERBAL AGREEMENTS. I UNDERSTAND THAT ANY ALTERATION TO THE PLANS WILL BE BY WRITTEN CHANGE ORDER ONLY. CHANGES MAY NECESSITATE ADDITIONAL CHARGES

DATE 9-23-20

OWNER
PRICE SHOWN AS OF $ 34,000
EQUIP. PAD
LOCATION APPROVED INT RK

SIGN HERE
OWNER X Robert Robin DATE 9-23-20

DIG, LAYOUT, STEEL & GUNITE NOTES
11X23 POOL
POOL WILL BE 11' PAST HOUSE

BACKFILL & PLUMBING NOTES
11' NET

BRICK AND TILE
11' NET LINER TILE
FULL POST BRICK COPING

DECK NOTES
CUSTOMER WILL INSTALL
215#

SCREEN NOTES
NA

EQUIPMENT AND ELECTRICAL
ELECTRIC HEATOR MAYTAG
SALT

MAP



## DRAINAGE CALCULATIONS

TOTAL LOT AREA
7,243 SF (UP TO NEW HEADWALL)

TOTAL IMPERVIOUS AREA
HOUSE + FRONT ENTRY + POOL/POOL DECK + GRAVEL DRIVEWAY
1,827 SF + 33 SF + 664 SF + 446 SF = 2,970 SF

LOT COVERAGE FORMULA: 67% FOR IMPERVIOUS AREA = (0.67) 7,243 SF = 4,853 SF
PROVIDE STORAGE FOR 1.6" OVER SITE: .1333 X 7,243 = 966 CF REQUIRED

PROVIDED CAPACITY
STORMWATER DETENTION AREA

1' DEEP DRY DETENTION AREA= 972 CF PROVIDED

PROVIDED 972 CF > 966 CF REQUIRED

NOTE:
WET SEASON WATER TABLE IS 2' BELOW EXISTING GRADES

## DRAINAGE LEGEND

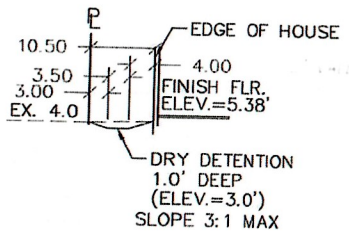
- PROPOSED DRAINAGE FLOW ARROW
- 3.0 — PROPOSED FINISHED ELEVATION
- + 4.00' — EXISTING SITE ELEVATION
- DRY DETENTION BOTTOM

**NOTE:**
THE REAR SWALE IS ONLY FOR CONVEYANCE.

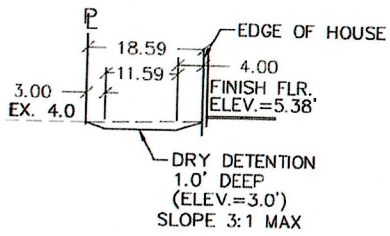
**NOTE:**
ALL PROPOSED ELEVATIONS ARE FINISHED GRADE.

**NOTE:**
ALL PROPOSED VOLUME AND DEPTHS ARE AFTER SOD.

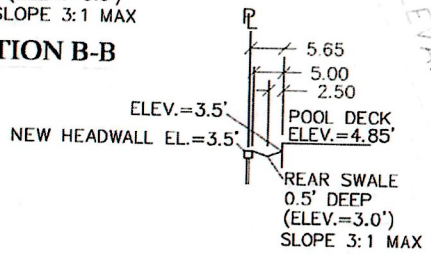
**NOTE:**
ALL SWALES AND GROUND COVER TO BE SOD.



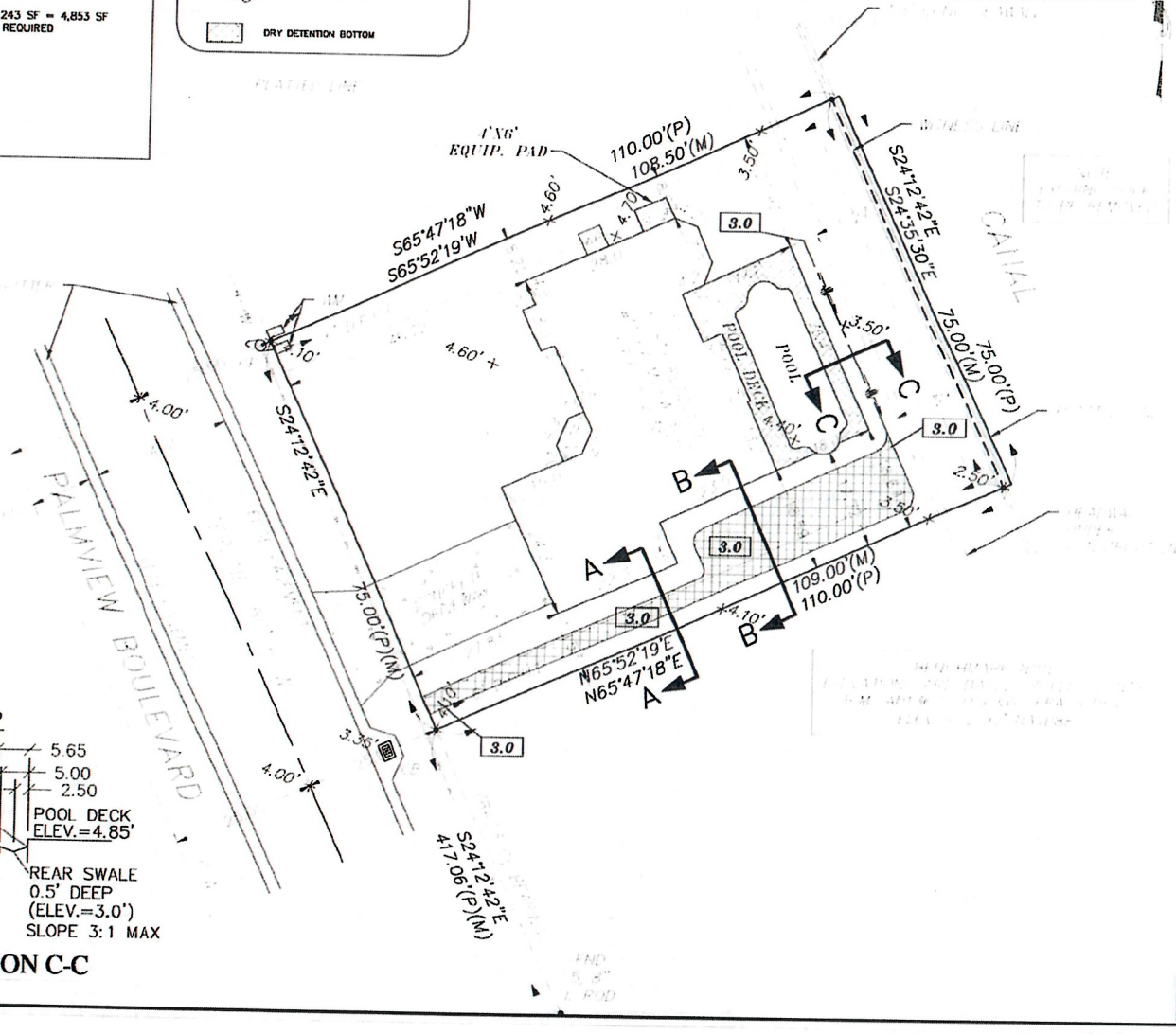

**SECTION A-A**




**SECTION B-B**




**SECTION C-C**



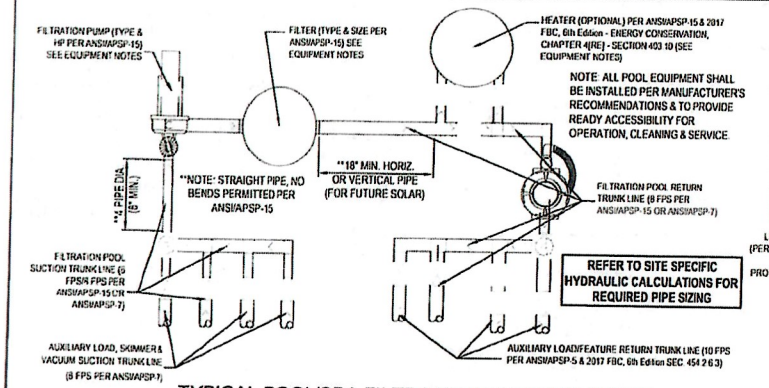

ELIS
ENGINEERING & CONSULTING
ELIS ENGINEERING, LLC
RESIDENTIAL & COMMERCIAL
ENGINEERING & DESIGN SERVICES

APPROVED
Digitally signed by ROBERT W. LEE
Date: 2020.11.03 15:52:48 -05'00'

# ROBINSON RESIDENCE
11 PALMVIEW BOULEVARD FORT MYERS BEACH, FLORIDA, 33931

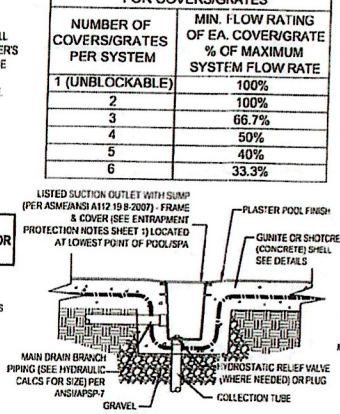
# DRAINAGE PLAN

SCALE: 1" = 20'-0"
DATE: OCT. 15, 2020
SHEET
DP

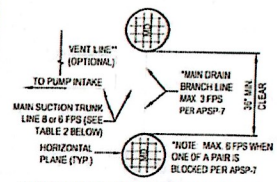



TYPICAL POOL/SPA FILTRATION SYSTEM LAYOUT
NTS

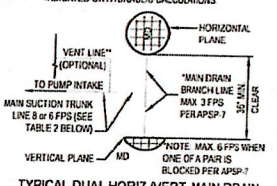
| TABLE 1 - FLOW RATING FOR COVERS/GRATES | |
|---|---|
| NUMBER OF COVERS/GRATES PER SYSTEM | MIN. FLOW RATING OF EA. COVER/GRATE % OF MAXIMUM SYSTEM FLOW RATE |
| 1 (UNBLOCKABLE) | 100% |
| 2 | 100% |
| 3 | 66.7% |
| 4 | 50% |
| 5 | 40% |
| 6 | 33.3% |




TYPICAL MAIN DRAIN SUCTION OUTLET DETAIL



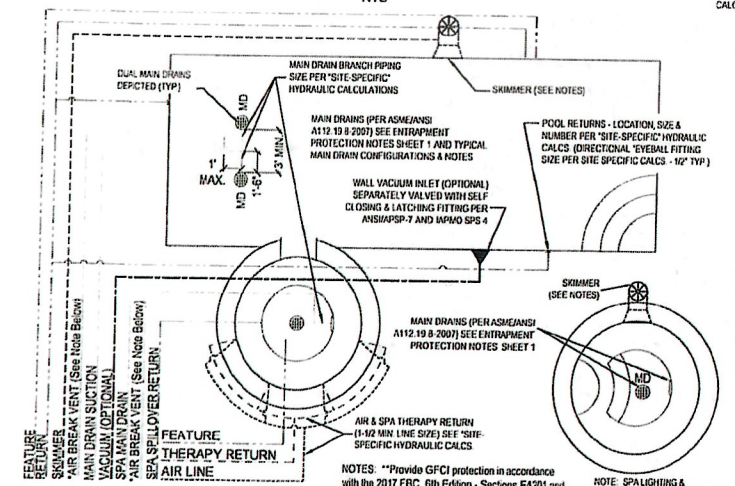

TYPICAL DUAL HORIZONTAL MAIN DRAIN PLUMBING SCHEMATIC




TYPICAL DUAL HORIZ./VERT. MAIN DRAIN PLUMBING SCHEMATIC

**EQUIPMENT GENERAL NOTES:**

1. All equipment below static water elevation is to have positive valve shut off for service.
2. All electrical work shall be in accordance with the National Electrical Code 2014 (NEC 2014) & the 2017 Florida Building Code, 6th Edition - Residential. All equipment, including but not limited to pumps, heaters deck handrails, ladders, and lights, and ALL metal parts within 5' horizontally and 12' Vertically above maximum water level shall be bonded per NEC 2014, and the 2017 FBC, 6th Edition - Residential, Chapter 42 Swimming Pools (Electrical Provisions)
3. Locations of all electrical equipment, junction boxes, receptacles, etc., provisions for GFCI circuits and protection of circuits shall be in accordance with NEC 2014 and the 2017 FBC, 6th Edition - Residential, Chapter 42 Swimming Pools. Outlets for pool/spa filtration and auxiliary pumps shall be provided with GFCI protection in accordance with NEC 2014 section 680.21.(C)
4. All Heaters/Heat Pumps shall meet ANSI-Z21.56, UL1261 or UL 559, the 2017 Florida Building Code, 6th Edition - Energy Conservation, Section 403.9 and ANSI/APSP-15 requirements. All pool and spa heaters shall be equipped with a readily accessible on-off switch mounted on the outside to allow shutting off without adjusting the thermostat.
5. All Filters shall have an Air Release and Pressure Gauge and be install per the manufacturer's recommendations and 2017 FBC, 6th Edition requirements, unless otherwise noted. Filters located on the pool filtration system shall comply and be sized in accordance with the ANSI/APSP-15 requirements.
6. All Pumps shall meet the 2017 Florida Building Code, 6th Edition - Residential, Section R4501.7 and shall be equipped with a hair and lint strainer.
7. Filtration pumps shall meet the 2017 Florida Building Code, 6th Edition - Energy Conservation, Section 403.10 and ANSI/APSP-15 requirements; and shall be listed in the APSP Appliance Efficiency Database. Filtration pool pumps one horsepower (1 HP) or larger, and filtration pumps that share auxiliary loads shall be multi speed. Multi-speed pool filtration pumps shall have controls that default to the filtration speed with a higher speed override capability for a temporary period not to exceed one normal cycle or 24 hours, whichever is less.
8. Disinfectant equipment shall comply with the NSF-50 ANSI/NSPI/ICC 4 and ANSI/NSPI/ICC 5 requirements.
9. Unless otherwise required, time switches shall be provided to control swimming pool heaters and pumps that can automatically turn the heaters and pumps off and on according to a preset schedule and in accordance with the 2017 Florida Building Code, 6th Edition - Energy Conservation, Section 403.10.2.
10. Pursuant to the 2017 Florida Building Code, 6th Edition - Energy Conservation, Section 403.10.3, all heated swimming pools and permanently installed in-ground spas shall be equipped with a vapor-retardant cover on or at the water surface or a liquid cover, or other means proven to reduce heat loss.
11. All Equipment shall be installed in accordance with the manufacturer's recommendations and to provide ready accessibility for cleaning, operating and servicing.
12. All Equipment shall be mounted on a substantial base in a manner that will eliminate strain on piping, and in accordance with local building codes for hurricane protection



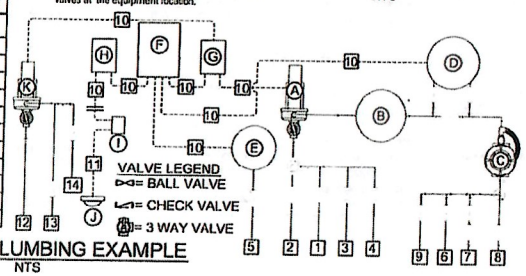

*Air Break Vent (Optional - as indicated on hydraulic calculations), NOT Required if Main Drains are installed in accordance with The VGB Act and ANSI/APSP/ICC Requirements

NOTES: **Provide GFCI protection in accordance with the 2017 FBC, 6th Edition - Sections E4201 and R4501.16; NEC 2014 - 680.21 (C). Refer Equipment General Notes, this sheet for additional requirements. The Contractor shall provide labels on all piping and valves at the equipment location.

NOTE: SPA LIGHTING & BONDING TO BE SAME AS POOL

SPA (W/ SKIMMER) PLAN
NTS

| SCHEMATIC EQUIPMENT/ ELECTRICAL CHART | |
|---|---|
| TAG | EQUIPMENT (See Notes) |
| (A) | **FILTRATION PUMP |
| (B) | FILTER |
| (C) | CHLORINATOR |
| (D) | HEATER (OPTIONAL) |
| (E) | BLOWER (OPTIONAL) |
| (F) | ELECTRICAL SUB-PANEL OR DISCONNECT |
| (G) | TIME CLOCK |
| (H) | 100W OR 300W TRANSFORMER |
| (I) | JUNCTION BOX |
| (J) | LED, 100W OR 300W POOL/SPA LIGHT |
| (K) | **AUXILIARY/FEATURE PUMP(S) (OPTIONAL) |




POOL/SPA PLUMBING EXAMPLE
NTS

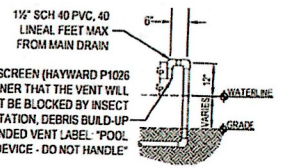
| TABLE 2 2017 FBC Code, 6th Edition - R4501.6.3, APSP-7 & APSP-15 (See Note Below) SCH. 40 PVC PIPE - MAXIMUM VOLUMETRIC FLOW RATE (GPM) | | | |
|---|---|---|---|
| NOMINAL PIPE SIZE | VELOCITY 6FT/S | VELOCITY 8FT/S | VELOCITY 10FT/S |
| 1½" | 38 GPM | 50 GPM | 63 GPM |
| 2" | 63 GPM | 84 GPM | 104 GPM |
| 2½" | 90 GPM | 119 GPM | 149 GPM |
| 3" | 138 GPM | 184 GPM | 230 GPM |
| 4" | 238 GPM | 317 GPM | 396 GPM |

NOTE: SITE SPECIFIC HYDRAULIC CALCULATIONS SIGNED & SEALED BY THE ENGINEER ARE REQUIRED TO ACCOMPANY THESE DRAWINGS AND SHALL BE REQUIRED TO CONFIRM COMPLIANCE WITH THE 2017 FLORIDA BUILDING CODE, 6TH EDITION - RESIDENTIAL, SECTION R4501.6.3, APSP-7 AND APSP-15. THESE CALCULATIONS SHALL INCLUDE THE SELECTION OF THE POOL/SPA MAIN DRAIN(S) AND COVER(S), IF ANY, AND OTHER SUCTION OUTLET CONFIGURATIONS (NOT SHOWN ON THESE DRAWINGS) IN ACCORDANCE WITH ANSI/APSP/ICC 7

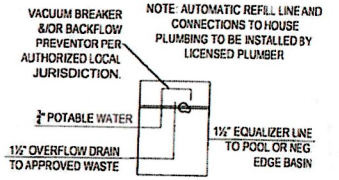
TYPICAL MAIN DRAIN CONFIGURATIONS & DETAILS
NTS

| SCHEMATIC PIPE CHART | |
|---|---|
| TAG | PIPE DESCRITION |
| | NOTE: 1. All Piping Shall be Schedule 40 PVC per ASTM D1785-06 unless otherwise noted. 2. Refer to "Site-Specific" Hydraulic Calcs. provided by Engineer for pipe sizes & lengths. |
| 1 | POOL SUCTION OUTLET (MAIN DRAIN) |
| 2 | SPA SUCTION OUTLET (MAIN DRAIN) |
| 3 | POOL VACUUM (OPTIONAL) |
| 4 | POOL SKIMMER |
| 5 | AIR LINE TO SPA JETS |
| 6 | POOL RETURN |
| 7 | SPA RETURN - BUBBLER/FOUNTAIN |
| 8 | SPA THERAPY RETURN |
| 9 | OTHER AUXILIARY FLOW RETURN (OPTIONAL) |
| 10 | WIRING & CONDUIT SIZES PER NEC 2011 |
| 11 | LIGHT CORD,12V 10 |
| 12 | NEG. EDGE BASIN/ FEATURE/ THERAPY SUCTION |
| 13 | NEG. EDGE BASIN/ FEATURE/ THERAPY RETURN |
| 14 | OPTIONAL FEATURE RETURN(S) - NON FILTRATION |
| 15 | EXTRA SUCTION/RETURN - SEE SITE SPECIFIC PLAN |

NOTE: POOL/SPA MAIN DRAIN VENT(S) TO BE INSTALLED IF SHOWN ON HYDRAULIC CALCULATIONS




AIR-BREAK VENT DETAIL (OPTIONAL)
NTS




AUTOFILL/ OVERFLOW DETAIL
NTS

***RESIDENTIAL POOL/SPA ONLY***
*(2017 Florida Building Code, 6th Edition)*

MASTER RESIDENTIAL POOL/ SPA PLAN & DETAILS
*LEE COUNTY, FLORIDA*

**POOL/SPA**
**PLUMBING & EQUIPMENT PLAN**

PLANS PREPARED FOR:
*TROPICAL POOLS CONSTRUCTION, LLC*
**(CPC No. 1456576)**
234 N. Del Prado Boulevard - Suite 4
Cape Coral, Florida 33909
(239) 458-7770
(CLIENT)

**MASTER PLAN NOTES & CONDITIONS:**

*THESE ENGINEERING DRAWINGS & SPECIFICATIONS ARE EXCLUSIVE TO THE CLIENT & MUNICIPALITY LISTED AND ARE NOT TO BE REPRODUCED OR DISSEMINATED WITHOUT PRIOR WRITTEN CONSENT OF THE ENGINEER & ALL RIGHTS ARE HEREBY RESERVED*

*THE ENGINEER IS REQUIRED TO PROVIDE SEPERATE/SITE SPECIFIC SIGNED & SEALED PLAN AND HYDRAULIC CALCULATIONS TO ACCOMPANY THESE DRAWINGS FOR PERMITTING PURPOSES. THEY SHALL INCLUDE: PIPE SIZING & LENGTHS, PUMP & EQUIPMENT SELECTION, FLOW RATES, AND MAIN DRAIN SPECIFICATIONS INCLUDING GRATE & SCREW REPLACEMENT SCHEDULE.*

*WRITTEN DIMENSIONS ON DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY, AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS OF THE PROJECT. ANY DEVIATIONS AND/OR VARIATIONS FROM DIMENSIONS OR CONDITIONS SHOWN ON THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AS REQUIRED. THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE ENGINEER FOR APPROVAL PRIOR TO FINAL FABRICATION OR CONSTRUCTION.*

*THESE PLANS ARE DESIGNED IN ACCORDANCE WITH THE 2017 FLORIDA BUILDING CODE, 6th EDITION, 2014 NATIONAL ELECTRIC CODE (NEC 2014) AND OTHER CODES LISTED, UNLESS OTHERWISE NOTED*

| REVISIONS | | | | | | | |
|---|---|---|---|---|---|---|---|
| NO. | DATE | DESCRIPTION | BY | NO. | DATE | DESCRIPTION | BY |
| | | | | | | | |

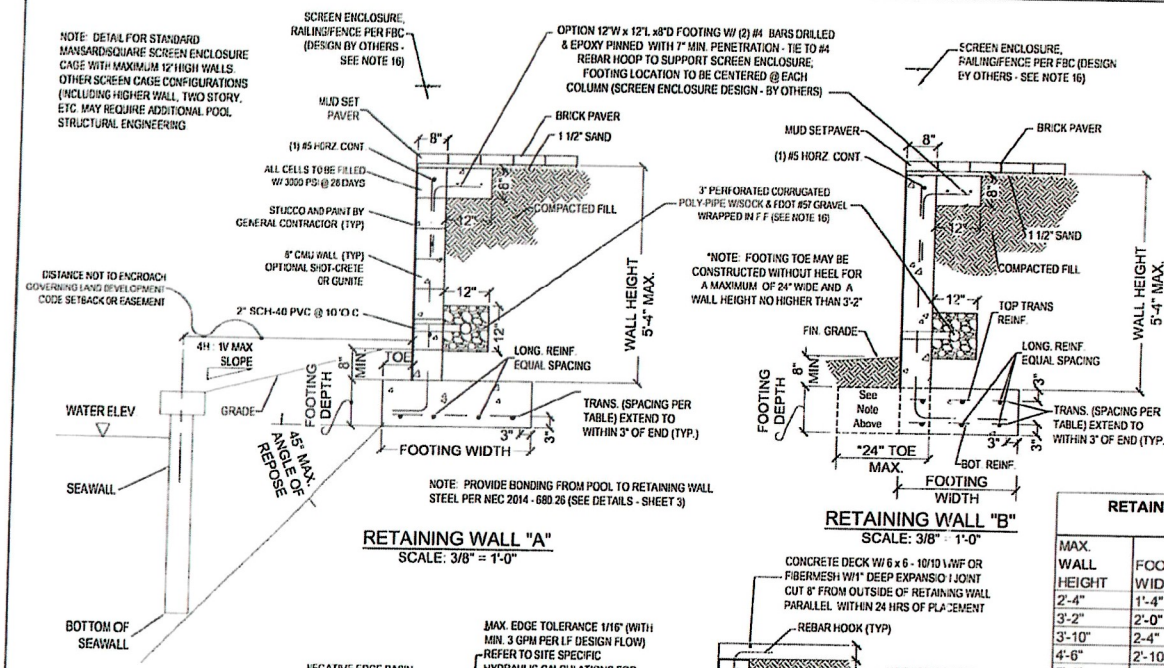
JWENGINEERING INC
5421 SW 20th Place - Cape Coral FL 33914
Phone: (239) 822-4393 - jwengineer@comcast.net
Certificate of Authorization No. 30602

(VALID ONLY WITH SEAL)

JOSEPH W. EDWARDS, P.E.
FL. LICENSE NO. 39615

| | |
|---|---|
| SCALE: | AS NOTED |
| DATE: | 12/8/2017 |
| PROJECT NO: | |
| DRAWN: | BE |
| CHECKED: | JWE |

SHEET 2 OF 4




## RETAINING WALL "A"
SCALE: 3/8" = 1'-0"




## RETAINING WALL "B"
SCALE: 3/8" = 1'-0"

## RETAINING WALL STRUCTURAL NOTES:

1. Design is in accordance with the 2017 Florida Building Code, 6th Edition, Residential; Specifically Chapter 4 (Foundations) & Chapter 6 (Wall Construction). Contractor shall ensure that all construction, materials and workmanship comply with the same.
2. FLOOD HAZARD AREAS (Including " A" Zones): Wall & foundations shall comply with 2017 Florida Building Code, 6th Edition, Residential, Section 322.2.3.
3. Masonry construction shall comply with the 2017 FBC, 6th Edition; concrete masonry units (CMU's) shall conform to ASTM C-90 with ladder type horizontal joint reinforcing at 16" O.C. Rebar reinforcement utilized in masonry walls shall be completely embedded in mortar/grout and protection shall comply with the 2017 FBC, 6th Edition - Residential, Section R606.3.4.
4. Use type "M" or "S" mortar for masonry construction.
5. Unless otherwise noted, footing concrete shall have a minimum compressive strength of 3,000 psi @ 28 days.
6. Wall concrete, shot-crete, and gunite shall be 3,000 psi minimum.
7. Reinforcing steel shall be ASTM A615 Grade 40; minimum cover for retaining wall construction shall be 3", unless otherwise noted.
8. Reinforcement installation, including cover, spacing for alternate bar sizes/grades, lap slices and development lengths shall comply with the 2017 FBC, 6th Edition, Section R608.5.4.
9. The Contractor shall verify all elevations, locations & dimensions with architectural plans and elevations, prior to construction.
10. All cells are to be filled with minimum 3,000 psi concrete @ 28 days.
11. Concrete decks are to have 1" deep control joints perpendicular to pool cut or tooled into deck @ 10' O.C. within 24 hours of placement.
12. All soil beneath footing shall have a minimum bearing capacity of 2,000 PSF.
13. Retaining wall shall be backfilled with clean sol free of organics and rocks greater than 6" in diameter, compacted in 12" lifts to a minimum 95% of the modified proctor per ASTM-D 1557.
14. Retaining walls are designed with unified soil classification SW, SP, SM, SC, GM, and GC; and the minimum bearing capacity listed above. Other soils or conditions will require additional engineering.
15. Retaining wall "B" has the same drainage, grade & angle of repose details as retaining wall "A".
16. Retaining walls intended to support a screen enclosure or other loads that and are not specifically detailed or listed herein shall require additional engineering.
17. Pipe and gravel drainage behind wall is not required for retaining walls with 3'-2" wall height or less.
18. The Contractor shall provide railing/fence, screen enclosure or other barrier on top of retaining wall or Pool/Spa Beam Support wall as required by the and in accordance with the 2017 Florida Building Code, 6th Edition - Design by others.

MASTER RESIDENTIAL POOL/ SPA PLAN & DETAILS
*LEE COUNTY, FLORIDA*

# NEGATIVE (INFINITY) EDGE & RETAINING WALL DETAILS

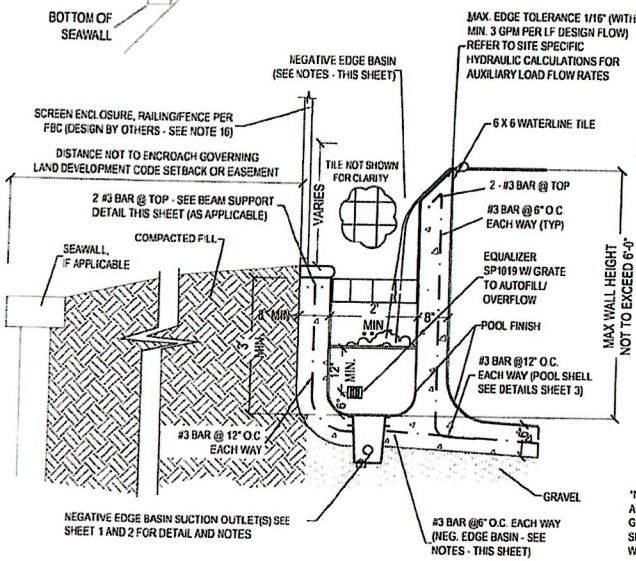
### RETAINING WALL "A" DIMENSIONAL & REINFORCING SCHEDULE
(8" THICK MASONARY BLOCK WALL)

| MAX. WALL HEIGHT | FOOTER WIDTH | FOOTER THICK | FOOTER LONG. | TRANS. | VERT. WALL REINFORCING | HORZ. WALL REINFORCING |
|---|---|---|---|---|---|---|
| 2'-4" | 1'-4" | 8" | (2) #5 | N/A | #4 @ 48" O.C. | (1)#4@ TOP |
| 3'-2" | 2'-0" | 8" | (2) #5 | #4 @ 32" O.C. | #4 @ 32" O.C. | (1)#4@ TOP |
| 3'-10" | 2-4" | 10" | (2) #5 | #4 @ 24" O.C. | #4 @ 24" O.C. | (1)#4@ TOP |
| 4'-6" | 2'-10" | 10" | (3) #5 | #4 @ 24" O.C. | #5 @ 24" O.C. | (1)#5@ TOP |
| 5'-4" | 3'-6" | 10" | (4) #5 | #4 @ 24" O.C. | #5 @ 16" O.C. | (1)#5@TOP |

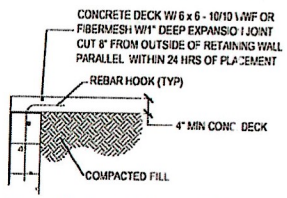
### RETAINING WALL "B" DIMENSIONAL & REINFORCING SCHEDULE
(POURED CONCRETE)

| WALL HEIGHT | WALL THICK (MIN) | FOOTING WIDTH | FOOTING THICK | FOOTING LONG | FOOTING TRANS. | VERT WALL REINFORCING | HORZ WALL REINFORCING |
|---|---|---|---|---|---|---|---|
| 2'-4" | 6" | 1'-4" | 8" | (2) #5 | #3 @ 12" O.C. | #3 @ 12" O.C. | #3 @ 12" O.C. |
| 3'-2" | 6" | 2'-0" | 8" | (3) #5 | #3 @ 8" O.C. | #3 @ 12" O.C. | #3 @ 12" O.C. |
| 3'-10" | 8" | 2'-8" | 10" | (4) #4 T&B | #4 @ 18" O.C. T&B | #4 @ 12" O.C. | #4 @ 12" O.C. |
| 4'-6" | 8" | 3'-4" | 10" | (4) #4 T&B | #4 @ 18" O.C. T&B | #4 @ 12" O.C. | #4 @ 12" O.C. |
| 5'-4" | 8" | 3'-8" | 10" | (3) #5 T&B | #4 @ 18" O.C. T&B | #4 @ 12" O.C. | #4 @ 12" O.C. |

*Notes: (1) #3 Bars @ 6" O.C. may be substituted for #4 Bars @ 12" O.C. . Refer to 2017 FBC, 6th Edition, Residential - Table R608.5.4 (2) for other alternate Bar Sizes and Spacing Requirements.*
*(2) T&B = TOP & BOTTOM OF FOOTING*

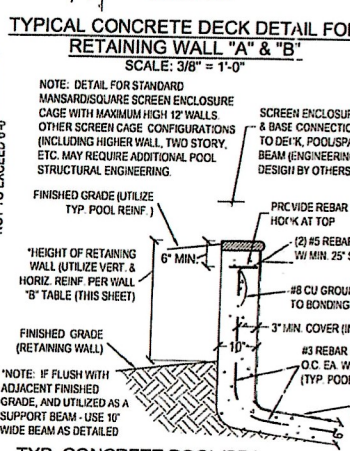



## TYPICAL NEGATIVE (INFINITY) EDGE DETAIL
SCALE 3/8" = 1'-0"




## TYPICAL CONCRETE DECK DETAIL FOR RETAINING WALL "A" & "B"
SCALE: 3/8" = 1'-0"

NOTE: DETAIL FOR STANDARD MANSARD/SQUARE SCREEN ENCLOSURE CAGE WITH MAXIMUM HIGH 12' WALLS. OTHER SCREEN CAGE CONFIGURATIONS (INCLUDING HIGHER WALL, TWO STORY, ETC. MAY REQUIRE ADDITIONAL POOL STRUCTURAL ENGINEERING.




## TYP. CONCRETE POOL/SPA WALL/ BEAM SUPPORT DETAIL
SCALE 3/8" = 1'-0"

## NEGATIVE (INFINITY) EDGE NOTES:

1. The negative edge basin shall be sized to contain sufficient volume to catch and store the displaced water during pool/spa use and shall consider the following factors used in the design (refer to site specific hydraulic calculations):
   a. Volume of water required to fill the supply, return pipes & basin to the depth shown in the detail.
   b. Volume necessary for bather surge, which is the water each bather displaces with movement.
   c. Volume of water that is necessary to raise the level of water in the pool above the negative edge and overcome variances in the design edge tolerance.
2. Wall concrete, shot-crete, and gunite concrete shall have a minimum compressive strength of 3,000 psi @ 28 days.
3. Reinforcing steel shall be ASTM A615 Grade 40 (minimum); cover shall be 3" minimum, unless otherwise noted.
4. The Contractor shall be responsible for verification of all setbacks required to the negative edge components; and all elevations, locations & dimensions with architectural plans prior to construction.
5. All soil beneath basin shall have a minimum bearing capacity of 2,000 PSF.
6. The negative edge basin and adjacent walls shall be backfilled with clean soil free of organics & rocks greater than 6" in diameter, compacted in 12" lifts to a minimum 95% of the modified proctor per ASTM-D 1557.
7. Rebar shall extend a minimum of 18" into the adjacent pool wall or basin side wall at each end. Vertical rebar shall hook 18" minimum into the pool floor and basin floor in alternating directions.

**RESIDENTIAL POOL/SPA ONLY**

*(2017 Florida Building Code, 6th Edition)*

PLANS PREPARED FOR:
*TROPICAL POOLS CONSTRUCTION, LLC*
**(CPC No. 1456576)**
234 N. Del Prado Boulevard - Suite 4
Cape Coral, Florida 33909
(239) 458-7770
(CLIENT)

### MASTER PLAN NOTES & CONDITIONS:

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**REVISIONS**

| NO. | DATE | DESCRIPTION | BY | NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

JW ENGINEERING INC
5421 SW 20th Place - Cape Coral FL 33914
Phone: (239) 822-4391 - jwengineer@comcast.net
Certificate of Authorization No. 30602

(VALID ONLY WITH SEAL)

JOSEPH W. EDWARDS, P.E.
FL. LICENSE. NO. 38615

| | |
|---|---|
| SCALE: | AS NOTED |
| DATE: | 12/9/2017 |
| PROJECT NO: | |
| DRAWN: | BE |
| CHECKED: | JWE |

SHEET 4 OF 4

## Sec. 34-1174. - Location and setbacks generally.

Sec. 34-1174(1)(d)

(a) *Permitted locations.* Except as may be provided elsewhere in this chapter, all accessory uses, buildings and structures must be located on the same premises and must have the same zoning district or zoning classification as the principal use (see also § 34-616(b) of this chapter). For purposes of this section, a zoning classification contains the following groups of zoning districts:

(1) Residential districts - RS, RC, RM, and Santos - described in article III of this chapter; and

(2) Commercial districts - CR, CM, CO, and CB - described in article III of this chapter.

(b) *Setback from streets.* No accessory use, building or structure shall be located closer to a street right-of-way line or street easement than the principal building, except for:

(1) Fences and walls as provided for in division 17 of this article;

(2) Signs, where permitted by ch. 30 of this LDC and placed in accordance with §§ 30-93 and 30-153 of this LDC;

(3) Outdoor display of merchandise, subject to the provisions of division 36 of this article;

(4) Garbage enclosures as provided for in § 6-11 of this LDC;

(5) A single flagpole on a lot;

(6) Swimming pools, tennis courts, shuffleboard courts, and other similar recreation facilities that are accessory to a multiple-family development, or a hotel/motel, provided that they are part of a planned development or a site plan approved in accordance with ch. 10 of this LDC and provided they comply with the minimum setbacks for streets;

(7) As provided for in the exceptions to setbacks in § 34-638(d) of this chapter; or

(8) On through lots, accessory uses, buildings, and structures may be placed closer to the street opposite the street that provides principal vehicular access than the principal building as long as the minimum setbacks for streets as set forth in § 34-638 of this chapter are maintained.

(c) *Setback from bodies of water.* No building or structure (except marine structures, which are subject to the setback requirements as set forth in ch. 26, article II of this LDC) may be located closer to a bay, canal, or other body of water than the minimum setbacks required in § 34-638(d)(3) of this chapter.

(d) *Setbacks from side and rear property lines.* Unless the side or rear property line abuts a body of water (see § 34-638(d) of this chapter), the following setbacks shall apply:

Lee County Property Appraiser

Tax Year 2022

Previous Parcel Number Next Parcel Number Tax Estimator Tax Bills Print

# Property Data

**STRAP: 34-46-24-W4-00600.0330 Folio ID: 10231279**

Generated on 7/26/2023 11:27 AM

**Owner Of Record - Sole Owner** [Change Address]

ROBINSON ROBY J
11 PALMVIEW BLVD
FORT MYERS BEACH FL 33931

**Site Address**

Site Address maintained by E911 Program Addressing

11 PALMVIEW BLVD
FORT MYERS BEACH FL 33931

**Property Description**

Do not use for legal documents!

FAIRVIEW ISLES UNIT 5
PB 10 PG 125
LOT 33

[ Tax Map Viewer ] [ View Comparables ]




[ Pictometry Aerial Viewer ]

**Current Working Values**

Tax Roll Value Letter Tax Refund Status

| | |
|---|---|
| Just | 714,204 |

**Attributes**

| | |
|---|---|
| Land Units Of Measure | Multiple - see Appraisal Details |
| Units | Multiple - see Appraisal Details |
| Total Number of Buildings | 1 |
| Total Bedrooms / Bathrooms | 2 / 2.0 |
| Gross Living Area | 1,312 |
| 1st Year Building on Tax Roll | 1971 |
| Historic Designation | No |

**Image of Structure**

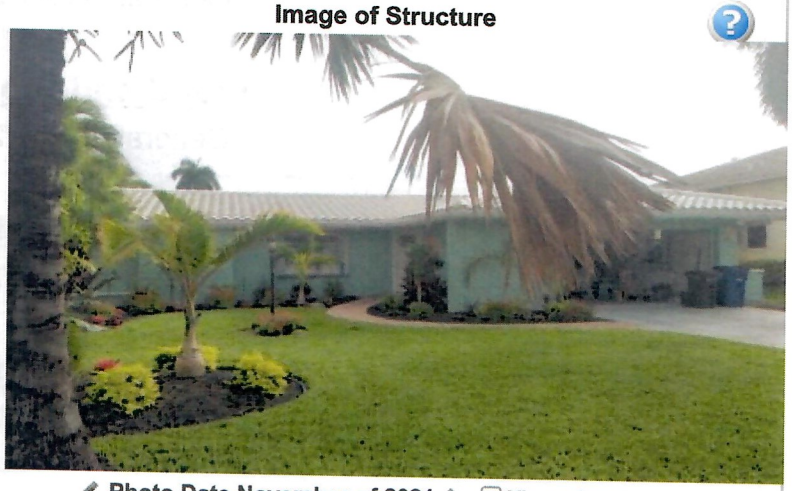


Photo Date November of 2021 View other photos

Last Inspection Date: 11/22/2021

## Exemptions / Classified Use (Current)

Generated on 7/26/2023 11:27 AM

## Exemptions / Classifed Use (2022 Tax Roll)

Generated on 7/26/2023 11:27 AM

## Values (2022 Tax Roll)

Generated on 7/26/2023 11:27 AM

## Taxing Authorities

Generated on 7/26/2023 11:27 AM

*Louis J. Santoro*
*9 Palmview Blvd*
*Ft. Myers Beach, Florida 33931*
*Cell: (513)-623-1940*
l_santoro@msn.com

July 31, 2023

To Whom It May Concern:

Subject: Roby Robinson's Pool Equipment, 11 Palmview Blvd, Fort Myers Beach, Florida

My name is Lou Santoro and I live at 9 Palmview Blvd, Fort Myers Beach, Florida. I am Roby Robinson's neighbor on the left side of the house as you face his house. Roby has asked me to supply information about his pool equipment.

To the best of my knowledge, since it was installed, the equipment in question has always been at the left, rear corner of his house in the same location as it is today. It has never been moved.

Also, if a variance to current FMB code is necessary in order to have that equipment remain in its current location, and my permission is required, please use this letter for that purpose.

Sincerely,

Louis J. Santoro

STATE OF Ohio )
)
COUNTY OF Warren )

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said county and state, Louis J. Santoro, acknowledges the foregoing statements.

WITNESS my hand and seal this 1st day of August, 2023.

Jeronica McFadden
NOTARY PUBLIC

My Commission Expires: 03/15/2028

NOTARIAL SEAL STATE OF OHIO

JERONICA McFADDEN
Notary Public, State of Ohio
Commission Number
2023-RE-861134
My Commission Expires
March 15, 2028

RCH 29 RA

September 28, 2023

Roby Robinson
11 Palmview Avenue
Fort Myers Beach, FL 33931

In reference to the pool equipment @ 11 Palmview Avenue. There is no evidence that anything has been moved since the original installation.

I ran the original bonding cable from the re-bar and lanai to the pool equipment. There is no evidence of any movement of this equipment whatsoever. There are no drill holes that would indicate a remounting. The pipes and electrical runs have not been altered.

Robert Harrity
Bob's Residential Repair
Lic #L21000138750
113 Andre Mar Drive
Fort Myers Beach, FL 33931
302 250-3294

Sworn before me on this 29TH September, 2023

Robert Harrity

Robert Harrity Date 9-29-23

Notary Republic

Date 9.29.23

TERESA ANDRE
MY COMMISSION # HH 352953
EXPIRES: January 23, 2027

ORIGINAL PLAN

## DRAINAGE CALCULATIONS

TOTAL LOT AREA
7,243 SF (UP TO NEW HEADWALL)

TOTAL IMPERVIOUS AREA
HOUSE + FRONT ENTRY + POOL/POOL DECK + GRAVEL DRIVEWAY
1,827 SF + 33 SF + 664 SF + 446 SF = 2,970 SF

LOT COVERAGE FORMULA: 67% FOR IMPERVIOUS AREA = (0.67) 7,243 SF = 4,853 SF
PROVIDE STORAGE FOR 1.6" OVER SITE: .1333 X 7,243 = 966 CF REQUIRED

PROVIDED CAPACITY
STORMWATER DETENTION AREA

1' DEEP DRY DETENTION AREA= 972 CF PROVIDED

PROVIDED 972 CF > 966 CF REQUIRED

NOTE:
WET SEASON WATER TABLE IS 2' BELOW EXISTING GRADES

## DRAINAGE LEGEND

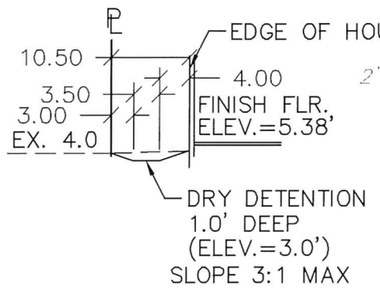
- PROPOSED DRAINAGE FLOW ARROW
- 3.0 — PROPOSED FINISHED ELEVATION
- + 4.00' — EXISTING SITE ELEVATION
- DRY DETENTION BOTTOM

NOTE:
THE REAR SWALE IS ONLY FOR CONVEYANCE.

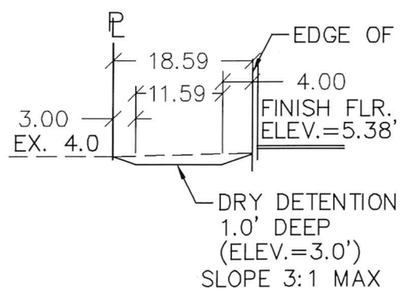
NOTE:
ALL PROPOSED ELEVATIONS ARE FINISHED GRADE.

NOTE:
ALL PROPOSED VOLUME AND DEPTHS ARE AFTER SOD.

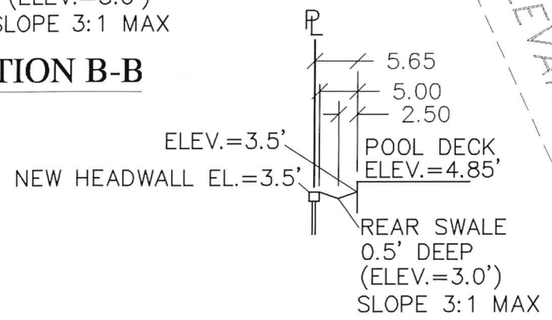
NOTE:
ALL SWALES AND GROUND COVER TO BE SOD.



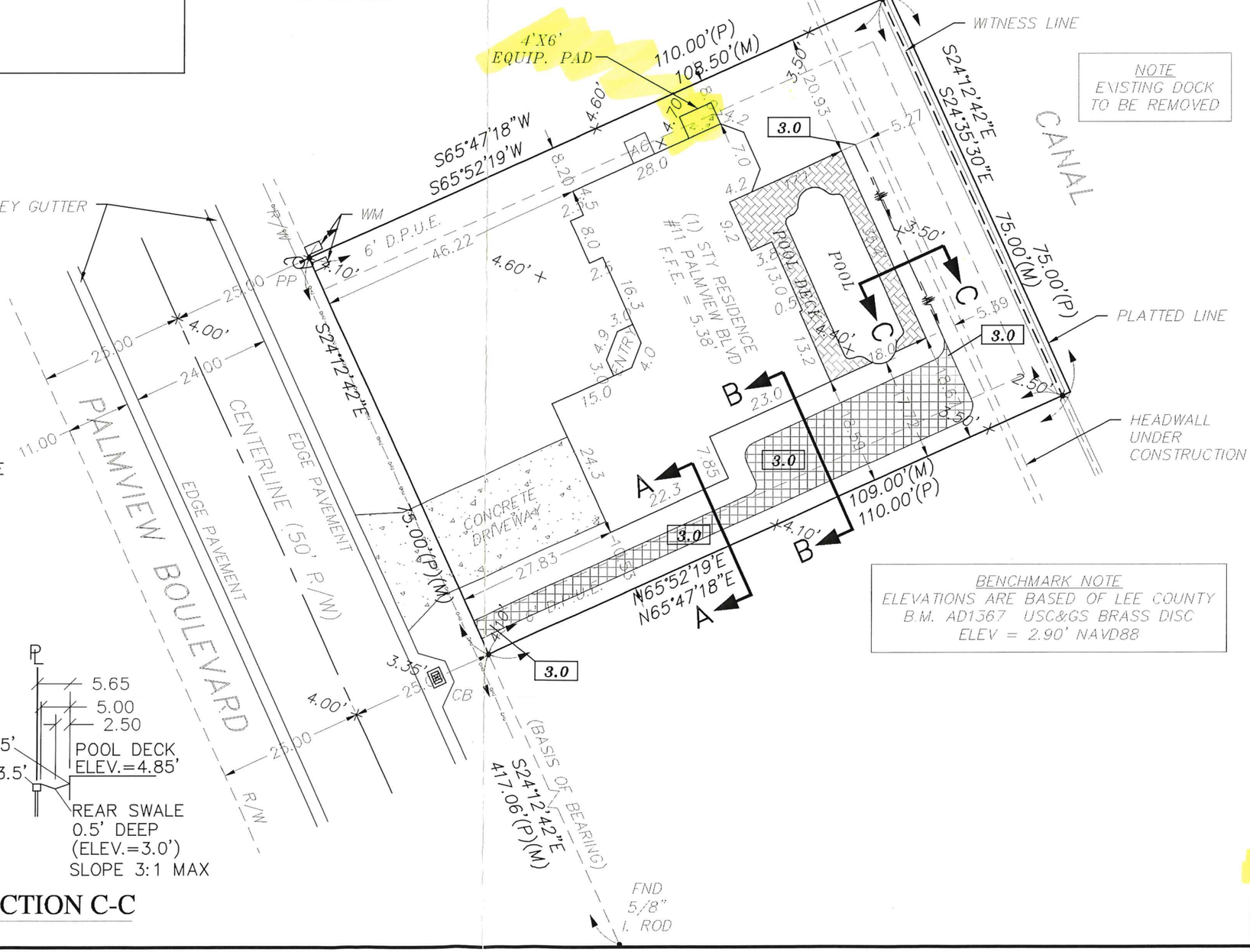

SECTION A-A




SECTION B-B




SECTION C-C




APPROVED

Digitally signed by ROBERT W CASE
Date: 2020.11.03 11:52:43 -05'00'


LIS ENGINEERING, LLC
RESIDENTIAL & COMMERCIAL
ENGINEERING & DESIGN SERVICES
CA NO: 14883
CA NO: 29882
www.LIS-E.com


ROBINSON RESIDENCE
11 PALMVIEW BOULEVARD FORT MYERS BEACH, FLORIDA, 33931

DRAINAGE PLAN

SCALE: 1" = 20'-0"
DATE: OCT. 19, 2020
SHEET: DP

DRAN20-135

**RESOLUTION NUMBER 24-11**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230233, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 11 PALMVIEW BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY 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**, Roby Robinson, owner of the property situated at 11 Palmview Boulevard, is requesting a variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths; and

**WHEREAS**, the STRAP number for the subject property is 34-46-24-W4-00600.0330; and

**WHEREAS**, the Property is located in the "Low Density Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential, Single Family" 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 January 09, 2024, 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 34-87 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

**WHEREAS**, on January 22, 2024, 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 34-87 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 Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES a request for variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.

D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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. If the utility provider of the existing 6-feet public utility easement needs access, the equipment within the easement must be moved at homeowner's expense.

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

| | |
|---|---|
| Dan Allers, Mayor | ___ |
| Jim Atterholt, Vice Mayor | ___ |
| John R. King | ___ |
| Karen Woodson | ___ |
| Vacant | ___ |

ADOPTED this __ day of January 2024 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:**

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of January 2024.

**Town of Fort Myers Beach**
**Agenda Item Summary** Yellow Sheet Number: **2024-1408**

1. **Requested Motion:** **Meeting Date: January 9, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230299, A VARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED STREET SETBACK BY 11 FEET FROM THE REQUIRED 25 FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 122 FALKIRK STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**Why the action is necessary:**
The LPA makes recommendations to the Town Council regarding variance requests

**What the action accomplishes:**
The LPA recommendation will be forwarded to Town Council.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
resolution

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5. **Background:**
Prior to Hurricane Ian the primary structure was a duplex, with a unit below and a unit above. The applicant has provided an affidavit from an adjacent property owner and a previous owner and Lee Property Appraiser website indicates that the structure contained two dwelling units. The lower unit was damaged by Hurricane Ian and the applicant is proposing the reconstruction of the lost unit as a separate structure, attached by a deck area. The proposed structure would be forward of the original house on the property, with a primary setback from Falkirk street of 14.1 feet and a deck 11.3 feet from the street property line.

**Attachments:**
1. Res 24-14
2. Staff Report
3. Exhibit A Site plan
4. Exhibit B LPA postcard 122 Falkirk st
5. Exhibit C Complete Application

**Financial Impact:**
unknown

6. **Alternative Action**
Approve or approve with conditions

7. **Staff Recommendations:**
Recommend denial

8. **Recommended Approval:**

Date: January 03, 2024

Frankie Kropacek, Operations & Compliance Director

Nancy Stuparich, Town Attorney

Date: January 05, 2024

Amy Baker, Town Clerk

Date: January 05, 2024

**RESOLUTION NUMBER 24-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230299, A VARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED STREET SETBACK BY 11 FEET FROM THE REQUIRED 25 FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 122 FALKIRK STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY 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**, Heidi Cawood Grottendick, owner of the property situated at 122 Falkirk Street, is requesting a variance of 11 feet from LDC Table 34-3 which requires a street setback of 25 feet in the RS zoning district, for a street setback of 14 feet; and

**WHEREAS**, the STRAP number for the subject property is 33-46-24-W2-005M0.008A; and

**WHEREAS**, the Property is located in the "Low Density" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Single Family" 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 January 9, 2024, 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 34-87 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

**WHEREAS**, on January 22, 2024, 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 34-87 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 Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES these two variances from LDC Table 34-3 requires accessory structures including swimming pools associated with a single-family home waterfront lot in the RS zoning district to provide a minimum 25-foot side setback for lots 100 feet wide or greater and 25 foot setback from a waterbody.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.

D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

A. Should the home be demolished and the site redeveloped, the approved variances will become null and void and the new structure will be expected to meet the codes at the time of review.

B. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

| | |
|---|---|
| Dan Allers, Mayor | ___ |
| Jim Atterholt, Vice Mayor | ___ |
| John R. King | ___ |
| Karen Woodson | ___ |
| Vacant | ___ |

ADOPTED this __ day of January 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:**

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of January 2023.

**Town of Fort Myers Beach**
**COMMUNITY DEVELOPMENT DEPARTMENT**
**STAFF REPORT**

| | |
|---|---|
| **TYPE OF CASE:** | **Variance** |
| **CASE NUMBER:** | **VAR20230299** |
| **CASE NAME:** | **122 Falkirk St.; requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setbacks in the RS zoning district.** |
| **COUNCIL HEARING DATE:** | **January 9, 2024, at 9 AM** |
| **STAFF RECOMMENDATION:** | **DENIAL** |
| **PREPARED/ SUBMITTED BY:** | **Sarah Propst, AICP, PMP** |

## I. APPLICATION SUMMARY

| | |
|---|---|
| Applicant/Owner: | Heidi Cawood Grottendick – Owner/ Applicant |
| Request: | The applicant is requesting a front setback variance of 11 feet from the required 25-foot front setback. |
| Subject property: | See attached site plan |
| Physical Address: | 122 Falkirk Street |
| STRAP #: | 33-46-24-W2-005M0.008A |
| FLU: | Low Density |
| Zoning: | Residential Single Family (RS) |

Adjacent zoning and land uses:

| | |
|---|---|
| North: | Residential Single Family (RS)<br>Low Density |
| South: | Residential Single Family (RS)<br>Low Density |

| | |
|---|---|
| East: | Residential Single Family (RS)<br>Low Density |
| West: | Residential Single Family (RS)<br>Low Density |

## II. BACKGROUND AND ANALYSIS

Background:

Heidi Cawood Grottendick, the owner of 122 Falkirk St., is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RS zoning district to provide a minimum street setback of 25 feet from the front property line. The applicant is requesting a variance of 11 feet from the street setback for a front setback of 14.1 feet.

Prior to Hurricane Ian the primary structure was a duplex, with a unit below and a unit above. The applicant has provided an affidavit from an adjacent property owner and the Lee Property Appraiser website indicates that the structure contained two dwelling units. The lower unit was damaged by Hurricane Ian and the applicant is proposing the reconstruction of the lost unit as a separate structure, attached by a deck area. The proposed structure would be forward of the original house on the property, with a primary setback from Falkirk Street of 14.1 feet and a deck 11.3 feet from the street property line. The deck does not require a setback variance, as it encroaches only 2.8 feet further into the requested reduced setback and could encroach up to 7 feet into that reduced setback, by right.

Analysis:

The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. This oddly shaped lot is approximately 7,400 square feet. The existing structure does meet the code required setbacks.

The lot is not large enough to meet the density standards for the Low Density future land use district, which allows 4 dwelling units per acre. Additionally, the RS zoning district does not allow two dwelling units per lot. Due to these limitations, the applicant is utilizing the post disaster buildback code to reconstruct the second unit.

Neighborhood Compatibility:

The parcel sits within a triangular block with several irregular lots and homes that appear nonconforming for setbacks. The proposed location of the dwelling unit would likely have a minimal impact on adjacent properties.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The ground floor unit was destroyed, and reconstruction of the unit will need to happen above base flood elevation. The parcel is very oddly shaped and although there is room for the structure to the side of the house, that location will have a greater impact on adjacent properties. This is the minimum request, if the unit is to be constructed forward of the existing unit.

b. *That the conditions justifying the variance **are**/are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The subject property survived the storm, with the second floor living area largely intact and the owner would like to rebuild the first floor unit. The unit could be located to the north of the existing structure and meet the required setbacks.

c. *That the variance granted is/**is not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

The variance request is necessary only if the unit is constructed forward of the house. If the unit were constructed to the side, a variance may not be necessary.

d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The adjacent properties will not likely be impacted by the development of this small unit forward of the existing structure.

e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

**III. RECOMMENDATION**

Staff has reviewed the request for a variance *from LDC Table 34-3 which requires that a lot in the RS zoning district have minimum 25-foot street setback* and found that the variance requested does not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230299, a request for a variance of 11 feet from the required 25-foot street setback.

## IV. CONDITIONS FOR APPROVAL

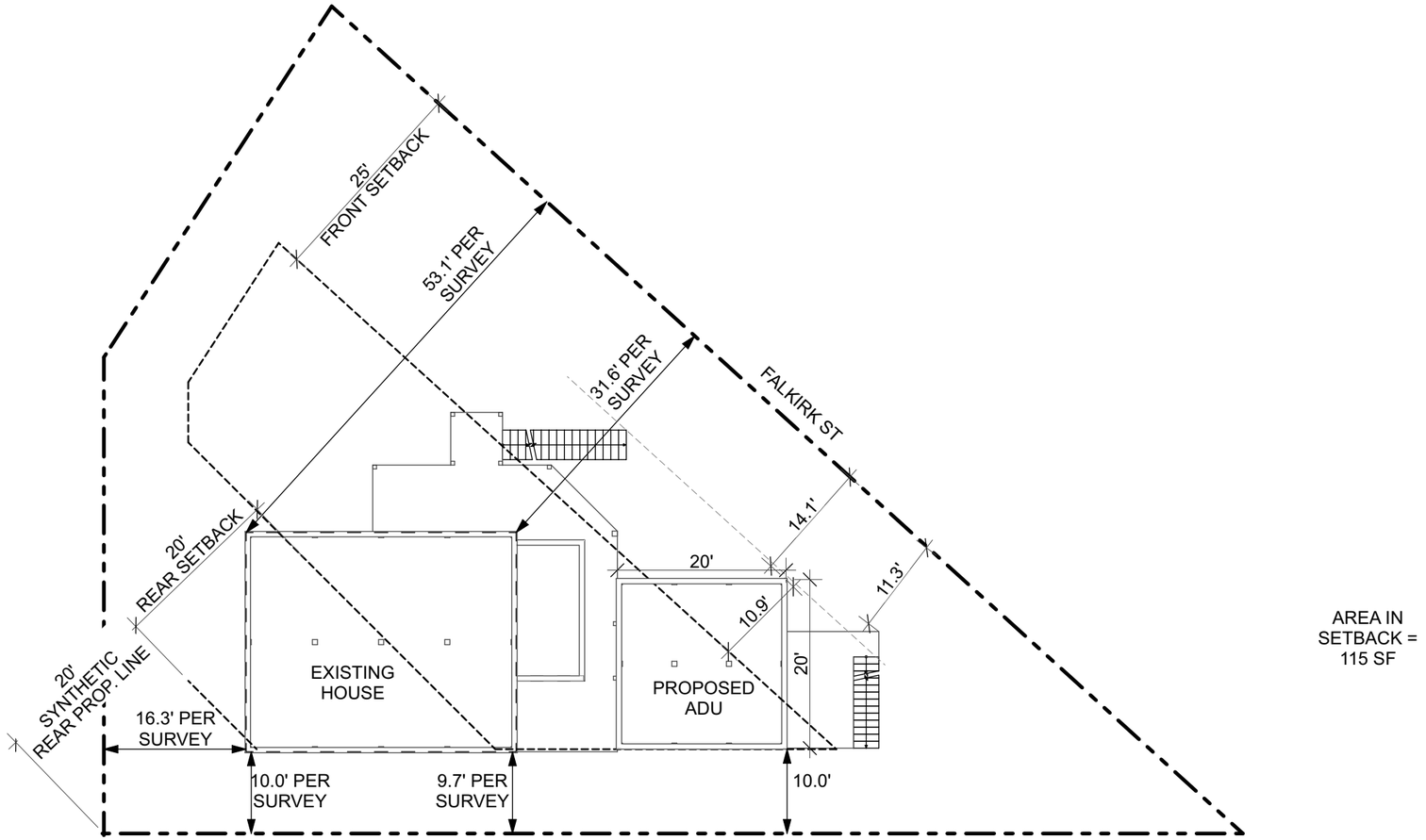
If the Town's LPA recommends approval for the variance, town's staff recommends the following conditions of approval.

1) Should the home be demolished and the site redeveloped, the approved variances will become null and void and the new structure will be expected to meet the codes at the time of review.
2) Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.

## V. EXHIBITS

A. Site Plan
B. Postcards
C. Complete Application

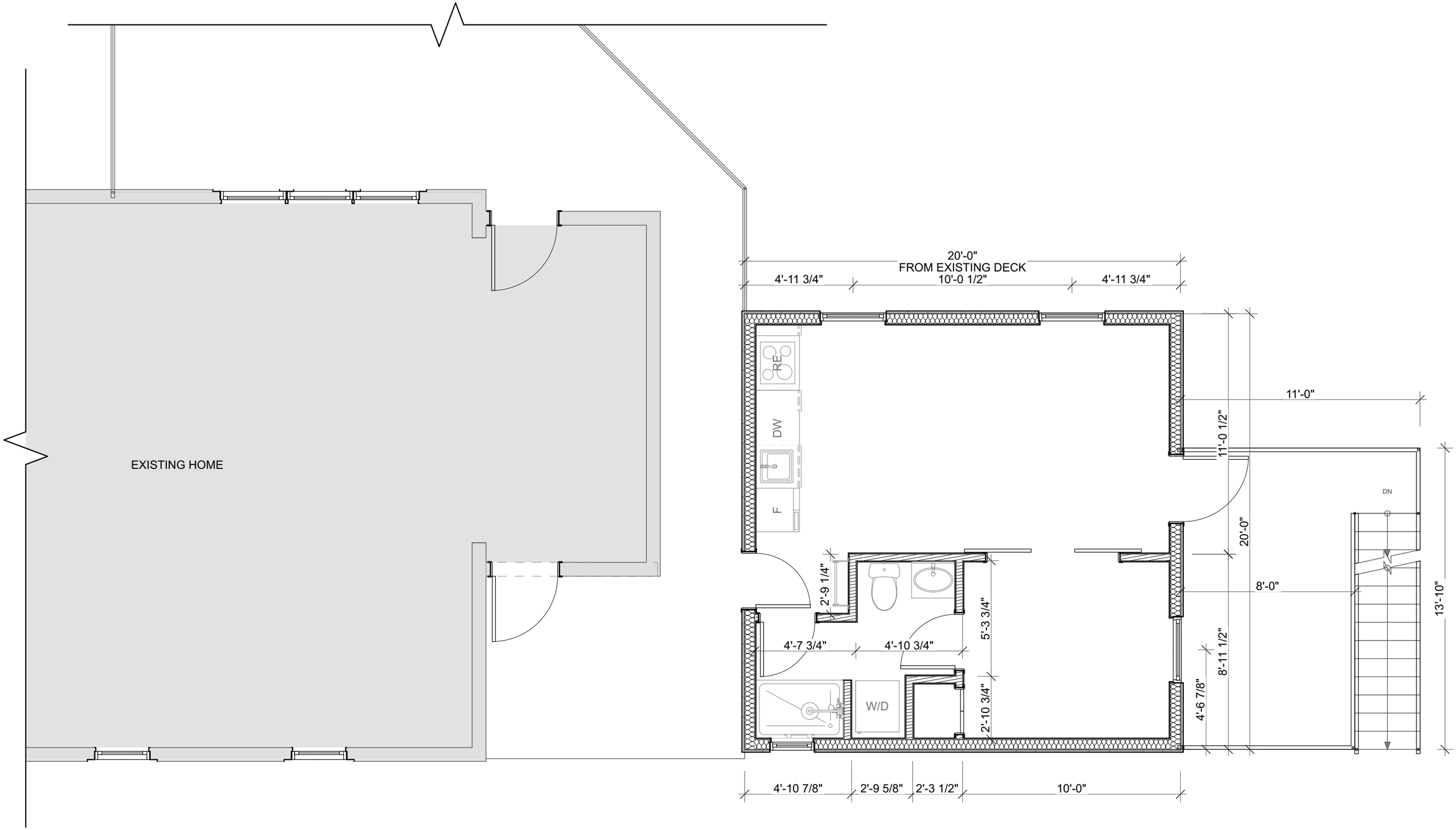
This drawing and its contents are the property of the architect and may not be reproduced or used in any way other than what was originally intended without the architect's written permission




AREA IN
SETBACK =
115 SF

N

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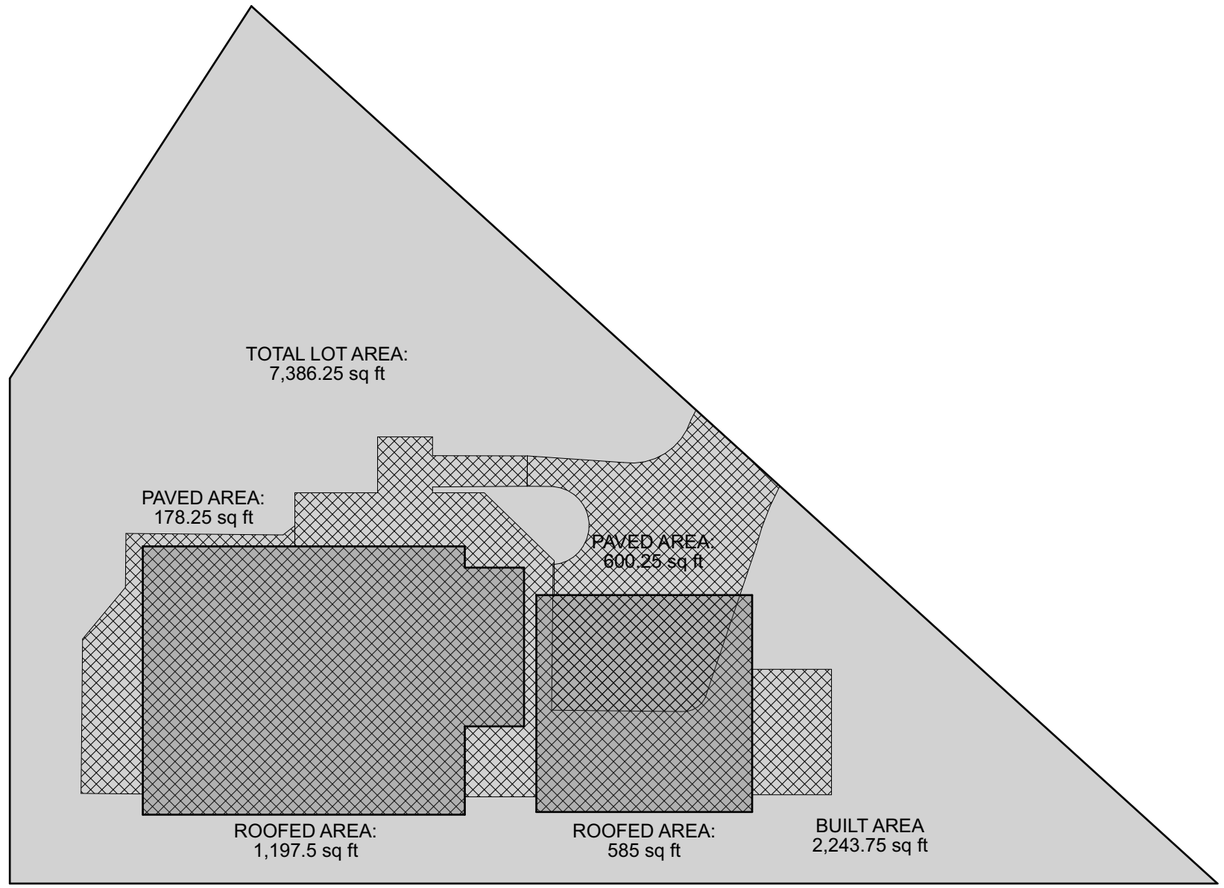



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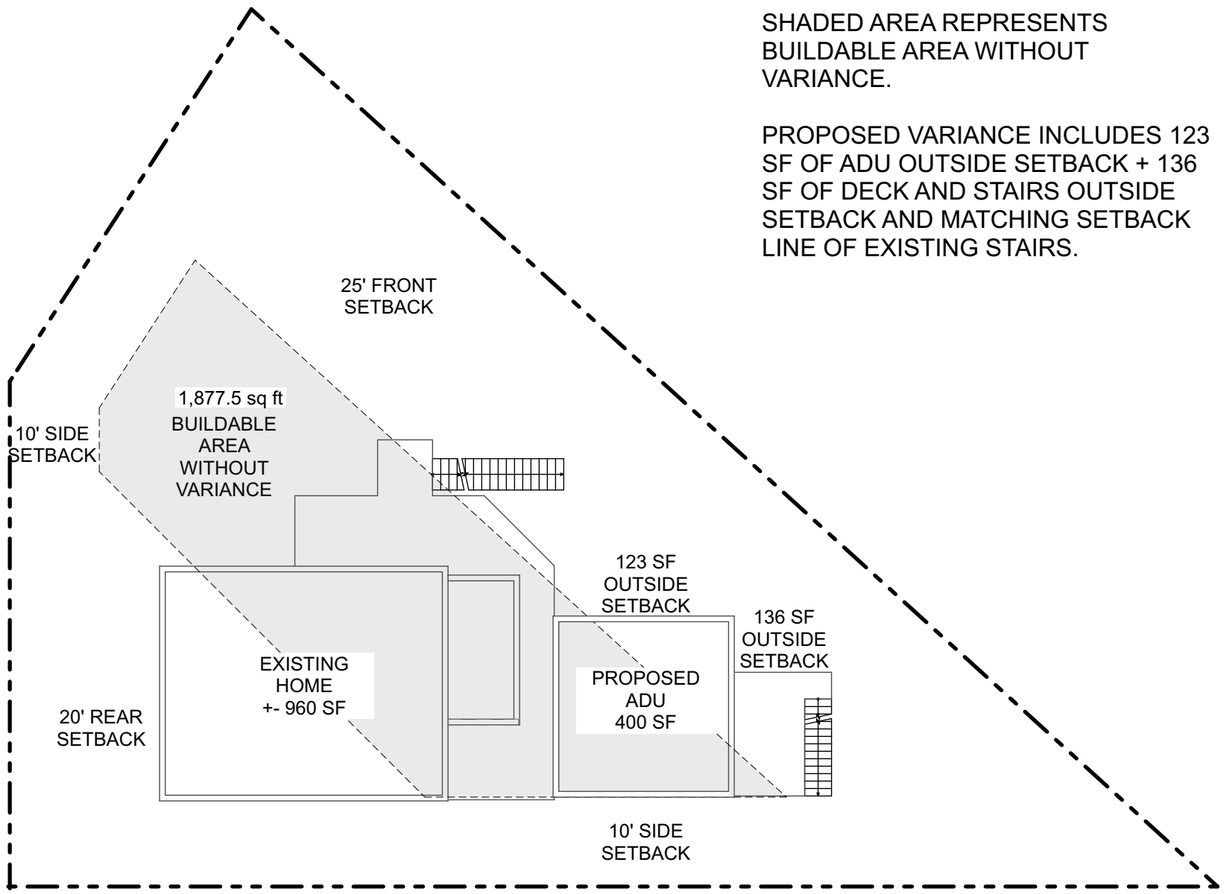
**PERCENTAGE OF ROOFED AREA:**
1197.5 + 585 = 1782.5
1782.5 / 7386.25 X 100 = 24.13%

**TOTAL IMPERVIOUS AREA:**
1782.5 + 600.25 +2243.75 = 4626.5 SF
=62.6%




N

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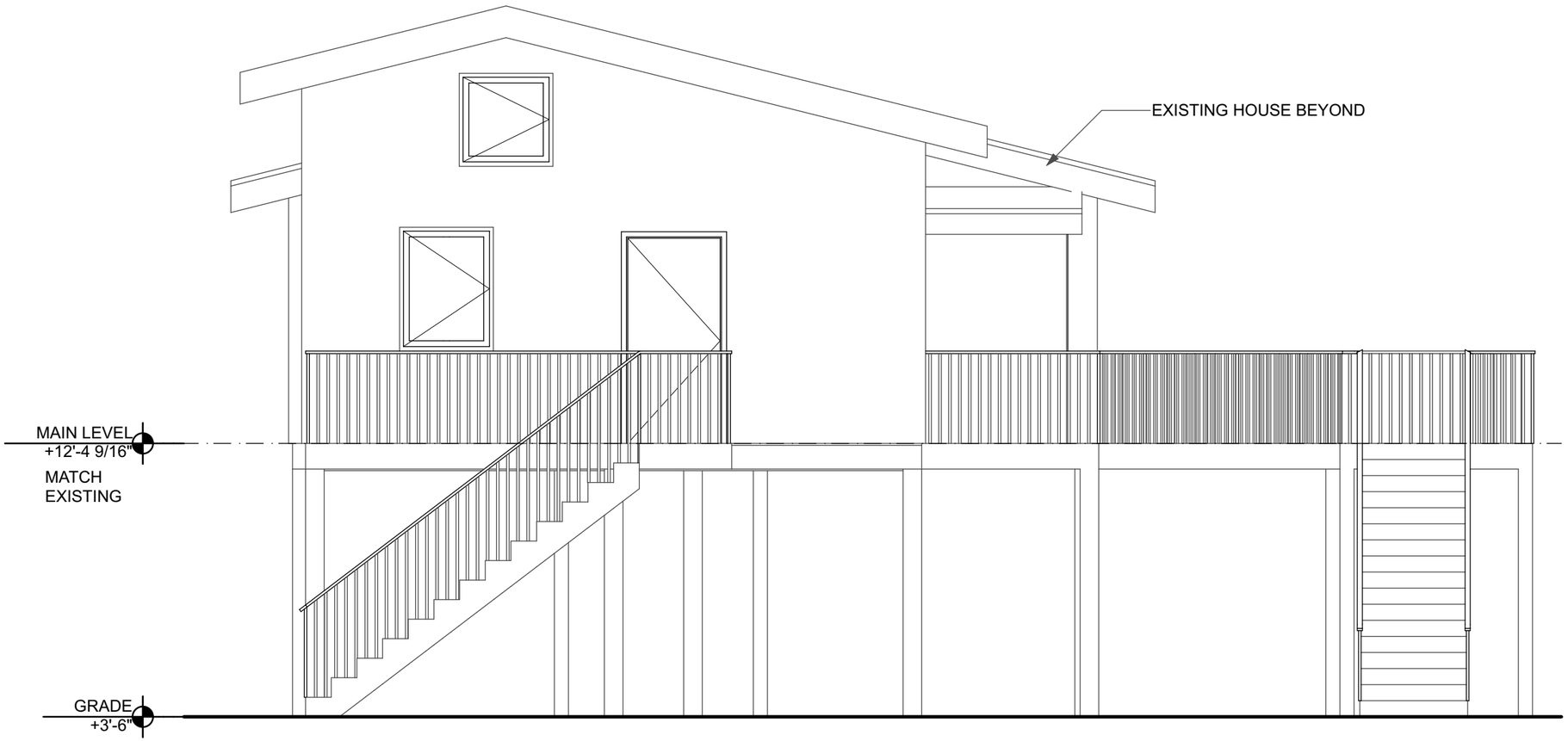



SHADED AREA REPRESENTS BUILDABLE AREA WITHOUT VARIANCE.

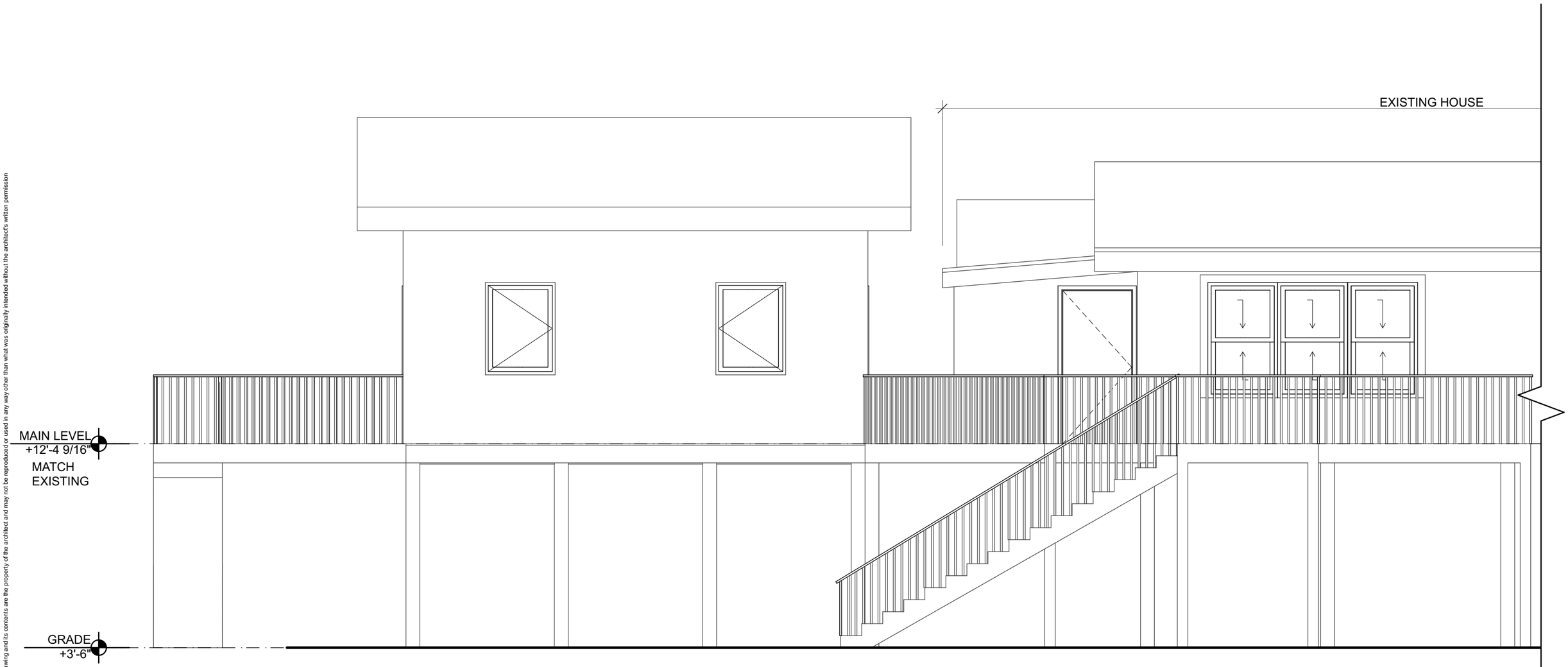
PROPOSED VARIANCE INCLUDES 123 SF OF ADU OUTSIDE SETBACK + 136 SF OF DECK AND STAIRS OUTSIDE SETBACK AND MATCHING SETBACK LINE OF EXISTING STAIRS.

N

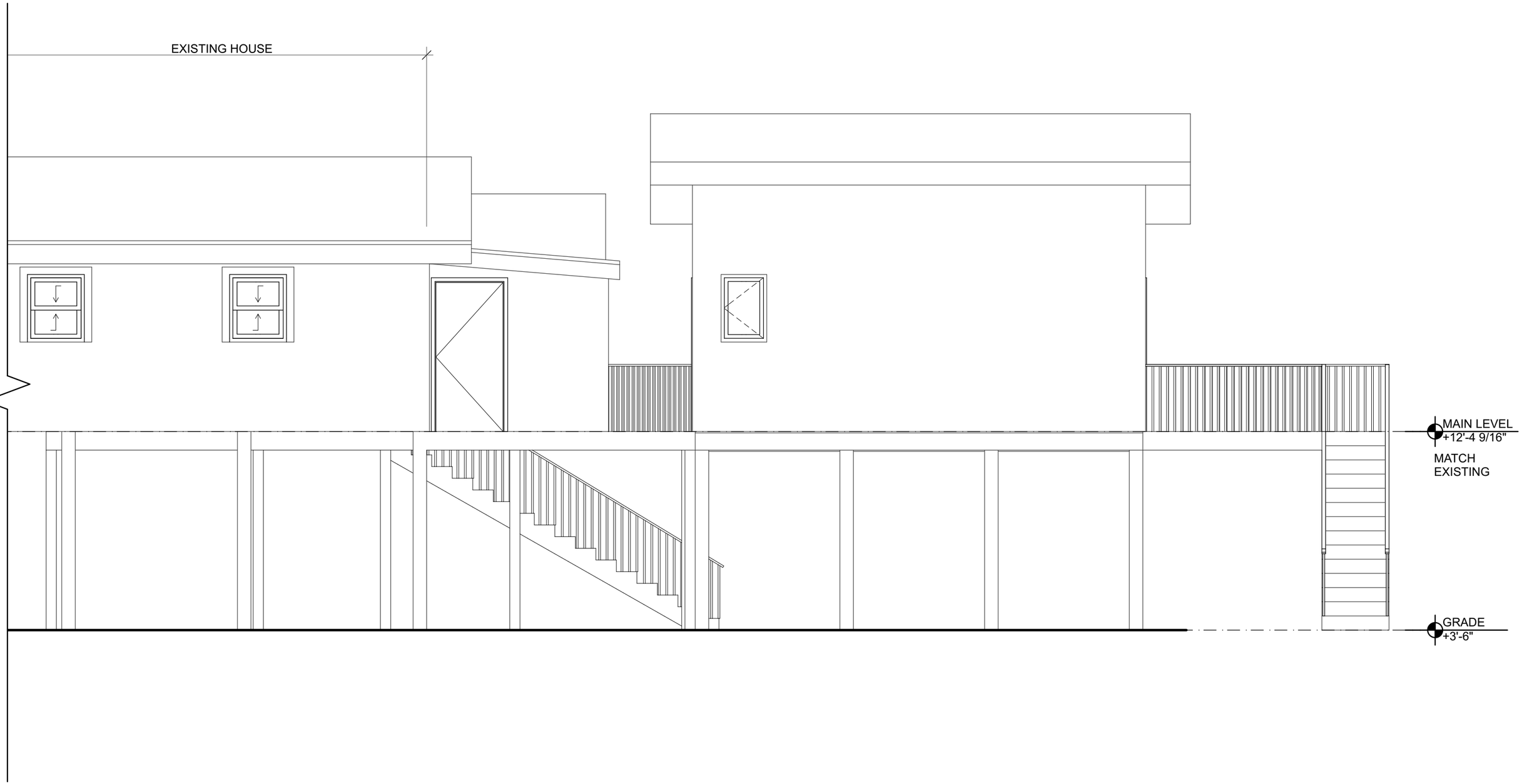
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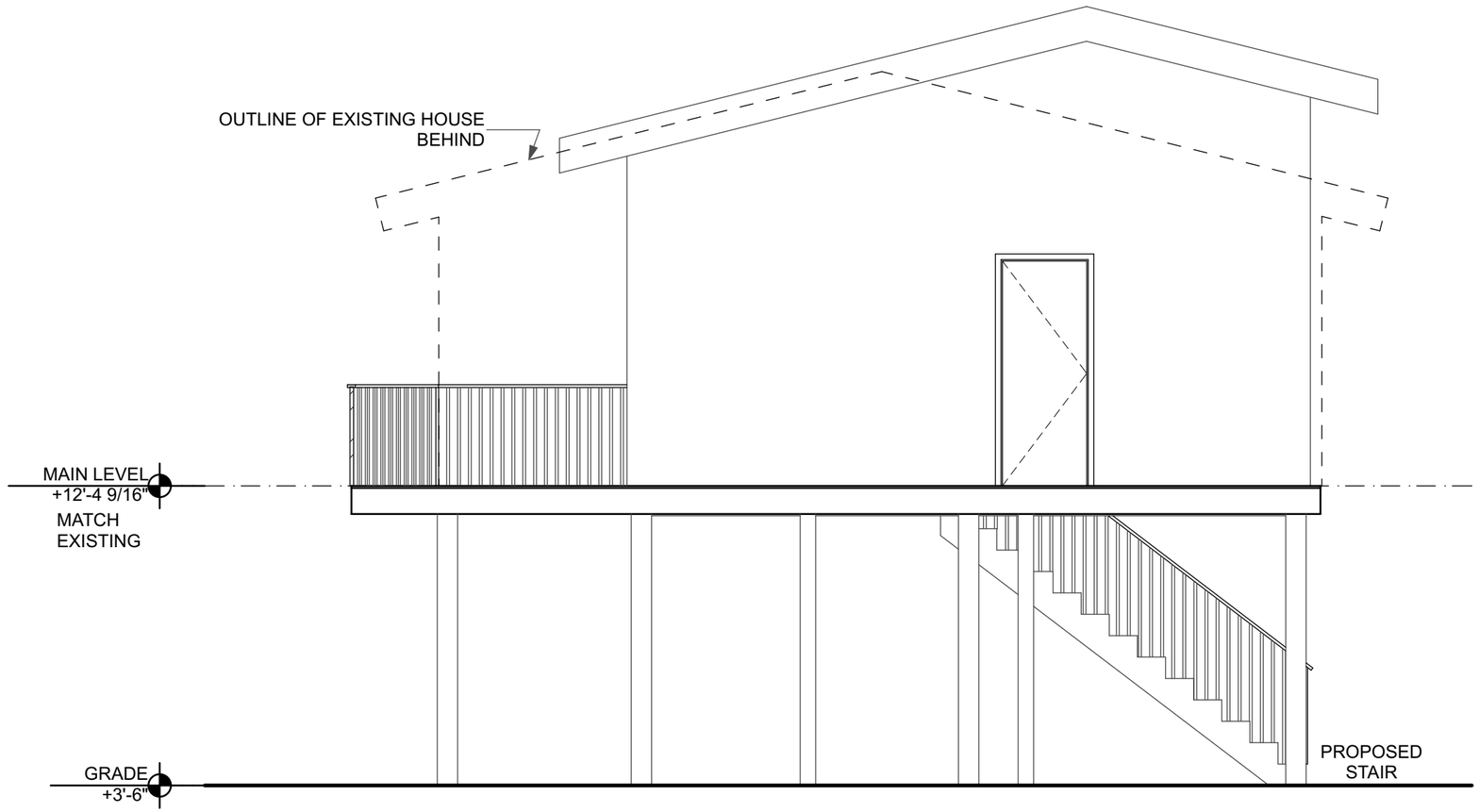
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Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

## NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

**Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please check for meeting changes on our website WWW.FMBGOV.com.**

**TIME: 9 AM**
**DATE: LPA January 9, 2023 and Town Council January 22,2023**
**CASE: VAR20230299**
**ADDRESS: 122 Falkirk St**
**APPLICANT: Heidi Cawood**
**REQUEST: The applicant is requesting a variance of 11 feet from the 25' street setback to allow a residential structure 14 feet from the street property line and to allow a deck 11 feet from the street property line.**

**TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM**

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 122 Falkirk St, Fort Myers Beach, FL 33931

STRAP Number: 33-46-24-W2-005M0.008A

Applicant: Heidi Cawood Phone: 423-280-2321

Contact Name: Heidi Cawood Phone: 423-280-2321

Email: heidicawood@hotmail.com Fax: _____

Current Zoning District: RS

Future Land Use Map (FLUM) Category: Low Density

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

| ACTION REQUESTED | SUPPLEMENTAL FORM REQUIRED |
|---|---|
| ☐ Special Exception | PH-A |
| ☑ Variance | PH-B |
| ☐ Conventional Rezoning | PH-C |
| ☐ Planned Development ☐ Commercial ☐ Residential | PH-D |
| ☐ Master Concept Plan Extension | PH-E |
| ☐ Appeal of Administrative Action | PH-F |
| ☐ Vacation of Platted Right-of-way and Easement | PH-G |
| ☐ Other – cite LDC Section: _____ | attach on separate sheet |

### PART I – General Information

A. Applicant*: Heidi Cawood Phone: 423-280-2321

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 7006 Ski Club Rd, Harrison, TN 37341

Email: heidicawood@hotmail.com Fax: _____

Contact Name: Heidi Cawood Phone: 423-280-2321

B. Relationship of Applicant to subject property:

☑ Owner* ☐ Land Trust* ☐ Partnership*
☐ Corporation* ☐ Association* ☐ Condominium*
☐ Subdivision* ☐ Timeshare Condo* ☐ Contract Purchaser*
☐ Authorized Representative* ☐ Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

## PART II – Nature of Request

Requested Action (each request requires a separate application)

☐ Special Exception

☑ Variance from LDC Section 34 - 638

☐ Conventional Rezoning from _____ to _____

☐ Planned Development

☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD

☐ Amendment. List the project number: _____

☐ Extension/reinstatement of Master Concept Plan. List project number: _____



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☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

## PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

## PART IV – Property Ownership (Single Owner)

☑ Single Owner (individual or husband and wife)

Name: Heidi Cawood Phone: 423-280-2321

Mailing Address: 7006 Ski Club Rd, Harrison, TN 37341

Email: heidicawood@hotmail.com Fax: _____

## AFFIDAVIT
## APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Heidi Cawood swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

_____ Heidi Cawood
Signature Printed Name

**STATE OF _____ COUNTY OF _____**

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR _____ online notarization, this _____day of _____, 20_____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

(SEAL) _____
Notary Public Signature

## PART V
### Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

### DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage Ownership |
|---|---|
| Heidi Cawood | 100% |
| | |
| | |
| | |


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If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|---|---|
| | |
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| | |
| | |

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |



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Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

| Name | Address |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____
Signature Printed Name

**AFFIDAVIT**
**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

_____
Name of Entity (corporation, partnership, LLP, LLC, etc)

_____ _____
Signature Title

_____ _____
Typed or Printed Name Date

**STATE OF _____ COUNTY OF _____**

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this _____day of _____, 20____ , by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal _____
Notary Public Signature

**PART VI– Property Information**

A. Legal Description:

STRAP: 33-46-24-W2-005M0.008A

Property Address: 122 Falkirk St., Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☑ Yes. Property identified in subdivision: MC PHIE PARK UNIT 3

Book: 8 Page: 67 Unit: 3 Block: M Lot(s): 8 + 9

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.


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C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: 7,386 ☐ acres ☑ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

From the north end of Big Carlos Pass Bridge, travel 2.5 miles north on Estero Blvd turn right on Aberdeen Ave. Turn left on Lauder St., turn right on Falkirk St. 122 Falkirk is on the left.

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☑ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☐ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☐ Attach a map showing the surrounding property owners as Exhibit 6-7.

☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☑ Low Density
☐ Mixed Residential
☐ Boulevard
☐ Pedestrian Commercial
☐ Marina
☐ Recreation
☐ Wetlands
☐ Platted Overlay



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## EXPLANATORY NOTES

***Please do not print, copy and submit these instructions***

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.


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Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.


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Case # _____ Date Received: _____

# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT

### Supplement PH-B

### Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

| |
|---|
| **Case Number:** |
| **Project Name:** Elevated accessory unit 122 Falkirk St |
| **Authorized Applicant:** Heidi Cawood |
| **LeePA STRAP Number:** 33-46-24-W2-005M0.008A |
| |

| | | | |
|---|---|---|---|
| **Current Property Status:** | | | |
| **Current Zoning:** RS | | | |
| **Future Land Use Map (FLUM) Category:** Low Density | | | |
| **Comp Plan Density:** low density | **Platted Overlay?** | ☐ **Yes** | ☑ **No** |

**Variance is requested from:**

| **LDC Section Number** | **Title of Section or Subsection** |
|---|---|
| 34-638 | Minimum Setbacks |
| | |
| | |
| | |
| | |
| | |

Complete the narrative statements below for EACH variance requested.

Case # _____ Date Received: _____

PART I

Narrative Statements

**Request for variance from** 34-638 **(LDC Section number)**

| **Explain the specific regulation contained in this section from which relief is sought:** |
|---|
| A variance is requested to change the front street setback from 25' |
| to 14' to allow an approx 400 sq ft accessory to fit an unusual pie-shaped lot. |
| |
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**Reasons for request**

| **Explain why the variance is needed:** |
|---|
| The unusual triangle shaped lot restricts the usability. |
| The existing house has a 728 sq ft ground level apartment. |
| The addition will replace the ground level apartment with a smaller |
| 400 sq ft elevated accessory apartment. |
| One corner of the unit will extend 11' over the setback at the widest point. |
| There will be only 115 sq feet over the setback. |
| This is the smallest footprint that allows enough livable space. |
| |
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| **Explain the possible effect the variance, if granted, would have on surrounding properties:** |
|---|
| No negative affects on the surrounding properties. |
| Density will not increase. |
| There is no water view to block. |
| The driveway has sufficient parking and the addition will add under-house parking. |
| The property adjoins the neighbors' back yards which provides |
| a minimum of 30' between any existing or future buildings. |
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| **Explain the hardship (what is unique about the property) that justifies relief from the regulation:** |
|---|

| |
|---|
| We wish to eliminate the 40+ year old ground level apartment and convert |
| the enclosed area to storage. A new build will be FEMA and code compliant. |
| The lot is pie-shaped, making approximately 1/3 unbuildable without a street |
| setback variance due to the placement of the existing house. |
| The top of the driveway is the most visually pleasing location for the neighborhood |
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Case # _____ Date Received: _____

| **Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.** |
|---|
| The purpose of the accessory is to replace a legal, non-conforming ground |
| apartment enclosed before town incorporation and pre-FIRM. |
| A single variance is requested to fit on the unusual pie-shaped lot. |
| The property is a multi-family, 1,688 sq ft home taxed as such by Lee Co |
| The small 400 sq ft elevated accessory unit would replace the 728 sq ft |
| ground-level two-bedroom apartment, creating a new FEMA compliant unit. |
| The number of bedrooms would not be increased. |
| The neighborhood is a combination of full-time residents and seasonal renters. |
| Multiple homes have two or more units. The home are small, density is low. |
| monthly renters are not injurious to the neighborhood |
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PART 2
Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - iworq (talktomycity.com)

**Required Items**

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of $1800.00 (residential)/Additional Variance $500.00
- Variance (non-residential) $2800.00/ Additional Variance $700.00

**Guide to filing PH-B Additional Required Information for a Variance Application**

**Cover page**

**Case Number** will be inserted by Community Development staff.
**Project Name** must be the same as the name used on the Request for Public Hearing form.
**Applicant** must be the same as on the Request for Public Hearing form.
**STRAP numbers** must be the same as on the Request for Public Hearing form.
**Current status of property** must be the same as on the Request for Public Hearing form.
**"Variance is requested from…"** Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

**Narrative statements**

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

**Site plan**

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

**LDC Section 34-87**

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

# RESIDENTIAL LEASE

This agreement, made this _____ day of _____ 20___, between **Heidi Cawood,** hereinafter referred to as the LANDLORD, through its agent and **Jamie R. McCloskey and Linda J. McCloskey** hereinafter referred to as the TENANT, concerning the lease of the following described property: **122 Falkirk St., Downstairs Unit, Fort Myers Beach, FL 33931** is agreed to by and shall bind the TENANT, its heirs, estate, or legally appointed representatives. TENANT as herein used shall include all persons to whom this property is leased. LANDLORD as herein used shall include the OWNER(s) of the premises, its heirs, assigns or representatives and/or any AGENT(s) designated by the OWNER(s).

**TERM OF LEASE: September 01, 2022** to **August 31, 2023**.

**OCCUPANTS:** Only the following individuals shall occupy the premises unless written consent of the LANDLORD is obtained: **Jamie R. McCloskey and Linda J. McCloskey.** A reasonable number of guests may occupy the premises without prior written consent if stay is limited to 72 hours.

**ADVANCE RENT:** TENANT agrees to pay the sum of **$18,780.00** as advance rent comprised of two payments as follows:
- First payment in the amount of $9,390.00 for the months of September 2022 through February 2023 due at lease signing in cleared funds by cashier's check.
- Final payment in the amount of $9,390.00 for the months of March 2023 through August 2023 due on or before March 1, 2023 in cleared funds by cashier's check.

**Advanced rent at the monthly rate of $1,565.00 shall be disbursed as it becomes due.**

**RENT:** TENANT agrees to pay rent on the **1st** day of each month in advance without demand at **TRIPOWER RENTALS, 2001 Estero Blvd., Fort Myers Beach, FL 33931** Phone number **(239) 463-5887** Emergency phone number **(239) 463-5887**. Rent must be received by LANDLORD or its designated AGENT on or before the due date. A late fee of **$50.00** plus **$10.00** per day therafter shall be due as additional rent if TENANT fails to make rent payments on or before the **2nd** day of each month. At any time prior to or during the lease term, LANDLORD, upon written notice to TENANT by mail, email, or text may change the method in which TENANT is to pay the rent or any other sums owed under the Lease agreement and any addenda, and, TENANT agrees to use the method determined by LANDLORD beginning with the next payment due. TENANT acknowledges in the event electronic payments and/or direct deposits are permitted, LANDLORD reserves the right to suspend or terminate electronic payments and/or direct deposit arrangements in the event of default by TENANT under this lease and to demand payment at a physical address. Cash payments are not accepted. If TENANT'S payment is dishonored, all future payments must be made by money order or cashier's check; dishonored payments will be subject to the greater of 5% of the payment amount or a $40.00 charge as additional rent. If LANDLORD has actual knowledge that there are insufficient funds to cover a payment, rent will be considered unpaid, LANDLORD may serve TENANT with a Three Day Notice and will not be required to deposit the payment. Third party checks are not permitted. Time is of the essence. The imposition of late fees and/or dishonored payment charges is not a substitution or waiver of available Florida law remedies. If rent is not received by the **1st** day of each month, LANDLORD may serve a Three Day Notice on the next day or any day thereafter as allowed by law, and LANDLORD has the right to demand that late payments shall only be in the form of a money order or a certified check. All signatories to this lease are jointly and severally responsible for the faithful performance of this lease. All payments made shall first be applied to any outstanding balances of any kind including late charges and/or any other charges due under this lease. All notices by TENANT to LANDLORD shall be sent to LANDLORD'S address above.

**PETS:** TENANT shall not keep any animal or pet in or around the rental premises without LANDLORD'S prior written approval.

**SECURITY DEPOSIT:** TENANT agrees to pay LANDLORD the sum of **$1,000.00 (Received)**, as security for faithful performance by TENANT of all terms, covenants and conditions of this lease. This deposit may be applied by the LANDLORD for any monies owed by TENANT under the lease or Florida law, physical damages to the premises, costs, and attorney's fees associated with TENANT'S failure to fulfill the terms of the lease and any monetary damages incurred by LANDLORD due to TENANT'S default. TENANT cannot dictate that this deposit be used for any rent due. If TENANT breaches the lease by abandoning, surrendering or being evicted from the rental premises prior to the lease expiration date (or the expiration of any extension) TENANT will be responsible for unpaid rent, physical damages, future rent due, attorney's fees, costs and any other amounts due under the terms of the tenancy or Florida law. Security deposit refunds or other refunds, if any, are normally made in one payment in the names of all TENANTS, but LANDLORD has the option to divide the refunds, if any, into equal amounts made payable to each individual TENANT. All refunds, if any, shall be made by mail or electronically, at the option of the LANDLORD. The security deposit (and advance rent, if applicable) will be held in the following manner: Deposited in a separate non-interest bearing account with **First Citizens Bank, Fort Myers, FL.**

**Your lease requires payment of certain deposits. The LANDLORD may transfer advance rents to the LANDLORD'S account as they are due and without notice. When you move out, you must give the LANDLORD your new address so that the LANDLORD can send you notices regarding your deposit. The LANDLORD must mail you notice, within 30 days after you move out, of the LANDLORD'S intent to impose a claim against the deposit. If you do not reply to the LANDLORD stating your objection to the claim within 15 days after receipt of the LANDLORD'S notice, the LANDLORD will collect the claim and must mail you the remaining deposit, if any. If the LANDLORD fails to timely mail you notice, the LANDLORD must return the deposit but may later file a lawsuit against you for damages. If you fail to timely object to a claim, the LANDLORD may collect from the deposit, but you may later file a lawsuit claiming a refund.**
**You should attempt to informally resolve any dispute before filing a lawsuit. Generally, the party in whose favor a judgment is rendered will be awarded costs and attorney fees payable by the losing party.**
**This disclosure is basic. Please refer to part II of Chapter 83, Florida Statutes, to determine your legal rights and obligations.**
Florida statutory law, 83.49(3) provides:

(3)(a) Upon the vacating of the premises for termination of the lease, if the landlord does not intend to impose a claim on the security deposit, the LANDLORD shall have 15 days to return the security deposit together with interest if otherwise required, or the landlord shall have 30 days to give the TENANT written notice by certified mail to the TENANT'S last known mailing address of his or her intention to impose a claim on the deposit, and the reason for imposing the claim. The notice shall contain a statement in substantially the following form: This is a notice of my intention to impose a claim for damages in the amount of ------ upon your security deposit, due to ------. It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to (LANDLORD'S address). If the LANDLORD fails to give the required notice within the 30-day period, he or she forfeits his or her right to impose a claim upon the security deposit.

(b) Unless the TENANT objects to the imposition of the LANDLORD'S claim or the amount thereof within 15 days after receipt of the landlord's notice of intention to impose a claim, the LANDLORD may then deduct the amount of his or her claim and shall remit the balance of the deposit to the TENANT within 30 days after the date of the notice of intention to impose a claim for damages.

(c) If either party institutes an action in a court of competent jurisdiction to adjudicate his or her right to the security deposit, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney. The court shall advance the cause on the calendar.

(d) Compliance with this subsection by an individual or business entity authorized to conduct business in this state, including Florida-licensed real estate brokers and salespersons, shall constitute compliance with all other relevant Florida Statutes pertaining to security deposits held pursuant to a rental agreement or other landlord-tenant relationship. Enforcement personnel shall look solely to this subsection to determine compliance. This subsection prevails over any conflicting provisions in chapter 475 and in other sections of the Florida Statutes.

**ASSIGNMENTS/SUBLETTING:** TENANT shall not assign this lease, transfer any interest, advertise or solicit any third parties to advertise any rental or use of the premises, rent to another or sublet the premises or any part thereof for any period of time. Airbnb or similar types of renting, subletting, room rentals, couch surfing, advertising to rent or use, or home exchanging is expressly prohibited and shall be a material breach of the lease agreement.

**APPLICATION:** If TENANT has filled out a rental application, any misrepresentation made by the TENANT in same will be a breach of this agreement and LANDLORD may terminate the tenancy. Lease may be contingent upon association approval of tenancy; when applicable, TENANT agrees to make good faith effort in diligently complying with association approval process.

**FIXTURES AND ALTERATIONS:** TENANT must obtain prior written consent from LANDLORD before painting, installing fixtures, making alterations, additions or improvements and if permission granted, same shall become LANDLORD'S property and shall remain on the premises at the termination of the tenancy.

**USE OF PREMISES:** TENANT shall maintain the premises in a clean and sanitary condition and not disturb surrounding residents or the peaceful and quiet enjoyment of the premises or surrounding premises. TENANT shall install window shades or draperies (no foil, sheets, paper etc. allowed) within 15 days of taking occupancy if not already provided. Premises are to be used and occupied by the TENANT for only residential, non-business, private housing purposes only. TENANT shall not operate any type of day care or child sitting service on the premises. TENANT shall secure insurance immediately for any water filled devices with a loss payable clause to LANDLORD. No trampolines, athletic equipment, recreational equipment, or any items or activities which can cause interference with the insurance coverage on the premises will be permitted. TENANT is strictly prohibited from installing or using a permanent or portable fire pit anywhere on the premises, and may not otherwise light exterior fires. TENANT acknowledges burning of candles or incense is NOT permitted on the premises. TENANT is prohibited from storing or using on or near the premises a gasoline, diesel, LP, natural gas, or propane powered electric generator without prior written approval by LANDLORD and a Generator Use Addendum signed by all parties. TENANT shall not place or use any above ground pools of any size on the premises without LANDLORD'S approval. TENANT is not permitted to access, enter or store any items in any crawl spaces, attics or any locked areas on the premises without prior written permission from LANDLORD. No aquariums are allowed without LANDLORD'S prior written consent.

**SMOKING:** Smoking or vaping of any substance is NOT permitted on the premises by TENANT, guests or invitees. TENANT understands that smoking or vaping on the premises shall be considered a material default under this lease agreement. In the event the premises are damaged in any way due to smoking or vaping on the premises, TENANT will be fully responsible for eradication of smoke related or vaping related odors and repair of any damage due to the smoking or vaping. TENANT agrees that smoke or vaping related damages will in no way be considered ordinary wear and tear.

**RISK OF LOSS:** All TENANTS' personal property in and on the premises including but not limited to vehicles shall be at the risk of the TENANT, and LANDLORD shall not be liable for any damage to said personal property of the TENANT arising from criminal acts, fire, storm, trees and branches, flood, rain or wind damage, electrical surges, acts of negligence of any person whomsoever, or from the bursting or leaking of water pipes. LANDLORD shall not be responsible for the loss of any food in the event of a refrigerator or freezer failure, defect or electrical failure. **TENANT is strongly urged to secure insurance for personal property.**

**DEFAULT:** (1) Failure of TENANT to pay rent or any additional rent when due, or (2) TENANT'S or guest(s) violation of any other term, condition or covenant of this lease (and if applicable, attached rules and regulations), condominium or HOA rules regulations, restrictions, by-laws or neighborhood deed restrictions or (3) failure of TENANT or guest to comply with any federal, state and/or local laws, rules and ordinances, or (4) TENANT'S failure to move into the premises or TENANT'S abandonment of the premises, shall constitute a default by TENANT. Upon default, TENANT shall owe LANDLORD rent and all sums as they become due under the terms of this lease and any addenda attached hereto and any and all amounts owed to LANDLORD as permitted by Florida law. If the TENANT abandons or surrenders possession of the premises during the lease term or any renewals, or is evicted by the LANDLORD, LANDLORD may retake possession of the premises and make a good faith effort to re-rent it for the TENANT account. Retaking of possession shall not constitute a rescission of this lease nor a surrender of the leasehold estate. If TENANT(s) breach this lease agreement, in addition to any other remedies available by law and this lease agreement, TENANT(s) shall be responsible for any leasing fee or commission charge which OWNER may incur in attempting to re-lease the premises through a licensed real estate company. If TENANT'S or guest(s) actions or inactions result in any fines, attorney's fees, costs or charges from or imposed by a condo association or homeowners association if in place, or governmental agency, TENANT shall be in default of this lease and shall be immediately required to pay such sums as additional rent.

**ATTORNEY'S FEES:** The prevailing party in any litigation between LANDLORD and TENANT concerning enforcement of the terms and conditions of the lease shall be entitled to reasonable attorney's fees and court costs. LANDLORD and TENANT waive the right to demand a jury trial concerning any litigation between LANDLORD and TENANT regarding enforcement of the terms and conditions of this lease.

**UTILITIES:** LANDLORD is responsible for providing the following utilities only**: WATER, ELECTRIC, GARBAGE, BASIC CABLE and INTERNET.** The TENANT agrees to pay all charges and deposits for **all** other utilities and TENANT agrees to have all accounts for utilities immediately placed in TENANT name with accounts kept current throughout occupancy. Garbage and or trash removal is considered a utility under this lease. If the utilities which TENANT is responsible for are still in LANDLORD'S name at the time TENANT takes occupancy, TENANT agrees that LANDLORD shall order such utilities to be terminated. In the event a condominium association or homeowners association is currently providing any services to the unit such as cable, satellite TV, alarm monitoring, internet, water, sewer, trash, guarded security gate or other services and the association decides these services will no longer be provided, TENANT agrees and understands that LANDLORD shall not be required to replace, provide or pay for these removed services for TENANT. TENANT may opt to pay for non-essential services but shall be required to pay for essential services including but not limited to water, sewer and trash if the association no longer provides these services. The discontinuation of any such services by the association shall not be construed as a prohibited practice by LANDLORD nor shall it constitute a default under the lease. The failure of TENANT to retain and pay for essential services upon notice and demand by the LANDLORD shall constitute a material breach of the lease. In the event the premises is currently on well water, if the municipality or county decides to connect the premises to city/municipality water, TENANT agrees that TENANT shall be responsible for paying for the monthly water bill and monthly sewer bill if no longer on septic and shall place the water/sewer utility in TENANT'S name unless prohibited by the municipality to avoid any interruption in service. If TENANT surrenders the premises early, abandons the premises, or is evicted, TENANT shall remain responsible for all accruing utility charges otherwise the responsibility of the TENANT under the lease. TENANT is responsible for any cost related to the installation and/or maintenance of phone lines, cable lines, outlets and/or jacks, if TENANT chooses to have phone land line service and/or cable service.

**VEHICLES:** Vehicle(s) must be currently licensed, owned by TENANT, registered, operational and properly parked. TENANT agrees to abide by all parking rules established now or in the future by LANDLORD or condo /homeowner association's rules, if applicable. No trailers, campers, vehicles on blocks, motorcycles, boats or commercial vehicles are allowed on or about the premises without LANDLORD'S prior written approval. TENANT is not to repair or disassemble vehicles on the premises. Vehicles not meeting the above requirements and additional rules of LANDLORD are

unauthorized vehicles subject to being towed at TENANT expense. Parking on the grass is prohibited. TENANT agrees to indemnify LANDLORD for any expenses incurred due to the towing of any vehicle belonging to the guest or invitee of TENANT. TENANT agrees that only the following vehicles will be parked on the premises: **2007 Blue Nissan**.

**MAINTENANCE/INSPECTION:** TENANT agrees that they have fully inspected the premises and accepts the condition of the premises in 'as is' condition with no warranties or promises express or implied. TENANT shall maintain the premises in good, clean and tenantable condition throughout the tenancy, keep all plumbing fixtures in good repair, use all electrical, plumbing, heating, cooling, appliances and other equipment in a reasonable manner, removing all garbage in a clean and sanitary manner. In the event TENANT or TENANT'S guests or invitees cause any damage to the premises, LANDLORD may at its option repair same and TENANT shall pay for the expenses of same on demand or LANDLORD may require TENANT repair same, all charges incurred as additional rent. TENANT is responsible for the expense of any service calls requested by or due to the TENANT deemed to be unwarranted or unnecessary by the service technician or vendor, or, if the service technician deems the service call need is due to the TENANT'S misuse, negligence or intentional acts, or, if the service technician is unable to gain access due to TENANT'S actions or inactions, even if the other terms of this lease would ordinarily make the LANDLORD responsible for such a service call and/or repair charge. **TENANT shall also be fully responsible for, and agrees to maintain and repair at TENANT'S expense, the following: A/C FILTERS, LIGHT BULBS and SMOKE ALARM BATTERIES.** Unless otherwise stated in the lease, LANDLORD shall not be responsible for any exterior extermination. In the event a major repair to the premises must be made which will necessitate the TENANT'S vacating the premises, LANDLORD may at its option terminate this agreement and TENANT agrees to vacate the premises holding LANDLORD harmless for any damages suffered if any. TENANT shall notify LANDLORD immediately of any maintenance need or repair in writing. Unauthorized repairs or other work or services conducted by or through TENANT on the premises will constitute a default under this lease, and TENANT will not be compensated by LANDLORD for any unauthorized repairs or other work or services conducted on the premises by or through TENANT. TENANT agrees that they shall immediately test each smoke detector and shall maintain same. In the event there is a garbage disposal on the premises, LANDLORD has the option to remove the garbage disposal if it fails and re-plumb accordingly. TENANT is responsible for replacing dead light bulbs. In the event the light bulbs cannot be replaced with the same type of bulb due to law changes and lack of availability, TENANT agrees to replace the bulbs with an equivalent wattage CFL or LED bulb. In the event the refrigerator has a water filter, TENANT shall be responsible for purchasing and changing the water filter, as needed. In the event the TENANT is responsible for paying for LP/Propane gas, TENANT shall pay the fees and costs associated with the rental of the tank. If any plumbing issues result from TENANT and/or guests flushing anything into the toilet other than human waste and toilet paper, TENANT shall be responsible for any costs or charges incurred. Examples of items that should not be flushed down the toilet(s) or sent down other plumbing drains, include, but are not limited to, wipes, “flushable” wipes, sanitary napkins, feminine products, diapers, refuse, dental floss, grease, coffee grounds, or paper towels.

**VACATING:** At the expiration of this agreement or any extension, TENANT shall peaceably surrender the premises and turn in all keys and any other property owned by LANDLORD leaving the premises in good, clean condition, ordinary wear and tear excepted. In the event all keys are not returned upon move-out, there will be a minimum charge to be deducted from the security deposit in the amount of Market Rate. In addition to any cleaning charges or any other charges due under the terms of this lease, TENANT agrees to a mandatory minimum unit cleaning charge to be deducted from the security deposit at Market Rate (Fee will be waived, if cleaned to LANDLORD'S satisfaction).

**RENEWAL: LANDLORD or TENANT shall have 30 days to notify each other in writing prior to the lease expiration date of an intent not to renew the lease. If the required notice is not given by LANDLORD or TENANT, and TENANT vacates as of the lease expiration date, TENANT shall owe an additional month's rent. If the required notice is not given by LANDLORD or TENANT, and no new lease is signed, the tenancy shall become a month-to-month tenancy, which may be terminated by TENANT or LANDLORD giving written notice not less than 15 days prior to the end of some monthly payment period. All other conditions of the lease shall remain in effect. Upon receiving proper notice from LANDLORD, if TENANT fails to vacate as of the lease expiration date or the end of any consensual period, TENANT shall additionally be held liable for holdover (double) rent thereafter.**

**RIGHT OF ENTRY:** LANDLORD, upon reasonable notice by telephone, hand-delivery or posting to TENANT, has the right of entry to the premises for showings, repairs, appraisals, inspections, or any other reason. LANDLORD has immediate right of entry in cases of emergency, or to protect or preserve the premises. TENANT shall not alter or add locks without prior written consent. If consent is given, TENANT must provide LANDLORD with a key to all locks. LANDLORD may place "For Sale" or "For Rent" signs on the premises at any time.

**CONDEMNATION, DAMAGE TO PREMISES, ACTS OF GOD and TERMINATION:** If for any reason the premises are condemned by any governmental authority, destroyed, rendered uninhabitable, rendered dangerous to persons or property, and/or damaged through fire, water, smoke, wind, flood, act of God, nature or accident, or, if it becomes necessary, in the opinion of LANDLORD or its AGENT, that TENANT must vacate the premises in order for repairs to the premises to be undertaken, this lease shall, at LANDLORD'S option and upon 7 days written notice to TENANT, cease

and shall terminate, TENANT agrees to and shall vacate and TENANT, if not in default of the lease, shall owe no further rent due under the terms of the lease. In such case, TENANT hereby waives all claims against LANDLORD for any damages suffered by such condemnation, damage, destruction or lease termination. In the event of any vandalism or other intentional damage on the premises, LANDLORD is not responsible for the replacement or repair of any damaged items, including but not limited to windows, screens, doors or locks. TENANT agrees that in the event there are hurricane or storm shutters on the premises, TENANT shall both install and take down same in the event there is a hurricane or tropical storm watch or warning in effect and/or at the request of the LANDLORD. If TENANT is unable to perform this task for any reason, TENANT agrees to notify LANDLORD as soon as any storm watch or warning is placed into effect; LANDLORD has the right, but not the obligation, to install shutters or take other protective actions.

**MOLD:** LANDLORD reserves the right to terminate the tenancy and TENANT(s) agree to vacate the premises in the event a licensed mold inspector believes that there is mold or mildew present in the dwelling unit which may pose a safety or health hazard to TENANT(s) or other persons, or if it is determined by an HVAC professional or air quality specialist that TENANT is failing to use the air conditioning adequately or causing other conditions conducive to mold or mildew growth. LANDLORD shall have the right to terminate the lease agreement by giving the TENANT no less than 7 days' written notice and hold TENANT responsible for any damages caused by mold or mildew.

**WAIVERS:** The rights of the LANDLORD under this lease shall be cumulative, and failure on the part of the LANDLORD to exercise promptly any rights given hereunder shall not operate to forfeit any other rights allowed by this lease or by law.

**INDEMNIFICATION:** TENANT agrees to reimburse LANDLORD upon demand in the amount of the loss, property damage, or cost of repairs or service (including plumbing trouble) caused by the negligence or improper use by TENANT, or TENANT'S agents, family or guests. TENANT at all times, will indemnify and hold harmless LANDLORD from all losses, damages, liabilities and expenses which can be claimed against LANDLORD for any injuries or damages to the person or property of any persons, caused by the acts, omissions, neglect or fault of TENANT, or TENANT'S agents, family or guests, or arising from TENANT'S failure to comply with any applicable laws, statutes, ordinances or regulations.

**DISPUTES AND LITIGATION:** In the event of a dispute concerning the tenancy created by this agreement, TENANT agrees that whether or not the premises are being actively managed by an AGENT for the record OWNER, TENANT agrees to hold AGENT, its heirs, employees and assigns harmless and shall look solely to the record OWNER of the premises in the event of a legal dispute.

**INTEGRATION:** This lease and exhibits and attachments, if any, set forth the entire agreement between LANDLORD and TENANT concerning the premises, and there are no covenants, promises, agreements, conditions, or understandings, oral or written between them other than those herein set forth. If any provision in this agreement is illegal, invalid or unenforceable, that provision shall be void but all other terms and conditions of the agreement shall be in effect.

**MODIFICATIONS:** No subsequent alteration, amendment, change or addition to this lease shall be binding upon LANDLORD unless reduced to writing and signed by the parties.

**RADON GAS:** State law requires the following notice to be given: "Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit."

**ABANDONED PROPERTY: BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON SURRENDER, ABANDONMENT, OR RECOVERY OF POSSESSION OF THE DWELLING UNIT DUE TO THE DEATH OF THE LAST REMAINING TENANT, AS PROVIDED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.**

**ADDITIONAL STIPULATIONS:**
None.

**ACCEPTANCE BY FACSIMILE AND/OR BY ELECTRONIC SIGNATURE BY ANY OF THE PARTIES SHALL CONSTITUTE VALID BINDING ACCEPTANCE OF THIS LEASE AGREEMENT AND ITS ADDENDA:**
**MOLD ADDENDUM**

# *SIGNATURE PAGE*

_____ TENANT
Jamie R. McCloskey

_____ TENANT
Linda J. McCloskey

_____ AGENT FOR OWNER

**This lease has been drafted by the Law Offices of Heist, Weisse & Wolk, P.A. 1 800 253 8428**
**Reference #1015988**

# MOLD ADDENDUM TO LEASE

**THIS ADDENDUM IS AGREED TO AND SHALL BE MADE PART OF THE LEASE AGREEMENT BETWEEN Heidi Cawood (LANDLORD) AND Jamie R. McCloskey and Linda J. McCloskey (TENANTS) FOR THE PREMISES LOCATED AT 122 Falkirk St., Downstairs Unit, Fort Myers Beach, FL 33931.**

**MOLD: Mold consists of naturally occurring microscopic organisms which reproduce by spores. Mold breaks down and feeds on organic matter in the environment. The mold spores spread through the air and the combination of excessive moisture and organic matter allows for mold growth. Not all, but certain types and amounts of mold can lead to adverse health effects and/or allergic reactions. Not all mold is readily visible, but when it is, can often be seen in the form of discoloration, ranging from white to orange and from green to brown and black, and often there is a musty odor present. Reducing moisture and proper housekeeping significantly reduces the chance of mold and mold growth.**

**CLIMATE CONTROL: TENANT(s) agree to use all air-conditioning, if provided, in a reasonable manner and use heating systems in moderation and to keep the premises properly ventilated by periodically opening windows to allow circulation of fresh air during dry weather only. LANDLORD RECOMMENDS THAT AIR CONDITIONING IS USED AT ALL TIMES IF UNIT HAS AIR CONDITIONING.**

**TENANT(S) AGREE TO:**

- KEEP THE PREMISES CLEAN AND REGULARLY DUST, VACUUM AND MOP
- USE HOOD VENTS WHEN COOKING, CLEANING AND DISHWASHING
- KEEP CLOSET DOORS AJAR
- AVOID EXCESSIVE INDOOR PLANTS
- USE EXHAUST FANS WHEN BATHING/SHOWERING AND LEAVE ON FOR A SUFFICIENT AMOUNT OF TIME TO REMOVE MOISTURE
- USE CEILING FANS IF PRESENT
- WATER ALL INDOOR PLANTS OUTDOORS
- WIPE DOWN ANY MOISTURE AND/OR SPILLAGE
- WIPE DOWN BATHROOM WALLS AND FIXTURES AFTER BATHING/SHOWERING
- WIPE DOWN ANY VANITIES/SINK TOPS
- AVOID AIR DRYING DISHES
- NOT DRY CLOTHES BY HANG DRYING INDOORS
- REGULARLY EMPTY DEHUMIDIFIER IF USED
- OPEN BLINDS/CURTAINS TO ALLOW LIGHT INTO PREMISES
- WIPE DOWN FLOORS IF ANY WATER SPILLAGE
- SECURELY CLOSE SHOWER DOORS IF PRESENT
- LEAVE BATHROOM AND SHOWER DOORS OPEN AFTER USE
- WIPE DOWN WINDOWS AND SILLS IF MOISTURE PRESENT
- USE DRYER IF PRESENT FOR WET TOWELS
- USE HOUSEHOLD CLEANERS ON ANY HARD SURFACES
- REMOVE ANY MOLDY OR ROTTING FOOD
- REMOVE GARBAGE REGULARLY
- WIPE DOWN ANY AND ALL VISIBLE MOISTURE
- INSPECT FOR LEAKS UNDER SINKS
- CHECK ALL WASHER HOSES IF APPLICABLE

**TENANT(S) AGREE TO REPORT IN WRITING:**

- VISIBLE OR SUSPECTED MOLD
- ALL A/C OR HEATING PROBLEMS OR ABNORMALITIES
- LEAKS, MOISTURE ACCUMULATIONS, MAJOR SPILLAGE
- PLANT WATERING OVERFLOWS
- SHOWER/BATH/SINK/TOILET OVERFLOWS
- LEAKY FAUCETS, PLUMBING, PET URINE ACCIDENTS
- ANY AND ALL MOISTURE AND MUSTY ODORS
- DISCOLORATION OF WALLS, BASEBOARDS, DOORS, WINDOW FRAMES, CEILINGS
- MOLDY CLOTHING, REFRIGERATOR AND A/C DRIP PAN OVERFLOWS
- MOISTURE DRIPPING FROM OR AROUND ANY VENTS, A/C CONDENSER LINES
- LOOSE, MISSING OR FAILING GROUT OR CAULK AROUND TUBS, SHOWERS, SINKS, FAUCETS, COUNTERTOPS, CLOTHES DRYER VENT LEAKS

**SMALL AREAS OF MOLD: If mold has occurred on a small non-porous surface such as ceramic tile, formica, vinyl flooring, metal, or plastic and the mold is not due to an ongoing leak or moisture problem, TENANT(s) agree to clean the areas with soap (or detergent) and a small amount of water, let the surface dry, and then, within 24 hours apply a non-staining cleaner such as Lysol Disinfectant, Pine-Sol Disinfectant (original pine-scented), Tilex Mildew Remover, or Clorox Cleanup.**

**TERMINATION OF TENANCY: LANDLORD reserves the right to terminate the tenancy and TENANT(s) agree to vacate the premises in the event a licensed mold inspector believes that there is mold or mildew present in the dwelling unit which may pose a safety or health hazard to TENANT(s) or other persons and/or if an HVAC professional or air quality specialist determines that TENANT(S)' actions or inactions are causing a condition which is conducive to mold growth.**

**INSPECTIONS: TENANT(S) agree that LANDLORD may conduct inspections of the unit at any time with reasonable notice.**

**VIOLATION OF ADDENDUM: IF TENANT(S) FAIL TO COMPLY WITH THIS ADDENDUM, TENANT(s) will be held responsible for property damage to the dwelling and any health problems that may result. Noncompliance includes but is not limited to TENANT(s) failure to notify LANDLORD of any mold, mildew or moisture problems immediately IN WRITING. Violation shall be deemed a material violation under the terms of the Lease, and LANDLORD shall be entitled to exercise all rights and remedies it possesses against TENANT(S) at law or in equity and TENANT(S) shall be liable to OWNER for damages sustained to the Leased Premises. TENANT(S) shall hold OWNER and AGENT harmless for damage or injury to person or property as a result of TENANT(S) failure to comply with the terms of this Addendum.**

**HOLD HARMLESS: If the premises is or was managed by an AGENT of the OWNER, TENANT(S) shall hold AGENT harmless and shall look solely to the property OWNER in the event of any litigation or claims concerning injury, damage or harm suffered due to mold.**

**PARTIES: THIS ADDENDUM IS BETWEEN THE TENANT(S) AND OWNER AND/OR AGENT MANAGING THE PREMISES. THIS ADDENDUM IS IN ADDITION TO AND MADE PART OF THE LEASE AGREEMENT AND IN THE EVENT THERE IS ANY CONFLICT BETWEEN THE LEASE AND THIS ADDENDUM, THE PROVISIONS OF THIS ADDENDUM SHALL GOVERN.**


Sterling
220
Falkirk St
5711
5731
Falkirk St
5741
Google

FORT MYERS BEACH WOMANS CLUB I
PO BOX 2786
FORT MYERS BEACH FL 33932

FORT MYERS BEACH MOSQUITO CONT
PO BOX 2837
FORT MYERS BEACH FL 33932

MID ISLAND PROPERTY LLC
5557 ESTERO BLVD
FORT MYERS BEACH FL 33931

MID ISLAND PROPERTY LLC
8605 BIA RT 10
MANDAREE ND 58757

BOESE RICHARD E & CYNTHIA G
164 STERLING AVE
FORT MYERS BEACH FL 33931

FESTE DAVID A & PATRICIA W
5700 LAUDER ST
FORT MYERS BEACH FL 33931

KOSSAK AMANDA A
802 S RIDGE LN
APPLETON WI 54914

CORREA HERCILIO &
PO BOX 651
NORTH READING MA 01864

MCCARTHY WENDY L +
5740 LAUDER ST
FORT MYERS BEACH FL 33931

ERICKSON J B & CHERYL
5760 LAUDER ST
FORT MYERS BEACH FL 33931

LAZY ISLAND LLC
241 MENTOR DR
NAPLES FL 34110

MARRETT SCOTT & KATIE
311 WESTVIEW DR
MISSOULA MT 59803

ANDERSON JOHN & GERALDINE B
5790 LAUDER ST
FORT MYERS BEACH FL 33931

MONTERREY LEONARDO A &
54 VALLEY ESTATES CT
LITTLE ROCK AR 72212

5709 ESTERO BLVD LLC
1605 W UNIVERSITY PKWY
SARASOTA FL 34243

VIDALIN JOHN A & CAROL T
5719 ESTERO BLVD
FORT MYERS BEACH FL 33931

CHILDS MICHAEL JAMES TR
5731 ESTERO BLVD
FORT MYERS BEACH FL 33931

CHILDS MICHAEL JAMES TR
5731 ESTERO BLVD
FORT MYERS BEACH FL 33931

WORNOCK FRED TR
5755 ESTERO BLVD
FORT MYERS BEACH FL 33931

5771 HOLDING LLC
2083 W 76TH ST
HIALEAH FL 33016



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SOLIS DAVID & AGUAS JULIA M
14550 SW 81ST AVE
PALMETTO BAY FL 33158

JGJ FLORIDA LLC
17 RIDGEWOOD CT
NORTHFIELD NJ 08225

DAVID MARTIN R &
305 LAKEWOOD DR
BLOOMFIELD HILLS MI 48304

VAUGHAN JAMES P & MARY E
198 HUNTERS LN
WILLIAMSVILLE NY 14221

DEROBBIO CHARLES J &
241 DUNDEE RD
FORT MYERS BEACH FL 33931

HOLLAN DEBORAH L TR
285 DUNDEE RD
FORT MYERS BEACH FL 33931

NEWSAM CAROLE ANN &
290 STERLING AV
FORT MYERS BEACH FL 33931

TRENDA ADAM J +
412 BRIDGE WATER AVE
CHIPPEWA FALLS WI 54729

SALYERS DEBRA A
5801 LAUDER ST
FORT MYERS BEACH FL 33931

WILDER WILLIAM & TERESA K
6354 DEERSTAND RD
GREENWOOD IN 46143

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RONALD WILLIAM HEMSTREET TRUST
1111 S LAKESIDE DR
LAKE WORTH BEACH FL 33460

RONALD WILLIAM HEMSTREET TRUST
1111 S LAKESIDE DR
LAKE WORTH BEACH FL 33460

CHOCOLE JOSEPH F SR TR
185 DUNDEE RD
FORT MYERS BEACH FL 33931

GANZE PHILLIP & JEAN +
2581 E 369TH RD
OGLESBY IL 61348

CLOSSON ROBERT GEORGE JR &
251 DUNDEE RD
FORT MYERS BEACH FL 33931

PARKER DANIEL J & LOIS A
9646 RT 240
WEST VALLEY NY 14171

OAKLEY MATTHEW B & TRISIA O
280 STERLING AVE
FORT MYERS BEACH FL 33931

WISE KIM E +
1414 HERR LANE
LOUISVILLE KY 40222

HARVEY CBP LLC
2212 160TH ST
FORT DODGE IA 50501

ISLER WILLIAM E TR
240 DUNDEE RD
FORT MYERS BEACH FL 33931



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OXENDER DORIN L & SHEILA A
244 DUNDEE RD
FORT MYERS BEACH FL 33931

SLAGEL MARC TYLER
260 DUNDEE RD
FORT MYERS BEACH FL 33931

BARKER HAROLD D &
139 PARK LEDGE LN
PENINSULA OH 44264

KUHLMEY MICHAEL & SUSAN
LINDENALLEE 72
NEURUPPIN 16816
GERMANY

BALDRIDGE ROBERT A &
131 FALKIRK ST
FORT MYERS BEACH FL 33931

MITKUS RAYMOND & LESLIE
PO BOX 263
CHATHAM MA 02633

ELORDI MARGARITA
1610 SW 14TH ST
MIAMI FL 33145

DRAKE WILLIAM C
117 FALKIRK ST
FORT MYERS BEACH FL 33931

DAVIES ROBERT D & MARILYN M
5775 LAUDER ST
FORT MYERS BEACH FL 33931

TURNER CHARLES H &
5741 LAUDER ST
FORT MYERS BEACH FL 33931



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LAZZELL ROBERT E II & AMY M
248 DUNDEE RD
FORT MYERS BEACH FL 33931

ORYAN PROPERTIES LLC
4200 CANTERA DR # 208
WARRENVILLE IL 60555

KAISER RAMONA
260 STERLING AVE
FORT MYERS BEACH FL 33931

TISONE ROBERT G &
244 STERLING AVE
FORT MYERS BEACH FL 33931

BROWN DAVID MICHAEL TR
5 CORNWALL ST NW
LEESBURG VA 20176

SEAL KERRY
4450 CHICKEE HUT CT #303
BONITA SPRINGS FL 34134

HARKINS SCOTT ALAN
1165 MANITOU AVE
STEAMBOAT SPRINGS CO 80487

RODRIGUEZ JOHN +
111 FALKIRK ST
FORT MYERS BEACH FL 33931

RODRIGUEZ WILFREDO
8880 NW 2ND ST
CORAL SPRINGS FL 33071

MILLER MICHAEL
5731 LAUDER ST
FORT MYERS BEACH FL 33931



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VANASSE PATRICK +
5711 LAUDER ST
FORT MYERS BEACH FL 33931

CECE DOMINIC J JR TR
220 STERLING AV
FORT MYERS BEACH FL 33931

BENZI DENNIS & SUZANNE
301 SEMINOLE WAY
FORT MYERS BEACH FL 33931

KING KENNETH E & NINA MARIE
271 STERLING AVE
FORT MYERS BEACH FL 33931

HARRIS STEVEN G & CARIE ANN
231 STERLING AVE
FORT MYERS BEACH FL 33931

STEWART ROBERT K & SHERRY L
745 INDIANAPOLIS RD
MOORESVILLE IN 46158

DIBIASI LEO J TR
12071 MCGREGOR BLVD
FORT MYERS FL 33919

BOUGOULAS JAMES &
APT 1707
16170 BAYSIDE POINTE E
FORT MYERS FL 33908

GAYLORD HENDRIX + GLORIA HENDR
877 N 400 EAST RD
MILMINE IL 61855

SULLIVAN MARK J
PO BOX 770
SUFFIELD CT 06078

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BENAK RONALD J & GRACIE N
210 STERLING AVE
FORT MYERS BEACH FL 33931

NIENHAUS LAURIE SUSAN &
124 FALKIRK ST
FORT MYERS BEACH FL 33931

FISCHER THOMAS & SHERYL
291 SEMINOLE WAY
FORT MYERS BEACH FL 33931

VIOLA JOHN T & ALLISON
235 STERLING AVE
FORT MYERS BEACH FL 33931

MURPHY FREDERICK J &
65 MURPHY WAY
AUBURN NY 13021

CAINE DEBRA D L/E
211 STERLING AVE
FORT MYERS BEACH FL 33931

COATES PAUL W TR
PO BOX 306
GLENDALE MA 01229

FLOYD MELISSA A TR
189 TOPANGA DR
BONITA SPRINGS FL 34134

MEZESKE PHILIP J &
10 PEPITA ST
FORT MYERS BEACH FL 33931

GONZALEZ MARIO & LEON OLGA
11020 SW 55TH ST
MIAMI FL 33165

**Town of Fort Myers Beach**
**Agenda Item Summary** Yellow Sheet Number: **2024-1405**

1. **Requested Motion:** **Meeting Date: January 9, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230278 TO ALLOW RECONSTRUCTION OF A POOL DECK, WALKWAYS, AND FENCE, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

**Why the action is necessary:**
The LPA makes recommendations to the Town Council regarding Special Exception requests

**What the action accomplishes:**
The recommendation will be forwarded to the Town Council.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
resolutions

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5. **Background:**
The applicant is proposing the repair/replacement of a pool deck, walkways, and fence partially or fully within the Environmentally Critical (EC) zoning district, seaward of the Coastal Construction Control Line (CCCL). The pool is also being replaced however, it is landward of the 1978 CCCL. All of these features are part of the common element for the Leonardo Arms Condominium and were in existence in the proposed locations, prior to Hurricane Ian.

**Attachments:**
1. Resolution 24-12 Leonardo Arms Accessory in EC
2. Staff Report
3. Exhibit B Owner Acknowledgements
4. Exhibit A Complete Application

**Financial Impact:**
unknown

6. **Alternative Action**
Deny request

7. **Staff Recommendations:**
Recommend approval of SEZ20230278

8. **Recommended Approval:**

_____ Date: January 03, 2024
Frankie Kropacek, Operations & Compliance Director

_____ Date: January 05, 2024
Nancy Stuparich, Town Attorney

_____ Date: January 05, 2024
Amy Baker, Town Clerk

**RESOLUTION NUMBER 24-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230278 TO ALLOW RECONSTRUCTION OF A POOL DECK, WALKWAYS, AND FENCE, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7400 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 Leonardo Arms Beach Club 1 is requesting a special exception for the reconstruction of major accessory structures that were destroyed during hurricane Ian, including a pool deck, walkways, and a fence in the Environmentally Critical zoning district; and

**WHEREAS**, the STRAP number for the subject property is 03-47-24-W4-02000.00CE;

**WHEREAS**, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan 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 January 9, 2024, 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/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

**WHEREAS**, on January 22, 2024 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 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 Applicant **did** meet its burden of proof that the requested Special Exception **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/APPROVES WITH CONDITIONS/DENIES** the special exception for the reconstruction of a pool deck, walkways and a fence in the Environmentally Critical zoning district.

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 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:

A. Any repairs must comply with all relevant local and state floodplain regulations.
B. Repairs may not damage existing dunes or dune vegetation.
C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
D. A new special exception must be applied for each time the structure is repaired.

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

A. Additional repairs to major structures in the EC zoning district will require a new special exception.

B. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.

C. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.

D. Any violation of the conditions of approval shall render the special exception null and void.

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

| | |
|---|---|
| Dan Allers, Mayor | ___ |
| Jim Atterholt, Vice Mayor | ___ |
| John R. King | ___ |
| Karen Woodson | ___ |
| Vacant | ___ |

ADOPTED this ___day of January 2024 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:**

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of January 2024.

*Town of Fort Myers Beach*
**COMMUNITY DEVELOPMENT DEPARTMENT**
**STAFF REPORT**

| | |
|---|---|
| **TYPE OF CASE:** | **Special Exception** |
| **CASE NUMBER:** | **SEZ20230278** |
| **CASE NAME:** | **Special Exception for the replacement/repair of a pool deck, fence, and walkway fully or partially in the EC zoning district.** |
| **LPA HEARING DATE:** | **January 9, 2024 at 9:00 AM** |
| **STAFF RECOMMENDATION:** | **Approve Special Exception request with conditions** |
| **PREPARED/ SUBMITTED BY:** | **Sarah Propst AICP, PMP/ Jason Green AICP, CFM** |

## I. APPLICATION SUMMARY

| | |
|---|---|
| Applicant/Owner: | Timothy Bagget/Leonardo Arms Beach Club Condominium Association |
| Requests: | To repair the existing pool deck, fence, and walkway which are located seaward of the 1978 Coastal Construction Control Line. |
| Physical Address: | 7400 Estero Blvd |
| STRAP #: | 03-47-24-W4-02000.00CE |
| FLU: | Recreation |
| Zoning: | Environmentally Critical |

Adjacent zoning and land uses:

| | |
|---|---|
| North: | Residential Multifamily (RM)<br>Mixed Residential |
| South: | Environmentally Critical (EC)<br>Recreation |

| | |
|---|---|
| East: | Residential Multifamily (RM)<br>Mixed Residential |
| West: | Residential Multifamily (RM)<br>Mixed Residential |

## II. BACKGROUND AND ANALYSIS

Background:

The applicant is proposing the repair/replacement of a pool deck, walkways, and fence partially or fully within the Environmentally Critical (EC) zoning district, seaward of the Coastal Construction Control Line (CCCL). The pool is also being replaced however, it is landward of the 1978 CCCL. All of these features are part of the common element for the Leonardo Arms Condominium and were in existence in the proposed locations, prior to Hurricane Ian.

These structures are considered major accessory structures and can be replaced in the EC zoning district with approval of a special exception, per Section 34-652 (e) of the land development code. The EC zoning district starts at the 1978 Coastal Construction Control Line (CCCL) and extends seaward to the water. The attached site plan indicates the CCCL as the dashed line running through the Leonardo Arms Beach Club Condominium Unit II building and through the pool deck.

With the reconstruction, the applicant will remove a wall that was at the edge of the pool deck and replace it with vegetation.

**Analysis:**

The condominium structure was built in 1969, per Lee Property Appraiser. Staff does not have a copy of the original development order to verify that the pool was built at the same time as the condominium, however it likely was part of the original design and therefore built prior to the creation of the 1978 CCCL.

The condominium has met the application criteria of providing notice to the condominium ownership of this special exception application and staff has received a list of the unit numbers which have acknowledged from more than the code required 75% of owners.

The LDC was recently updated to allow major primary and accessory structures to be repaired in the EC zoning district with the approval of a special exception. Prior to the code change, only single-family residences could be repaired in the EC zoning district.

**Neighborhood Compatibility**:

A review of the aerials up and down the beach indicate that there are several primary and accessory structure that extend over the 1978 CCCL. The aerials are not precise so that may be an over or under estimate of the number. These developments may request to repair the primary and accessory structure in the same location or may

choose to move the structures landward of the CCCL. Repairs to the portions of the Leonardo Arms buildings that extend over the CCCL will require special exceptions for repairs also.

**Findings and Conclusions:**

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

a. *Any repairs must comply with all relevant local and state floodplain regulations.*

   The development must comply with local and state floodplain requirements.

b. *Repairs may not damage existing dunes or dune vegetation.*

   The repairs are proposed landward of the dune. No dunes or native vegetation will be impacted.

c. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*

   Sea turtle nesting season ended on October 31st .

d. *A new special exception must be applied for each time the structure is repaired.*

   This will be a condition of the special exception approval.

Special Exception Findings

LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

   The pool and all facilities in the EC were destroyed or severely damaged during Ian. Construction seaward of the EC is likely to be damaged by storm surge in the future. However, additionally dune are being constructed to provide additional protection.

2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

   Policy 5-D-1 states: Development (other than minor structures) shall

not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment does not create any new development or change the location from what previously existed on the site. Therefore staff believes that this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality and it will not create a nuisance to adjacent properties.

4) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The request will maintain what was previously constructed on this property. It will not have an additional negative impact.

5) *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

There is no anticipated negative impact or injury to surrounding properties.

6) *Whether a 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.*

The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows replacement of major accessory structures also.

## III. RECOMMENDATION

Staff finds that the special exception for reconstruction of major accessory structures in the EC zoning district is in compliance with item Sec. 34-88(b)(1). Therefore, staff recommends **APPROVAL** of SEZ20230189 for the reconstruction of a pool deck, walkways, and fence seaward of the 1978 CCCL.

## IV. CONDITIONS OF APPROVAL

1. A new special exception must be applied for each time the structures are reconstructed.

2. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.

3. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.

4. Any violation of the conditions of approval shall render the special exception null and void.

Staff Report Exhibits:
A – Complete Application
B – Property Owner Acknowledgement List
C – Postcards to adjacent properties

**From:** timothy baggett
**To:** timothy baggett
**Subject:** Leonardo Pool special exception notice urgent response required
**Date:** Friday, December 29, 2023 9:02:10 AM

---

Good morning Leonardo Arms Building One
Please respond with the acknowledgement of receiving this email as we are required to prove that all owners are aware that we have applied for an special exception to build back the pool and the pool deck prior to hurricane Ian
You will need you to reply to this email with your unit number and confirmation that you received this notice/email
Leonardo Arms has a special hearing scheduled on January 9th because the pool deck and pool fence is located beyond the CCL which is the 1978 Coastal control line which calls for a special exemption to put it back as it was.
We will not be replacing the knee walls that separated the pool deck from the beach as this would cause delays and potential problems obtaining the pool permit
Please respond as soon as possible in this email chain with unit number and acknowledgement of this notice
We will need 75% of the unit owner acknowledgement to continue with this special exception process
Kind regards
Tim

--
**Timothy Baggett**
**Property Manager**
**Leonardo Arms Beach Club**
**Condominium Association**
**LCAM #46059**
**M (239)-878-3010 timothyabaggett@gmail.com**

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

| | |
|---|---|
| **From:** | timothy baggett |
| **To:** | Sarah Propst |
| **Cc:** | South Shore Construction LLC |
| **Subject:** | Re: Special exception notice Leonardo arms |
| **Date:** | Tuesday, January 2, 2024 10:58:16 AM |
| **Attachments:** | image001.png<br>image004.png<br>image005.png<br>image006.png<br>image007.png<br>image008.png<br>image009.png |

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These are in the order received
507, 510, 504, 204, 211, 602, 601, 205, 502, 304, 410, 210, 505, 312, 609, 406, 412, 308, 404, 403, 605, 603, 111, 105, 512, 610, 606, 207, 206, 611, 303, 109, 301, 604, 203, 102, 612, 106, 508, 101, 110,
503, 401, 405, 409, 608, 212, 209, 509, 107, 305, 309, 112, 411,

On Tue, Jan 2, 2024 at 10:49 AM Sarah Propst <sarah.propst@fmbgov.com> wrote:

> Great, thank you so much. Please send me a list of the unit numbers who have acknowledged receipt of the information.
>
> **Sarah Propst, AICP, PMP**
>
> *Community Development, Planning Manager*
>
> Town of Fort Myers Beach
>
> 2525 Estero Boulevard
>
> Fort Myers Beach, FL. 33931
>
> Cell: (757) 269-1203
>
> FMBgov.com
>
> Think Green. Please print this e-mail only if necessary.
>
> *Please Note: Florida has very broad public records laws. Most written communications to and from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.*

---

**From:** timothy baggett <timothyabaggett@gmail.com>
**Sent:** Tuesday, January 2, 2024 10:48 AM
**To:** South Shore Construction LLC <myles@ssc.bz>; Sarah Propst

<sarah.propst@fmbgov.com>
**Subject:** Special exception notice Leonardo arms

Good morning

I have 55 out of 72 owners acknowledge the email below

I can provide the unit numbers if needed

Kind regards

Tim

> Good morning Leonardo Arms Building One
>
> Please respond with the acknowledgement of receiving this email as we are required to prove that all owners are aware that we have applied for an special exception to build back the pool and the pool deck prior to hurricane Ian
>
> You will need you to reply to this email with your unit number and confirmation that you received this notice/email
>
> Leonardo Arms has a special hearing scheduled on January 9th because the pool deck and pool fence is located beyond the CCL which is the 1978 Coastal control line which calls for a special exemption to put it back as it was.
>
> We will not be replacing the knee walls that separated the pool deck from the beach as this would cause delays and potential problems obtaining the pool permit
>
> Please respond as soon as possible in this email chain with unit number and acknowledgement of this notice
>
> We will need 75% of the unit owner acknowledgement to continue with this special exception process
>
> Kind regards
>
> Tim

--

**Timothy Baggett**

**Property Manager**

**Leonardo Arms Beach Club**

**Condominium Association**

**LCAM #46059**

**M (239)-878-3010 timothyabaggett@gmail.com**

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--
**Timothy Baggett**
**Property Manager**
**Leonardo Arms Beach Club**
**Condominium Association**
**LCAM #46059**
**M (239)-878-3010 timothyabaggett@gmail.com**

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Case# _____ Date Received: _____

# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### Supplement PH-A

### Additional Required Information for a Special Exception Application

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

| |
|---|
| **Project Name:** Leonardo Beach Club |
| **Authorized Applicant:** Timothy Baggett |
| **LEEPA STRAP Number(s):** 03-47-24-W4-02000.00CE |
| |

| |
|---|
| **Current Property Status:** |
| **Current Zoning:** Residential Multifamily (RM) |
| **Future Land Use Map (FLUM) Category:** Mixed Residential |
| **Platted Overlay?** ☐ yes ☒ no **FLUM Density Range:** 6 Dwelling Units per acre |

**Requested Action:**

| |
|---|
| ☑ Use of premises in the EC (Environmentally Critical) zoning district for: |
| |
| |
| |
| ☐ Use of premises in the _____ zoning district for: |
| |
| |
| |





Town of Fort Myers Beach 2525 Estero Blvd. Fort Myers Beach, FL 33931
Phone 239 765-0202 Zoningpermits@fmbgov.com Fax 239 765-0909

Case# _____ Date Received: _____

PART I
Narrative Statements

A. **Request for:** (indicate the proposed use that requires a special exception)

We are in permitting to repair the exsisting pool and pool deck. The exsiting deck was built prior to the "1978 Lee County Line", therefore reparing what was existing

Requires a Special Exception

B. **Reasons for request:** (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

**The property qualifies for a Special Exception because:**

We are requesting this special exemption because the pool and pool deck was constructed in 1969-1970 prior to the existence of the 1978 coastal construction control line and repairing the pool and pool deck to its pre-Hurricane Ian condition will not have any impact to surrounding separate properties (the Associations of Leonardo Arms Building II Condominium and Leonardo Arms Building III). In addition, the pool and pool deck is not located in, nor will it adversely impact any critical wildlife area, nor will they interfere with, encroach on, or limit bird or turtle nesting areas.

Building I's Condominium Association is the sole owner of the pool and pool deck property and through its Declaration allows the use of the pool and pool deck to the immediately adjacent north Leonardo Arms buildings II and III Condominium Associations under the agreement that the Associations of Building II and III share in the operation and maintenance of the pool and pool deck. As a result, Leobardo Arms Associations Building II and III, the two properties immediately adjacent to the pool will not be adversely impacted but rather positively impacted by the repair of the pool and pool deck to its continued pre-Hurrican Ian condition.

| **Granting the requested Special Exception could impact surrounding properties as follows:** |
|---|
| As mentioned above, granting the requested Special Exception does in adversely impact any properties adjacent to the pool and pool deck. The only two properties within 100 feet of the pool and pool deck are separate properties of Leonardo Arms Building II and Leonardo Ams Building III. In addition, the pool and the pool deck ~~are not located in, nor will it adversely impact, any critical wildlife area and does not interfere with, encroach on,~~ or limit bird or turtle nesting areas. These two properties use the pool at Leonardo Arms Building II because they do not have a pool; these two associations do share the maintenance cost of the pool. This has been the ~~understanding between these three associations for over 50 years. As a result, the two immediately adjacent~~ properties (Buildings of Leobardo Arms Building II and Leonardo Arms Building III) to Building I's pool and pool deck, will be positively impacted when the pool and pool deck are repaired to their pre-Hurricane Ian Condition. |
| |
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| |

PART 2
Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

**Required Items**

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of $3800.00/$3300.00 for an amendment

**For New Communication Towers:**

a. Lee County Application for Communication Tower
b. Shared-Use Plan Agreement

**For Consumption of Alcoholic Beverages (COP) license approval:**

a. Notarized authorization from the Property Owner to apply for permit
b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

**For transit terminals:**

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

**For use of the EC zoning district:**

a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

## Guide to Filing Supplement PH-A for Special Exceptions

**Case Number** will be inserted by Community Development staff.
**Project Name** must be the same as the name used on the Request for Public Hearing form.
**Authorized Applicant** must be the same as on the Request for Public Hearing form.
**STRAP numbers** must be the same as on the Request for Public Hearing form.
**Current status of property** must be the same as on the Request for Public Hearing form.
**Requested Action**: Indicate the nature of the request and include the current zoning of the property.

### Part 1 Narrative Statements:

**"Request for…"**
Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

**"The property qualifies for a special exception because…"**
Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.

- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

- Whether the request meets or exceeds all performance and locational standards for the proposed use.

- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.


Town of Fort Myers Beach 2525 Estero Blvd. Fort Myers Beach, FL 33931
Phone 239 765-0202 Zoningpermits@fmbgov.com Fax 239 765-0909

- Whether the request will be compatible with existing or planned uses ad not cause damage, hazard, nuisance, or other detriment to persons or property.

- Whether a 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.

**"Granting the requested special exception could impact surrounding properties as follows…"**
Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

## Submittal Requirements Check List and Filing Guide

☐ **A completed Public Hearing Application Form.**

☐ **A completed Supplemental form PH-A.**

☐ **Site Plan**. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

## Guide to Filing Supplement PH-A for Special Exceptions

**Case Number** will be inserted by Community Development staff.
**Project Name** must be the same as the name used on the Request for Public Hearing form.
**Authorized Applicant** must be the same as on the Request for Public Hearing form.
**STRAP numbers** must be the same as on the Request for Public Hearing form.
**Current status of property** must be the same as on the Request for Public Hearing form.
**Requested Action**: Indicate the nature of the request and include the current zoning of the property.

**Part 1 Narrative Statements: "Request for…"**

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

**"The property qualifies for a special exception because…"**

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- Whether the request will be compatible with existing or planned uses ad not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a 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.

**"Granting the requested special exception could impact surrounding properties as follows…"**

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

**EXPLANATORY NOTES**

***Please do not print, copy and submit these instructions***

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

**Explanatory Notes – Part I**

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

**Explanatory Notes – Part II**

Indicate the requested action.

**Explanatory Notes – Part III**

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

**Explanatory Notes – Part IV**

A. If the property owner is an individual or husband and wife, check the box and provide the information.

**Explanatory Notes – Part V**

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

**Explanatory Notes – Part VI**

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government

corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1

B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line. Exhibit 6-2
C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

**Explanatory Notes – Part IV & V**

The applicant must have either of the affidavits in Part V & VI, notarized, signed and submit, as applicable.

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 7400 Estero Blvd Ft Myers Beach 33931

STRAP Number: 03-47-24-W4-02000.00CE

Applicant: Lenardo Arms Beach Club 1 Phone: (239) 878-3010

Contact Name: Timothy Baggett Phone: (239) 878-3010

Email: timothyabaggett@gmail.com Fax: N/A

Current Zoning District: 4

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: ☐ YES ☒ NO

| ACTION REQUESTED | SUPPLEMENTAL FORM REQUIRED |
|---|---|
| ☒ Special Exception | PH-A |
| ☐ Variance | PH-B |
| ☐ Conventional Rezoning | PH-C |
| ☐ Planned Development ☐ Commercial ☐ Residential | PH-D |
| ☐ Master Concept Plan Extension | PH-E |
| ☐ Appeal of Administrative Action | PH-F |
| ☐ Vacation of Platted Right-of-way and Easement | PH-G |
| ☐ Other – cite LDC Section: _____ | attach on separate sheet |

### PART I – General Information

A. Applicant*: Timohty Baggett _____ Phone: (239) 878-3010_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 7400 Estero Blvd Ft Myers Beach Fl 33931 _____

Email: timothyabaggett@gmail.com Fax: N/A _____

Contact Name: Timohty Baggett Phone: (239) 878-3010_____



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Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

B. Relationship of Applicant to subject property:

☐ Owner* ☐ Land Trust* ☐ Partnership*
☐ Corporation* ☐ Association* ☐ Condominium*
☐ Subdivision* ☐ Timeshare Condo* ☐ Contract Purchaser*
☐ Authorized Representative* ☒ Other* (please indicate) Authorized Contractor Working On Pool Area

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Myles La Garde Phone: (813) 503-9424
Address: 240 Apollo Beach Blvd Apollo Beach Fl 33572
Email: Myles@ssc.bz Fax: (813) 200-3887

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Timothy Baggett (Property Manager) Phone: (239) 878-3010
Address: 7400 Estrero Blvd Ft Myers Beach Fl 33931
Email: timothyabaggett@gmail.com Fax: N/A

Name: Brett Moore Phone: (239) 825-6518
Address: _____
Email: bdm@humistonandmoore.com Fax: _____

## PART II – Nature of Request

Requested Action (each request requires a separate application)

☒ Special Exception
☐ Variance from LDC Section _____ - _____
☐ Conventional Rezoning from _____ to _____
☐ Planned Development
☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
☐ Amendment. List the project number: _____
☐ Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

## PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

## PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

## AFFIDAVIT
## APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Louis Luddecke

Signature

Printed Name

**STATE OF** NJ **COUNTY OF** Ocean

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ____ online notarization, this 14th day of November, 2023 by ANGELINA POLITO, ☐ who is personally known to me OR ☑ who has produced DL as identification.

ANGELINA POLITO
NOTARY PUBLIC OF NEW JERSEY
Commission # 50126226
My Commission Expires 04/27/2025

(SEAL)

Notary Public Signature

### PART V
**Property Ownership (Multiple Owners)**

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

### DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage Ownership |
|---|---|
| | |
| | |
| | |
| | |



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If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |



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Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

| Name | Address |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____
Signature Printed Name

**AFFIDAVIT**
**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

Leonardo Arms Beach Club 1
Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

President
Title

Louis Luddecke
Typed or Printed Name

Date

**STATE OF** NJ **COUNTY OF** Ocean

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 14th day of November, 2023, by _____, ☐ who is personally known to me OR ☑ who has produced DL as identification.

Seal

ANGELINA POLITO
NOTARY PUBLIC OF NEW JERSEY
Commission # 50126226
My Commission Expires 04/27/2025

Notary Public Signature

ANGELINA POLITO NOTARY PUBLIC STATE OF NEW JERSEY

## PART VI– Property Information

A. Legal Description:

STRAP: 03-47-24-W4-02000.00CE

Property Address: 7400 Estero Blvd Ft Myers Beach

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) ±466 feet feet

Depth (please provide an average width if irregular in shape) ±573 feet feet

Frontage on street: ±254 feet feet. Frontage on waterbody: ±568 feet feet

Total land area: ± 6.0 acres [X] acres [ ] square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Property is located approx 2 mile North of Big Carlos Pass Bridge

[X] Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

[ ] There are no deed restrictions and/or covenants on the subject property.

[ ] A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

[X] A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

[X] Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

[ ] Attach a map showing the surrounding property owners as Exhibit 6-7.

[ ] Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

[ ] Low Density
[X] Mixed Residential
[ ] Boulevard
[ ] Pedestrian Commercial
[ ] Marina
[ ] Recreation
[ ] Wetlands
[ ] Platted Overlay


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## EXPLANATORY NOTES

***Please do not print, copy and submit these instructions***

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.


Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

# GeoView Map




November 30, 2023

Air Photos: 2023 Hi-Res (3 inch)

HospitalLocations

Library Locations

**School Locations**

School Locations

CCC_Parks

County Boundary

**Major Roads Medium**

I - 75

US 41

Other Highways

Other Roads

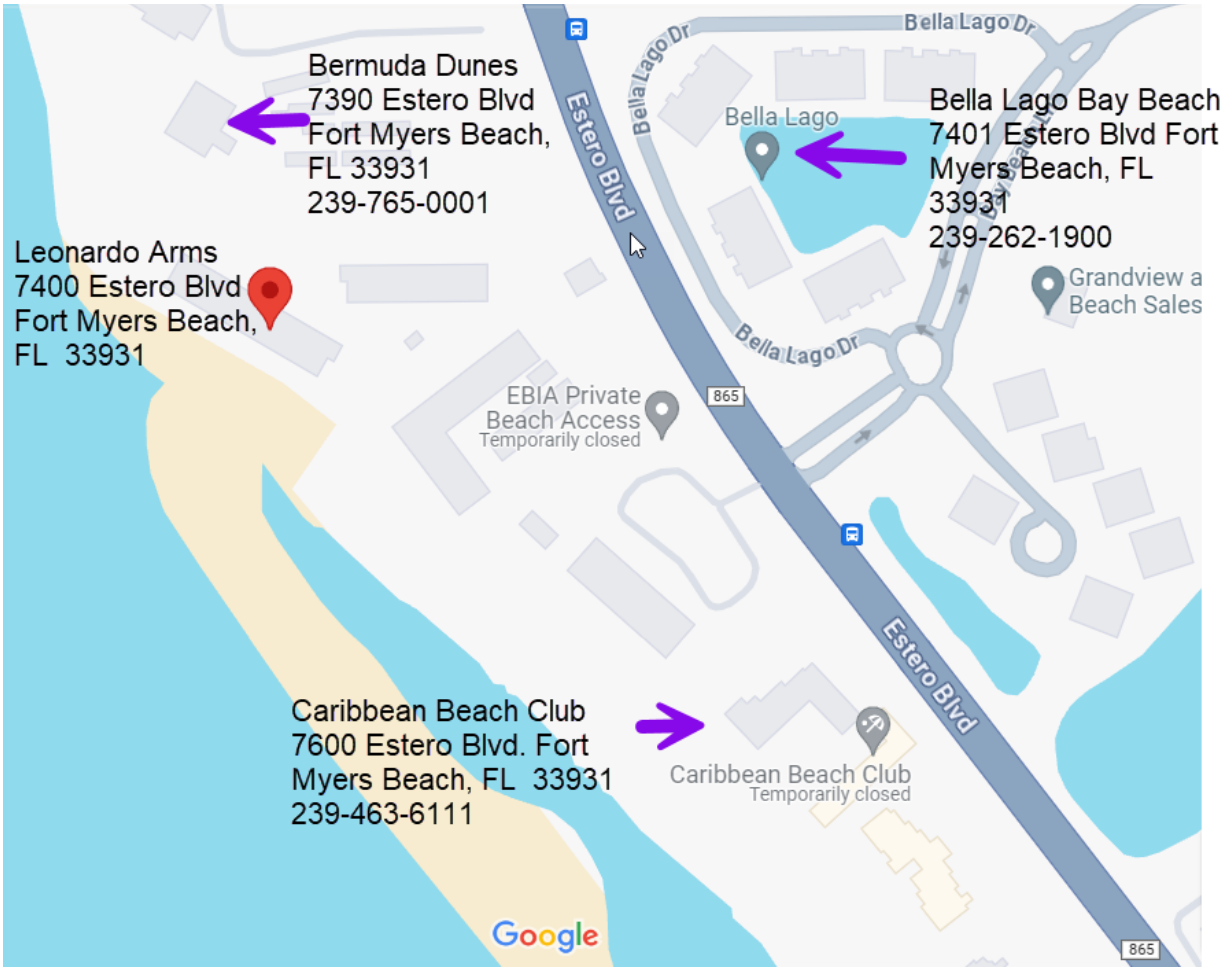
1:19,200

0 875 1,750 3,500 ft

0 262.5 525 1,050 m

This map is NOT a legal land survey and should not be used or relied upon as such.
No warranties, express or implied, are provided with the data, use, accuracy, completeness, etc.

Map of places within 500ft of Leonardo Arms 7400 Estero Blvd. Fort Myers Beach, FL  33931



# MAP OF BOUNDARY AND TIDAL WATER SURVEY
# LEONARDO ARMS BEACH CLUB CONDOMINIUM UNIT I, II, AND III LYING IN GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

## LEGEND

- = BENCHMARK, SET PK NAIL AND DISK – "LB 6896"
- = SET 5/8" REBAR AND CAP – "CHW INC LB 5075"
- = FOUND 1" SIGN POST – CRITICAL WILDLIFE AREA POINT
- = FOUND 3" ROUND CONCRETE MONUMENT – AS NOTED
- = FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES CONCRETE MONUMENT
- = FOUND 6"x6" CONCRETE STATE ROAD RIGHT-OF-WAY MONUMENT
- (C) = CALCULATED DATA
- (D) = LEGAL DESCRIPTION DATA
- (M) = FIELD MEASURED DATA
- (P) = RECORD PLAT DATA
- MES = MITERED END SECTION
- PVC = POLYVINYL CHLORIDE PIPE
- RCP = REINFORCED CONCRETE PIPE
- INV = INVERT
- = SPOT ELEVATION, NAVD 1988
- = LIGHT POLE
- = ELECTRIC BOX
- = GAS VALVE
- = 4" BOLLARD
- = CONCRETE UTILITY POLE
- = GUY ANCHOR
- = WATER VALVE
- = BACKFLOW PREVENTER
- = WATER METER
- = FIRE HYDRANT
- = FIRE DEPARTMENT CONNECTION
- = WELL
- = CATCH BASIN WITH GRATE INLET
- = SANITARY SEWER CLEAN-OUT
- = SANITARY SEWER MANHOLE
- = STORM SEWER MANHOLE
- = TELEPHONE PEDESTAL
- = CABLE PEDESTAL
- = IRRIGATION VALVE OR METER
- = COCONUT PALM
- = DATE PALM
- = ROYAL PALM
- = SABAL PALM
- = HARDWOOD TREES WITH TRUNK DIAMETER

## SURVEYOR'S NOTES

1. COORDINATES AND BEARINGS SHOWN HEREON REFER TO THE FLORIDA STATE PLANE. COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 ADJUSTMENT OF 1999 (NAD 83/99), BASED UPON LEE COUNTY GPS CONTROL POINT 224 AS A BASE STATION AND A CHECK TO USCGS CONTROL MONUMENT "BOOB 2".

2. NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.

3. THIS PARCEL LIES IN FLOOD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL 12071C0567G, DATED NOVEMBER 17, 2022, AND HAVING BASE FLOOD ELEVATIONS AS SHOWN. FLOOD ZONE LINES SHOWN WERE SCALED FROM THE INDICATED FIRM PANEL.

4. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION. NO SEARCH OF THE PUBLIC RECORD WAS DONE BY THIS SURVEYOR.

5. THE STREET ADDRESS OF UNIT I IS:
7404 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

THE STREET ADDRESS OF UNIT II IS:
LEONARDO ARMS CONDO C/E
FORT MYERS BEACH, FLORIDA 33931

THE STREET ADDRESS OF UNIT III IS:
7402 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

6. THERE MAY BE OTHER BUILDING SETBACK LINES AND EASEMENT LINES OTHER THAN THOSE SHOWN. ONLY SETBACKS AND EASEMENTS KNOWN TO, OR PROVIDED TO THIS SURVEYOR ARE SHOWN.

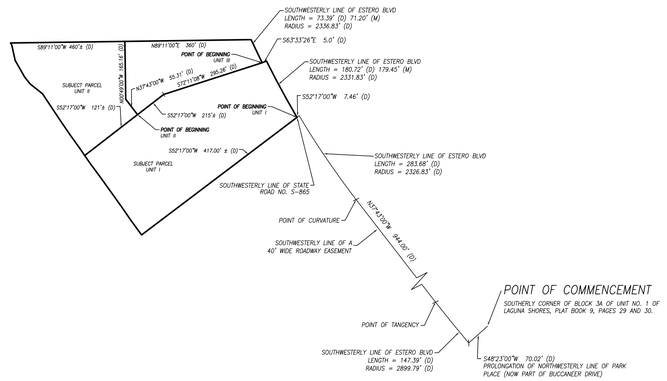
7. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). ELEVATIONS ARE BASED UPON TIES TO THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT REFERENCE NETWORK REAL-TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) CONTROL NETWORK.

8. MEAN HIGH WATER ELEVATION OF 0.28' (NAVD 1988) IS BASED ON A DETERMINATION BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BY AN EXTENSION OF TIDE INTERPOLATION POINT NUMBER 100230.

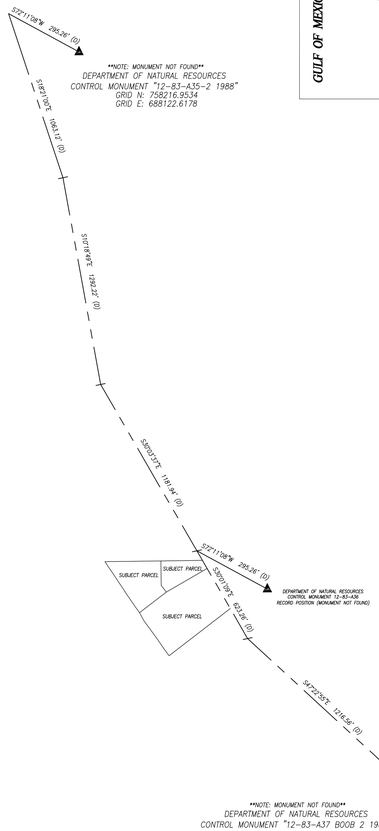
9. THE 1991 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN PLAT BOOK 48, PAGES 15, AND FILED IN OFFICIAL RECORDS BOOK 2224, PAGES 1010 THROUGH 1041 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ON MAY 30, 1991.

10. THE 1978 COASTAL CONSTRUCTION SETBACK LINE SHOWN HEREON IS AS RECORDED BY ORDINANCE 76-3 RECORDED APRIL 17, 1978 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

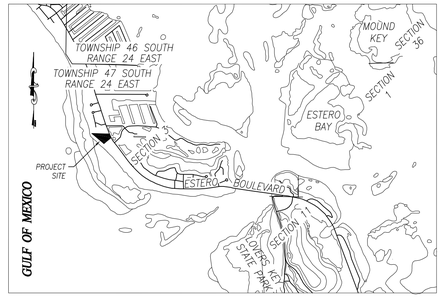
11. THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.




## LEGAL DESCRIPTION DETAIL
(NOT TO SCALE)




## TIES TO DEPARTMENT OF NATURAL RESOURCES REFERENCE MONUMENTS A 35-2 & A 3-BOOB2
(NOT TO SCALE)




**LOCATION MAP**
NOT TO SCALE

## LEGAL DESCRIPTION UNIT I

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, ESTERO ISLAND, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE MOST SOUTHERLY CORNER OF BLOCK 3A OF UNIT NO. 1 LAGUNA SHORES, ACCORDING TO THE MAP OR PLAT RECORDED IN PLAT BOOK 9 AT PAGES 29 AND 30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, RUN SOUTH 48°23'00" WEST ALONG A PROLONGATION OF THE NORTHWESTERLY LINE OF PARK PLACE (NOW PART OF BUCCANEER DRIVE) AS SHOWN ON SAID PLAT FOR 70.02 FEET TO A POINT ON THE FORMER SOUTHWESTERLY LINE OF ESTERO BOULEVARD AS DESCRIBED IN COUNTY COMMISSIONERS MINUTE BOOK 11 AT PAGE 97 OF SAID PUBLIC RECORDS; THENCE RUN NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF A RADIUS OF 2899.79 FEET FOR 147.39 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 37°43'00" WEST ALONG SAID SOUTHWESTERLY LINE FOR 944.00 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2326.83 FEET FOR 283.68 FEET; THENCE RUN SOUTH 52°17'00" WEST FOR 7.46 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF STATE ROAD NO. S-865 AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID STATE ROAD, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2331.83 FEET (CHORD BEARING NORTH 28°39'47" WEST) FOR 180.72 FEET TO A CHANGE IN RIGHT-OF-WAY; THENCE SOUTH 63°33'26" WEST ALONG SAID RIGHT-OF-WAY FOR 5.0 FEET; THENCE SOUTH 72°11'08" WEST FOR 295.26 FEET; THENCE SOUTH 52°17'00" WEST FOR 215 FEET, MORE OR LESS, TO THE WATERS OF THE GULF OF MEXICO; THENCE SOUTHEASTERLY ALONG SAID WATERS TO AN INTERSECTION WITH A LINE BEARING SOUTH 52°17'00" WEST FROM THE POINT OF BEGINNING; THENCE NORTH 52°17'00" EAST ALONG SAID LINE FOR 417 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION UNIT II

LEONARDO ARMS BEACH CLUB CONDOMINIUM UNIT II, AS PER THE RECORD PLAT THEREOF RECORDED IN CONDOMINIUM BOOK 1, PAGE 243, AS REFERENCED BY THE DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORDS BOOK 603, PAGE 862 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAID CONDOMINIUM BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS ON SAID RECORD PLAT:

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, ESTERO ISLAND, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE MOST SOUTHERLY CORNER OF BLOCK 3A OF UNIT NO. 1 OF LAGUNA SHORES, ACCORDING TO A PLAT RECORDED IN PLAT BOOK 9, AT PAGES 29 & 30 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, RUN S 48°23'00" W ALONG A PROLONGATION OF THE NORTHWESTERLY LINE OF PARK PLACE (NOW PART OF BUCCANEER DRIVE) AS SHOWN ON SAID PLAT FOR 70.02 FEET TO A POINT ON THE FORMERLY SOUTHWESTERLY LINE OF ESTERO BOULEVARD AS DESCRIBED IN COUNTY COMMISSIONER'S MINUTE BOOK 11 AT PAGE 97 OF SAID PUBLIC RECORDS; THENCE RUN NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2899.79 FEET FOR 147.39 FEET TO A POINT OF TANGENCY; THENCE RUN N 37°43'00" W ALONG SAID SOUTHWESTERLY LINE FOR 944.00 TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2326.83 FEET FOR 283.68 FEET; THENCE RUN S 72°17'00" W FOR 7.46 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF STATE ROAD NO. S-865 (40' FROM CENTERLINE); THENCE RUN NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID STATE ROAD, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2331.83 FEET (CHORD BEARING N 28°39'47" W FOR 180.72 FEET TO A CHANGE IN RIGHT-OF-WAY; THENCE S 63°33'26" W ALONG SAID RIGHT-OF-WAY FOR 5.0 FEET; THENCE S 72°11'08" W FOR 295.26 FEET; THENCE S 52°17' W FOR 93.95 FEET TO THE POINT OF BEGINNING; THENCE N 37°43' W 55.31 FEET; THENCE N 0°49' W FOR 165.16 FEET TO AN INTERSECTION WITH A LINE PARALLEL WITH AND 30.0 FEET (AS MEASURED PERPENDICULAR) SOUTHERLY FROM THE NORTH LINE OF GOVERNMENT LOT 3; THENCE S 89°11' 00" W, ALONG SAID PARALLEL LINE, FOR 460 FEET MORE OR LESS TO THE WATERS OF THE GULF OF MEXICO; THENCE SOUTHEASTERLY ALONG SAID WATERS FOR 480 FEET MORE OR LESS TO AN INTERSECTION WITH A LINE BEARING S 52°17'00" W PASSING THROUGH THE POINT OF BEGINNING; THENCE NORTH 52°17'00" EAST ALONG SAID LINE FOR 121 FEET MORE OR LESS TO THE POINT OF BEGINNING. BEARINGS HEREINABOVE MENTIONED ARE PLANE COORDINATES FOR THE FLORIDA WEST ZONE. SUBJECT TO A DRAINAGE AND WALKWAY EASEMENT OVER THE SOUTHERLY 10 FEET OF THE NORTHERLY 35 FEET OF SAID PARCEL. INCLUDING RIGHT OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTHERLY 20 FEET OF THE NORTHERLY 340 FEET OF THAT PORTION OF GOVERNMENT LOT 3 LYING WEST OF SAID STATE ROAD NO. S-865.

## LEGAL DESCRIPTION UNIT III

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, ESTERO ISLAND, LEE COUNTY, FLORIDA, WHICH TRACT OR LAND IS DESCRIBED AS FOLLOWS:

FROM THE MOST SOUTHERLY CORNER OF BLOCK 3A OF UNIT NO. 1 OF LAGUNA SHORES, ACCORDING TO PLAT RECORDED IN PLAT BOOK 9 AT PAGES 29 AND 30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, RUN SOUTH 48°23'00 WEST ALONG A PROLONGATION OF THE NORTHWESTERLY LINE OF PARK PLACE (NOW PART OF BUCCANEER DRIVE) AS SHOWN ON SAID PLAT FOR 70.02 FEET TO A POINT ON THE FORMER SOUTHWESTERLY LINE OF ESTERO BOULEVARD AS DESCRIBED IN COUNTY COMMISSIONER'S MINUTE BOOK 11 AT PAGE 97 OF SAID PUBLIC RECORDS; THENCE RUN NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF A RADIUS 2899.79 FEET FOR 147.39 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 37°43'00 WEST ALONG SAID SOUTHWESTERLY LINE FOR 944.00 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2326.83 FEET (CHORD BEARING NORTH 28°39'47" WEST) FOR 180.72 FEET TO A CHANGE IN RIGHT OF WAY; THENCE SOUTH 63°33'26" WEST ALONG SAID RIGHT OF WAY FOR 5.0 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID STATE ROAD, (45 FEET FROM CENTERLINE), ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2336.83 FEET (CHORD BEARING NORTH 25°32'35" WEST FOR 73.39 FEET TO AN INTERSECTION WITH A LINE PARALLEL WITH AND 300 FEET (AS MEASURED ON A PERPENDICULAR) SOUTHERLY FROM THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE RUN SOUTH 89°11'00" WEST ALONG SAID PARALLEL LINE FOR 360.0 FEET; THENCE SOUTH 0°49' EAST FOR 165.16 FEET; THENCE SOUTH 37°43' EAST FOR 55.31 FEET; THENCE NORTH 52°17' EAST FOR 93.95 FEET; THENCE NORTH 72°11'08" EAST FOR 295.26 FEET TO THE POINT OF BEGINNING.

BEARINGS HEREIN ABOVE MENTIONED ARE PLANE COORDINATE FOR THE FLORIDA WEST ZONE. TOGETHER WITH A DRAINAGE AND WALKWAY EASEMENT OVER THAT PART OF THE SOUTHERLY 10 FEET OF THE NORTHERLY 335 FEET OF SAID GOVERNMENT LOT 3 LYING WEST OF THIS UNIT III PARCEL AND SUBJECT TO THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTHERLY 20 FEET OF THE NORTHERLY 340 FEET OF THAT PORTION OF GOVERNMENT LOT 3 LYING WEST OF SAID STATE ROAD #S-865 AND EAST OF UNIT II PARCEL.

MICHAEL CONDON ♦ Mapper ♦ CERTIFICATE ♦ JAMES ♦ No. 6074 ♦ STATE OF ♦ FLORIDA ♦ Registered Surveyor

This map prepared by:
CERTIFICATE OF AUTHORIZATION NO. LB 5075
NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JAMES M. CONDON, PSM
Professional Surveyor & Mapper Fla. License No.6074

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ext. 9988 FLORIDA
CA-5075

JOB NO.: 22-080
SHEET NO.: 1 OF 2

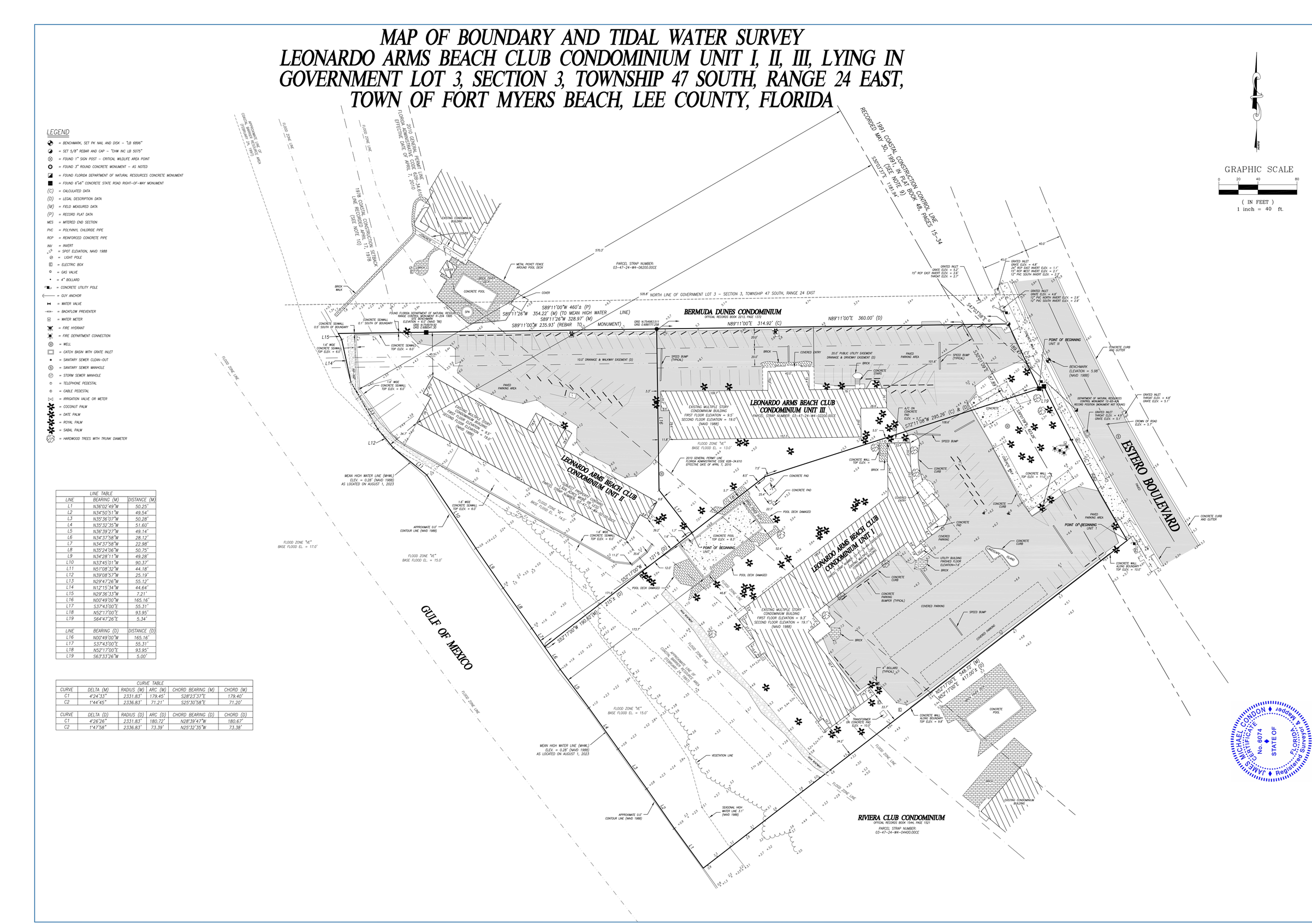
CERTIFIED TO:
PARAGON FINANCIAL SERVICES

DRAWN BY: JV
CHECKED BY: TLB
FIELD BOOK: 207/71

DRAWING SCALE: N/A
REVISION DATE:
REVISED BY:

COMPUTER FILE: 230546
SURVEY DATE: 9/5/2023
SIGNATURE DATE: 09/27/2023

# MAP OF BOUNDARY AND TIDAL WATER SURVEY
# LEONARDO ARMS BEACH CLUB CONDOMINIUM UNIT I, II, III, LYING IN GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA




| LINE TABLE | | |
|---|---|---|
| LINE | BEARING (M) | DISTANCE (M) |
| L1 | N36°02'49"W | 50.25' |
| L2 | N34°50'51"W | 49.54' |
| L3 | N35°36'07"W | 50.28' |
| L4 | N35°32'35"W | 51.60' |
| L5 | N36°39'27"W | 49.14' |
| L6 | N34°37'58"W | 28.12' |
| L7 | N34°37'58"W | 22.98' |
| L8 | N35°24'06"W | 50.75' |
| L9 | N34°28'11"W | 49.28' |
| L10 | N33°45'01"W | 90.37' |
| L11 | N51°08'32"W | 44.18' |
| L12 | N39°08'57"W | 25.19' |
| L13 | N29°47'26"W | 55.12' |
| L14 | N12°15'34"W | 44.64' |
| L15 | N29°36'33"W | 7.21' |
| L16 | N00°49'00"W | 165.16' |
| L17 | S37°43'00"E | 55.31' |
| L18 | N52°17'00"E | 93.95' |
| L19 | S64°47'26"E | 5.34' |
| | | |
| LINE | BEARING (D) | DISTANCE (D) |
| L16 | N00°49'00"W | 165.16' |
| L17 | S37°43'00"E | 55.31' |
| L18 | N52°17'00"E | 93.95' |
| L19 | S63°33'26"W | 5.00' |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | DELTA (M) | RADIUS (M) | ARC (M) | CHORD BEARING (M) | CHORD (M) |
| C1 | 4°24'33" | 2331.83' | 179.45' | S28°23'13"E | 179.40' |
| C2 | 1°44'45" | 2336.83' | 71.21' | S25°30'58"E | 71.20' |
| | | | | | |
| CURVE | DELTA (D) | RADIUS (D) | ARC (D) | CHORD BEARING (D) | CHORD (D) |
| C1 | 4°26'26" | 2331.83' | 180.72' | N28°39'47"W | 180.67' |
| C2 | 1°47'58" | 2336.83' | 73.39' | N25°32'35"W | 73.38' |

JOB NO.: 22-080
SHEET NO.: 2 OF 2

CERTIFIED TO:
PARAGON FINANCIAL SERVICES

DRAWN BY: JV
CHECKED BY: TLB
FIELD BOOK: 207/71


10981 Bonita Beach Road SE
Bonita Springs, Florida 34135
239.352.0085
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CHW
Professional Consultants
est. 1988 FLORIDA CA-5075


DRAWING SCALE: 1"=40'
REVISION DATE:
REVISED BY:

COMPUTER FILE: 230546
SURVEY DATE: 08/01/2023
SIGNATURE DATE: 09/27/2023


JAMES M. CONDON, PSM
Professional Surveyor & Mapper Fla. License No.6074


This map prepared by:

CERTIFICATE OF AUTHORIZATION NO. LB 5075
NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

MICHAEL CONDON CERTIFICATE No. 6074 STATE OF FLORIDA Professional Surveyor & Mapper

## 2 LINE POOL FENCE AND GATE- DESIGN & DIMENSIONS ARE BASED ON ARCHITECTURAL PLANS AND SALES DEPARTMENT TAKE-OFF'S . THESE DETAILS MAY BE ADJUSTED TO SUIT ACTUAL ON-SITE MEASUREMENTS AND CONDITIONS

DESIGN STATEMENT:

APPLICABLE CODES, REGULATIONS & STANDARDS:

1. THE 2020 FLORIDA BUILDING , 7TH EDITION SPECIFICALLY
2. ASCE/ SEI 7-16: MINIMUM DESIGN LOADS ON BUILDERS AND OTHER STRUCTURES
3. ACI 318-14 BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE
4. ALUMINUM DESIGN MANUAL 2015 WIND LOADS

1. BUILDING RISK CATEGORY = II
2. BASIC WIND SPEED = 160 MPH
3. EXPOSURE CATEGORY = D

## PROJECT ADDRESS

LEONARDO ARMS
7400 ESTERO BLVD.
FORT MYERS BEACH, FL 33931

**ALTERNATE RAIL MOUNTING OPTIONS (SELECTION BASED ON FIELD REQUIREMENTS)**

**CORE DRILLED POST INSTALL DETAILS (WHEN APPLICABLE)**

3.5ø x 4' DEEP CORE DRILLED HOLE.

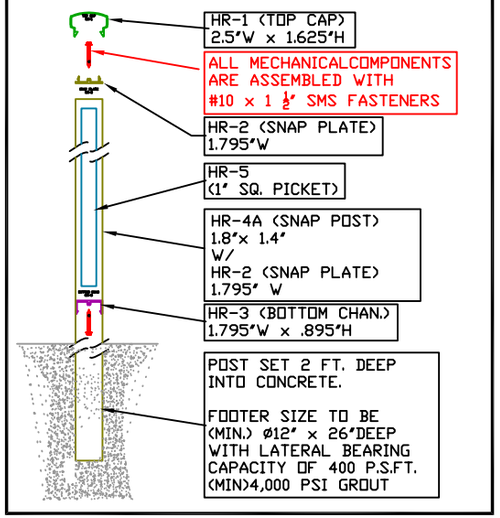
POST SET IN WITH HARD-ROK (FAST ANCHORING CEMENT) 7,200 PSI GROUT (MIN.)

**FACE MOUNTED POST INSTALL DETAILS (WHEN APPLICABLE)**

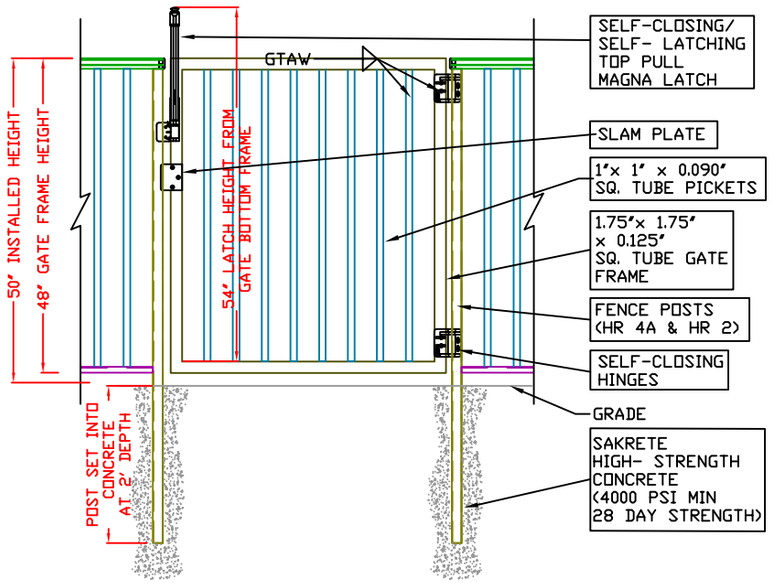
2"x 2"x ¼" ARCH ANG. SECURED TO HOST STRUCTURE WITH QT.2 ¼" CONCRETE ANCHORS FOR MIN 2" EMBEDMENT INTO MASONRY.

RAIL POST AFFIXED TO MOUNTING ANGLES WITH #14 x1" TEK SCREW QT. 2 PER ANG.

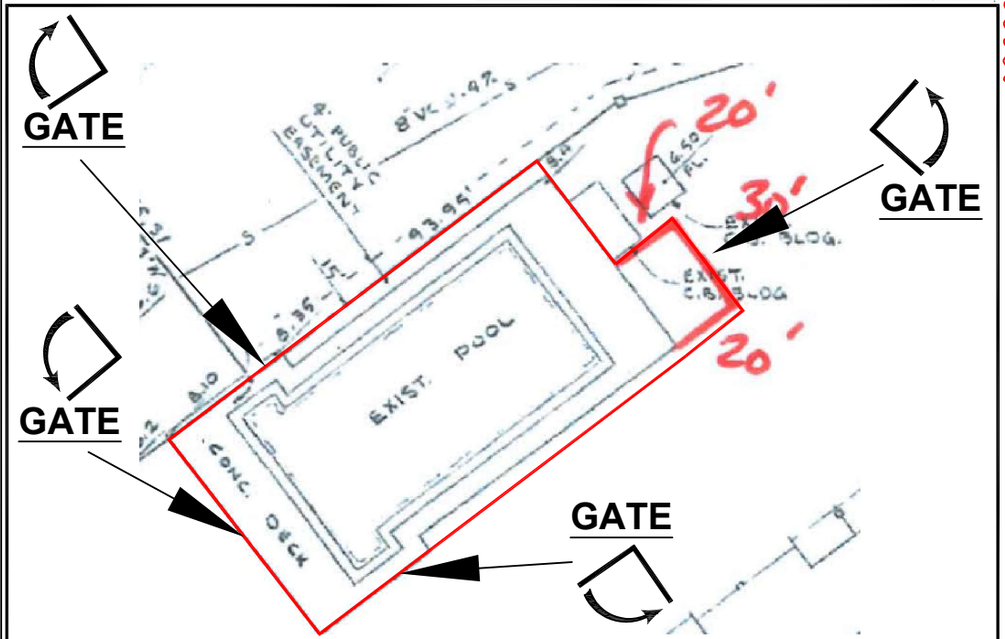
## POOL FENCE DETAILS




## QT. 4 42 "W x 48 1/2 "H GATE(S)




## SITE PLAN

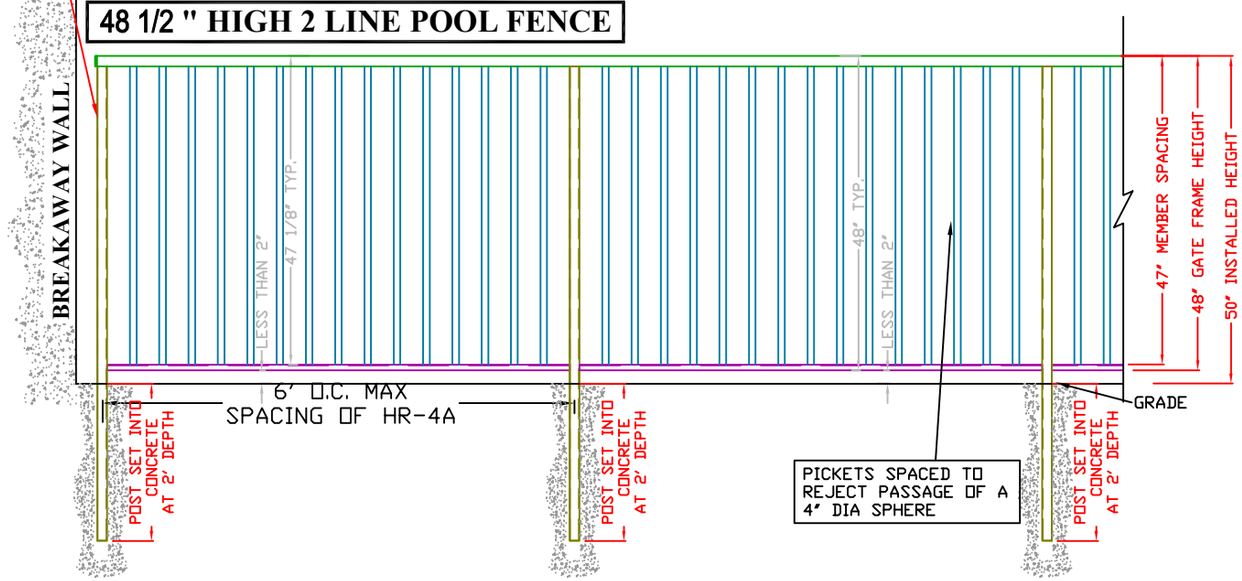



**APPROX. 370 FT. TOTAL OF FENCE AND GATES**

FREE STANDING FENCE TERMINATES AT POST. FENCE MAKES NO CONTACT WITH BREAKAWAY WALL


FLORIDA ENGINEERING LLC
4161 TAMIAMI TRAIL, UNIT 101
PORT CHARLOTTE, FLORIDA 33952
(941) 391-5980
www.flengineeringllc.com
PROJECT NO. 2324025
CA CERT. #30782


## 48 1/2 " HIGH 2 LINE POOL FENCE





Liberty Aluminum Inc.
5913 8th Street West, Lehigh Acres, FL 33971
(239) 369-3000


CONTRACTOR:
PROJECT: STANDARD ENGINEERING
LOCATION: DOCUMENT
ESTIMATE #:

COLOR:
RAL # :
DRAFTER :
ORIGINAL COMPLETION DATE :

ALL MATERIAL ALUMINUM UNLESS OTHERWISE SPECIFIED

| REV # | REVISION DATE | DESCRIPTION | DRAFTER | SHEET NO. |
|---|---|---|---|---|
| REV. 1 | | | | 1 of 1 |
| REV. 2 | | | | |
| REV. 3 | | | | |
| REV. 4 | | | | |
| REV. 5 | | | | |
| REV. 6 | | | | |

~~Insurance Trustee shall not be liable for payment of premiums nor for the renewal of the policies, nor for the sufficiency of coverage, nor for the form or contents of the policies, nor for the failure to collect any insurance proceeds. The duty of the Insurance Trustee shall be to receive such proceeds as are paid and to hold and disburse them as provided in Paragraph 9, next following.~~

Off Rec 1996 pg 0351

9. RECONSTRUCTION OR REPAIR OF CASUALTY DAMAGE - If any part of the common elements or units shall be damaged or destroyed by casualty, the same shall be repaired or replaced unless such damage rendered 80% or more of the units in the Condominium untenantable, and 80% of the owners' condominium vote against repair or replacement, in which event the proceeds shall be distributed to the unit owners and their mortgagees, as their interests may appear, and the condominium shall be terminated as provided in Paragraph 14 following.

9.1. ANY SUCH RECONSTRUCTION OR REPAIR shall be substantially in accordance with the as-built plans and specifications.

~~9.2. CERTIFICATE - The Insurance Trustee may rely upon a Certificate of the Association certifying as to whether or not the damaged property is to be reconstructed or repaired. The Association, upon request of the Insurance Trustee, shall deliver this certificate as soon as practical.~~

9.3. ESTIMATE OF COSTS - Immediately after a casualty causing damage to property which the Association under Paragraph 8 has the responsibility to insure, the Association shall obtain reliable and detailed estimates of the cost to place the damaged property insofar as reasonably possible in condition as good as that before the casualty. Such costs may include professional fees and premiums for such bonds as the Board of Directors desires.

9.4. ASSESSMENTS - If the proceeds of insurance will not be sufficient to defray the estimated costs of reconstruction and repair by the Association (including the aforesaid fees and premiums, if any) assessment <u>or charge</u> shall be made against the unit owners in the Condominium who own the affected property in proportion to the damage suffered by such units in sufficient amounts to provide funds to pay the estimated costs. If at any time during reconstruction and repair such funds are insufficient, special assessment <u>or charge</u> shall be made against such unit owners in the same fashion in sufficient amounts to provide funds for the payment of such costs.

It is specifically provided that those units which have suffered damage which is covered by insurance shall pay the insurance deductible amount, if any.

9.5. CONSTRUCTION FUNDS - The funds for payment of costs of reconstruction and repair after casualty, which shall consist of proceeds of insurance ~~held by the Insurance Trustee~~ and funds collected by the Association from assessments and charges against unit owners, shall be disbursed in payment of such costs. ~~by the Insurance Trustee and the Association, upon the written request of the Association, signed by an Officer of the Association and by the Architect or Contractor in charge of the work who shall be selected by the Association, setting forth the sum then requested either has been paid by the Association or is justly due to persons who have rendered services or furnished materials in connection with the work, giving a brief description of the services and materials and the amounts so paid or now due.~~

11.1. NO OWNER may sell, lease, give or dispose of a unit or any interest therein in any manner without the written approval of the Association except to another unit owner. No lease may be for less than four consecutive weeks. Only entire units may be leased. ~~All leases must expressly state that the lessee will abide by all of the condominium documents and that failure to do so is a material breach of the lease which will be a cause for forfeiture of the lease.~~

~~The owner of each unit, by this Declaration, grants to the Condominium Association the authority to act and to bring proceedings against lessees or tenants in the owner's name for violations of the documetns, including eviction and termination.~~

All leases must contain the agreement of the lessee(s) to abide by all the covenants of the condominium documents and must provide that a violation of the documents is a breach and event of default of the lease and grounds for termination and that the lessee agrees that the Association may proceed directly against such lessee(s) and that the lessee(s) shall be responsible for the Association's costs and expenses, including attorney's fees, at all trial and appellate levels. That if such costs and fees are not paid by the lessee(s), that the Unit Owner agrees to pay them. Each Unit Owner by acceptance of the deed to a unit and by the terms of this declaration appoints the Association as owner's agent to bring actions in owner's name and at owner's expense including damages, termination and eviction. The rules and

regulations must be provided to the lessee(s) by the owner or rental agent to read.

11.2. NO OWNER MAY MORTGAGE his unit without the written approval of the Association except to an institutional lender regularly engaged in the business of making residential first mortgage loans, provided that a unit owner who sells his unit needs no approval to take back a purchase money mortgage.

11.3. THE APPROVAL OF THE ASSOCIATION SHALL be obtained as follows:

11.4. WRITTEN NOTICE SHALL BE GIVEN the Association by the owner of his intention to sell, lease, transfer in any fashion or encumber his interest. The notice shall include the name and address of the proposed lessee acquirer or lender and a correct and complete copy of the proposed documents to be executed to effectuate the transaction. The Association may require such other and further information as it deems reasonably necessary and may impose a charge not to exceed an amount permitted by law. No charge shall be made in connection with the extension or renewal of a lease. The Association may require pursuant to F.S. 718.112(2)(i) as a condition to permitting the rental of a unit that a security deposit in an amount determined by the Board of Directors, based on a percentage of the monthly rent be deposited into an escrow account to be maintained by the Association to protect against damages to the common elements, areas or Association property. Within 15 days after a tenant vacates the premises, the Association shall refund the full security deposit or give written notice to the tenant of its claim made against the security. Disputes under this paragraph shall be handled in the same fashion as disputes concerning security deposits under F. S. 83.49.

AMENDMENT TO BY-LAWS

1.2. FISCAL YEAR - The fiscal year of the Association commences on ~~November 1st~~ April 1st and ends ~~October 31st~~ March 31st each year.

END OF AMENDMENTS

RECORDED & REC
JUN 11 11
CLERK CIRCUIT
LEE COUNTY

24.00

2470828

OFFICIAL RECORD 996 PG 0349

# C E R T I F I C A T E

THE UNDERSIGNED being President and Secretary of LEONARDO ARMS BEACH CLUB CONDOMINIUM ASSOCIATION UNIT 1, INC., a Florida non-profit corporation, do hereby certify that the attached Amendment to Declaration and By-Laws was duly adopted and ratified at the Annual meeting of the Association members and Directors held on the 9th day of February, 1988, by the required vote of the owners and Board of Directors of Leonardo Arms Beach Club Condominium Association Unit 1, Inc.

WITNESSES:

LEONARDO ARMS BEACH CLUB
CONDOMINIUM ASSOCIATION
UNIT 1, INC.

By _____
President

ATTEST:

_____
Secretary

This instrument prepared by:
Robert C. Grogan
President
7400 Estero Blvd. #406
Ft. Myers Bch., Florida 33931

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: M. J. ROBINSON, D.C.

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY that on this 3rd day of June 1988, before me personally appeared R. Grogan and K. Jones President and Secretary, respectively of Leonardo Arms Beach Club Condominium Association Unit 1, Inc., to me known to be the persons who signed the foregoing instrument as such individuals and acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that the said instrument is the act and deed of said Association.

WITNESS my signature and official seal the day and year last aforesaid.

MY COMMISSION EXPIRES

NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA
AT COMMISSION EXP. MAY 24,1991
BONDED THRU GENERAL INS. UND.

Phone: (813) 463-5906

**LEONARDO ARMS**
**CONDOMINIUM ASSOCIATION**
7400 Estero Boulevard
Fort Myers Beach, Florida
33931

15 May 1984

To: Unit Owners
Unit 1
Leonardo Arms Beach Club and Condominium

Subjects: Semi-Annual Report
Ammended Documents
John Carl

Dear Unit Owners,

1. Attached hereto is the Semi-Annual Financial Report for Leonardo Arms, Unit 1.

2. This is to advise that the Amended Declaration of Condominium together with the Amended By-Laws have been duly recorded in O. R. Book 1717, Page 3727 thru 3758, Public Records of Lee County, Florida. Your copy of this letter should be attached to the proposed amended documents which were mailed to you for approval in January.

3. As you may know, John Carl, our maintenance man for the past eleven years retired on 12 May 1984. It was considered prudent to give John a retirement gift on behalf of the entire association, Unit 1, rather than trying to inform each owner of the event and soliciting funds on such short notice. John was given a check for $500 for his years of devoted service and has acknowledged this gift with a "Thank You" card on our bulletin board.

This amounts to approximately $7.00 per apartment and unit owners who desire to participate should please send a separate check for this amount, indicating "Retirement Fund", to our association.

Wishing you the best of health and happiness,

James L Alldritt

Lawrence Alldritt
President, Unit 1

January 13, 1984

TO ALL APARTMENT OWNERS OF LEONARDO ARMS UNIT I:

Here are the amended documents that you have read about in the minutes for the last eighteen months. It has taken more work and more time to complete these than was anticipated, but we feel that they are very much needed and that the job has been well done in bringing our documents up to date with the Florida Condominium Law and the other Florida Statutes that govern us. There have been many changes in these laws since our documents were written over fourteen years ago.

Please read them thoroughly as soon as possible and submit any questions in writing to Annetta Hale, Apt. 303 referring to the document and paragraph by number. This will enable us to give you accurate and complete answers in a minimum of time at the annual meeting before the votes are cast.

These amended documents should be kept along with the parts of the original documents mentioned in the Amended Declaration, paragraph 4.11, will compose your complete set of documents which should be passed on to future owners.

Please bring your ballot to the meeting or send your proxy indicating how you wish to vote.

BOARD OF ADMINISTRATORS
LEONARDO ARMS UNIT I

Annetta Hale

Annetta Hale
Vice President

M. F. Ebeling
7400 Estero Boulevard
Fort Myers Beach, Fla. 33931

THIS AMEND. DECLARATION OF CONDOMINIUM and attachments hereto made and entered into this _____ day of _____, 19___.

WITNESSES:

LEONARDO ARMS BEACH CLUB CONDOMINIUM ASSOCIATION, UNIT I, INC., a Florida corporation

_____

_____ . BY: _____ (SEAL)
PRESIDENT

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this _____ day of _____, 19___, by _____ as President of LEONARDO ARMS BEACH CLUB CONDOMINIUM ASSOCIATION, UNIT I, INC., a Florida corporation, on behalf of said corporation.

_____
NOTARY PUBLIC

My Commission Expires: (SEAL)

ALLEN, KNUDSEN, SWARTZ, DEBOEST, RHOADS & EDWARDS, P.A.
ATTORNEYS AT LAW
2110 FIRST STREET
P. O. BOX 1389
FORT MYERS, FLORIDA

# AMENDED BY-LAWS

# OF

# LEONARDO ARMS BEACH CLUB CONDOMINIUM

# ASSOCIATION, UNIT I, INC.

1. IDENTITY - These are the By-Laws of Leonardo Arms Beach Club Condominium Association, Unit I, Inc., a nonprofit Florida corporation formed for the purpose of administering Leonardo Arms Beach Club Condominium, Unit I, which is located at Fort Myers Beach, Florida, upon the lands described in the original Declaration of Condominium. (The corporation shall hereafter be referred to as the Association.)

1.1. OFFICE - The office of the Association shall be at Fort Myers Beach, Florida.

1.2. FISCAL YEAR - The fiscal year of the Association commence on November 1st and end October 31st each year.

1.3. SEAL - The seal of the Association shall bear the name of the Association, the word "Florida," and the year of establishment.

2. MEMBERS' MEETINGS

2.1. ANNUAL MEMBERS' MEETINGS shall be held at the Condominium or at such other convenient location as may be determined by the Board of Directors, at 8:00 p.m. the second Tuesday in February each year, for the purpose of electing Directors and of transacting any business authorized to be transacted by the members.

2.2. SPECIAL MEMBERS' MEETINGS shall be held whenever called by the President, Vice President or by a majority of the Board of Directors and when called by written notice from 10% of the Association voting interests.

2.3. NOTICE OF MEMBERS' MEETINGS - Notice of the annual meeting shall be sent to each unit owner by United States mail, unless waived in writing, at least 30 days prior to the annual meeting. A post office certificate of mailing shall be obtained and retained as proof of such mailing. Written notice of the meeting shall also be posted in a conspicuous place on the condominium property at least 14 days prior to the annual meeting.

2.4. The Board of Administration shall also mail copies of the proposed annual budget of common expenses to the unit owners not less than 30 days prior to the meeting at which the budget will be considered.

2.5. Unit owners may waive notice of specific meetings and may take action by written agreement without meetings, including the use of paper ballots, provided that no such practice may preclude nominations from the floor for the election of Directors per Chapter 718, Florida Statutes.

2.6. Notice of a special meeting called by the Board at the written request of 10% of the owners because of a budget exceeding 115% of that of the preceding year requires not less than 10 days' written notice to each unit owner.

2.7. Notice of other special meetings not covered above shall be in writing and delivered or mailed to each member first class, postage prepaid not less than 10 days prior to the meeting.

2.8. All notices of meetings shall state clearly and particularly the purpose or purposes of the meeting.

2.9. A QUORUM at members' meetings shall consist of persons entitled to cast a majority of the voting interests of the entire membership. Decisions made by owners of a majority of the units represented at a meeting at which a quorum is present shall be binding and sufficient for all purposes except such

decision as may by law or the documents require a larger percentage in which case the percentage required in the Documents or law shall govern.

2.10. EACH UNIT SHALL have one indivisible vote. If multiple owners of a unit cannot agree on the vote, it will not be counted.

2.11. PROXIES - Votes may be cast in person or by proxy. Proxies shall be in writing, signed and dated and shall be valid only for the particular meeting designated therein and must be filed with the Secretary before or at the meeting. Restricted proxies may be used which direct the proxyholder how to vote on issues.

2.12. APPROVAL OR DISAPPROVAL of a unit upon any matter, whether or not the subject of any Association meeting, shall be subject to 2.10. above.

2.13. If any meeting of members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present. The members may also act by written agreement without meetings when desired.

2.14. THE ORDER OF BUSINESS AT ANNUAL MEMBERS' MEETINGS and, as far as applicable at all other members' meetings, shall be:

(a) Election of a Chairman of the meeting, unless the President or Vice President of the Association is present when he (or she) shall preside.

(b) Calling of the roll and certifying of proxies.

(c) Proof of Notice of meeting or waiver of notice.

(d) Reading and disposal of any unapproved minutes.

(e) Reports of Directors.

(f) Reports of Committees.

(g) Election of Directors.

(h) Unfinished business.

(i) New business.

(j) Adjournment.

3. BOARD OF DIRECTORS

3.1. MEMBERSHIP - The affairs of the Association shall be managed by a Board of Directors. Boards shall be composed of any odd number from three to nine that the owners may decide. Each Director shall be a person entitled to cast a vote in the meetings of the Association.

3.2. DESIGNATION OF DIRECTORS shall be in the following manner:

3.3. Members of the Board of Directors shall be elected by a majority of those present and voting in person or by proxy at the annual meeting of the members of the Association.

3.4. Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by a majority vote of the remaining Directors.

3.5. The Board of Directors, in order to permit the orderly transaction of business of the Condominium during the summer months and at other times when a majority of the Board cannot participate, may appoint an executive committee of at least two Directors which shall have the same authority as a majority of the full Board.

3.6. THE TERM OF EACH DIRECTOR'S SERVICE shall extend until the next annual meeting of the members and thereafter until his successor is duly elected and qualified or until he is removed in the manner elsewhere provided.

3.7. THE ORGANIZATION MEETING of the newly elected Board of Directors shall be held at such place and time as shall be fixed by the Directors, provided a quorum shall be present. Unless otherwise noticed, it shall be presumed to immediately follow the annual meeting.

3.8. REGULAR MEETINGS OF THE BOARD OF DIRECTORS may be held at such time and place as shall be determined from time to time by a majority of the

Directors. Notice of regular meetings shall be given to each Director personally or by mail, telephone or telegraph at least two days prior to the day named for such meeting.

3.9. SPECIAL MEETINGS OF THE DIRECTORS may be called by the President and must be called by the Secretary at the written request of 1/3 of the Directors. Not less than three days' notice of the meeting shall be given personally or by mail, telephone or telegraph, which notice shall state the time, place and purpose of the meeting, except in an emergency.

3.10. WAIVER OF NOTICE - Any Director may waive notice of a meeting before, at or after the meeting and such waiver shall be deemed equivalent to the giving of notice.

3.11. MEETINGS OF THE BOARD OF DIRECTORS shall be open to all unit owners to attend and listen but not be heard or participate (unless a majority of the Directors consent thereto) and notice of meetings shall be posted conspicuously on the condominium property 48 hours in advance for the attention of unit owners, except in an emergency.

3.12. A QUORUM AT DIRECTORS' MEETINGS shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board. If at any meeting of the Board there be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

3.13. THE PRESIDING OFFICER at Directors' meetings shall be the President of the Board if such an officer has been elected; and if none, then the Vice President shall preside. In the absence of the presiding officer, the Directors present shall designate one of their number to preside.

3.14. DIRECTORS SHALL SERVE WITHOUT PAY but shall be entitled to reimbursement for expenses reasonably incurred.

4. POWERS AND DUTIES OF THE BOARD OF DIRECTORS - All of the powers and duties of the Association existing under the Condominium Act, Amended Declaration of Condominium and these Amended By-laws shall be exercised exclusively by the Board of Directors, or its duly authorized agents, contractors, or employees subject only to the approval by unit owners when such is specifically required. Such powers and duties of the Directors shall include, but shall not be limited to, the following;

4.1. TO MAKE AND COLLECT ASSESSMENTS AGAINST members to defray the costs of the Condominium.

4.2. TO USE THE PROCEEDS OF ASSESSMENTS in the exercise of its powers and duties.

4.3. THE MAINTENANCE, REPAIR, REPLACEMENT AND OPERATION of the condominium property.

4.4. THE RECONSTRUCTION OF IMPROVEMENTS AFTER CASUALTY and the further improvement of the property.

4.5. TO APPROVE OR DISAPPROVE PROPOSED TRANSACTIONS in the manner provided by the Condominium Declaration.

4.6. TO ENFORCE by legal means the provisions of applicable laws and the condominium documents.

4.7. TO CONTRACT FOR MANAGEMENT of the Condominium.

4.8. TO PAY TAXES AND ASSESSMENTS which are liens against any part of the Condominium other than individual units and the appurtenances thereto, and to assess the same against the unit subject to such liens.

4.9. TO CARRY INSURANCE for the protection of the unit owners and the Association against casualty and liabilities.

4.10. TO PAY THE COST OF ALL UTILITY SERVICES rendered to the Condominium and not billed to owners of individual units.

4.11. TO EMPLOY PERSONNEL and designate other officers for reasonable compensation and grant them such duties as seem appropriate for proper administration of the purposes of the Association.

4.12. TO BRING AND DEFEND SUITS, MAKE AND EXECUTE CONTRACTS, DEEDS, MORTGAGES, LEASES and other instruments by its officers and to own, lease, convey and encumber real and personal property. To grant easements and licenses over the condominium property necessary or desirable for proper operation of the project.

4.13. THE DIRECTORS MAY, pursuant to F.S. 617.10(3), impose fines in such reasonable sums as they deem appropriate, not to exceed $150.00, against unit owners for violations of the condominium documents, including the Rules and Regulations, by owners or their guests or lessees and to be secured and collect the fine in the same manner as an assessment for common expenses. Each day of violation shall be a separate violation. No fine shall be imposed until the owner(s) has been given an opportunity to be heard before the Board.

4.14. TO APPOINT COMMITTEES including nominating and executive. All committees and members shall serve at the pleasure of the Board.

5. OFFICERS

5.1. THE EXECUTIVE OFFICERS of the Association shall be the President, a Vice President, a Secretary and a Treasurer, all of whom shall be elected annually by and from the Board of Directors and who may be peremptorily removed by a majority vote of the Directors at any meetings. Any person may hold two or more offices except that the President shall not also be the Secretary or Assistant Secretary.

5.2. THE PRESIDENT shall be the chief executive officer of the Association. He shall have all of the powers and duties which are usually vested in the office of President of a corporation.

5.3. THE VICE PRESIDENT shall, in the absence or disability of the President, exercise the powers and perform the duties of the President. He shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Directors.

5.4. THE SECRETARY shall keep the minutes of all proceedings of the Directors and the members. He shall attend to the giving and serving of all notices to the members and Directors and other notices required by law. He shall have custody of the seal of the Association and affix the same to instruments requiring a seal when duly signed. He shall keep and have custody of the records of the Association, except those of the Treasurer and shall perform all other duties incident to the office of Secretary of the Association and as may be required by the Directors or the President. The Assistant Secretary will perform the duties of the Secretary when the Secretary is absent.

5.5. THE TREASURER shall have custody of all property of the Association, including funds, securities and evidences of indebtedness. He shall keep the assessment rolls and accounts of the members; he shall keep the books of the Association in accordance with good accounting practices; and he shall perform all other duties incident to the office of the Treasurer of a corporation.

5.6. THE COMPENSATION of all officers and employees of the Associaton shall be fixed by the Directors. This provision shall not preclude the Board of Directors from employing a Director as an employee of the Association.

5.7. INDEMNIFICATION - Every Director of the Association shall be indemnified by the Association against all expenses and liabilities including counsel fees reasonably incurred or imposed upon him in connection with any

proceedings to which he may be a party, or in which he may become involved by reason of his being or having been a Director of the Association or any settlement thereof, whether or not he is a Director at the time such expenses are incurred, except in cases wherein the Director is adjudged guilty of nonfeasance, misfeasance or malfeasance in the performance of his duties or shall have breached his fiduciary duty to the members of the Association. Provided, however, that the Association shall not be liable for payment of a voluntary settlement unless it is first approved by the Board of Directors.

6. MINUTES OF ALL MEETINGS OF UNIT OWNERS and of the Board of Directors shall be kept in a businesslike manner and these, plus records of all receipts and expenditures and all other records, shall be available for inspection by unit owners and Board members at all reasonable times.

7. FISCAL MANAGEMENT - Shall be in accordance with the following provisions:

7.1. BUDGET - A proposed annual budget of common expenses shall be prepared by the Board of Directors which shall include all anticipated expenses for operation, maintenance and administration of the Condominium including insurance, management fees, if any, and which shall accrue a reserve for deferred maintenance per F.S. 718.112 unless waived by the owners. It will contain a reasonable allowance for contingencies and provide funds for all unpaid operating expense previously incurred.

7.2. A copy of the proposed annual budget shall be mailed to the unit owners not less than 30 days prior to a meeting of the owners at which the budget will be considered together with a notice of the meeting. Should a quorum fail to be present or represented at the meeting or fail to adopt the budget presented or a revised budget then, and in that event, the Directors shall have the authority to adopt a budget.

7.3. ASSESSMENTS - The shares of the unit owners of the common expenses shall be made payable for three months in advance and shall become due on the first day of each such period. The amounts shall be no less than are required to provide funds in advance for payment of all the anticipated operating expenses, the reserves, unless waived, and for all of the unpaid operating expense previously incurred.

7.4. EMERGENCY ASSESSMENT - Assessments for the expenses of emergencies which cannot be paid from the contingency account shall be made only by the Board of Directors, and the time of payment shall likewise be determined by them.

7.5. ASSESSMENT ROLL - The assessments for common expenses according to the budget shall be set forth upon a roll of the units which shall be available for inspection at all reasonable times by unit owners. Such roll shall indicate for each unit the name and address of the owner, the assessments paid and unpaid. A certificate made by a duly authorized representative or the Directors as to the status of a unit's account may be relied upon for all purposes for any person for whom made other than the unit owner.

7.6. LIABILITY FOR ASSESSMENTS - A unit owner shall be liable for all assessments coming due while he is the owner of a unit, and such owner and his grantees after a voluntary conveyance shall be jointly and severally liable for all unpaid assessments due and payable up to the time of such voluntary conveyance. Provided, however, that a first mortgagee who acquires title by foreclosure or deed in lieu of foreclosure shall not be liable for unpaid assessments of prior owners unless they are evidenced by a lien recorded prior to the mortgage. Such liability may not be avoided by waiver of the use or enjoyment of any common elements or by abandonment of the unit for which the assessments are made.

7.7. LIEN FOR ASSESSMENTS - The unpaid portion of an assessment which is due, together with late charges, costs, interest and reasonable attorneys' fees for collection, shall be secured by a lien upon:

7.8. THE UNIT and all appurtenances thereto when a notice claiming the lien has been recorded by the Association in accordance with the requirements of Florida Statute 718.116. Such lien shall be subordinate to any prior recorded mortgage on the unit.

7.9. ALL TANGIBLE PERSONAL PROPERTY located in the unit except that such lien shall be subordinate to prior liens and security interests of record.

7.10. COLLECTION -- INTEREST -- LATE CHARGES: APPLICATION OF PAYMENTS Assessments paid on or before ten days after the date due shall not bear interest, but all sums not paid on or before ten days may bear interest at the rate of 18% per annum for the date due until paid. All payments upon account shall be first applied to interest and then to the assessment payment first due. All interest collected shall be credited to the common expense account. Assessments paid from 10 to 30 days late are subject to a late charge of $5.00; from 30 to 59 days late to a late charge of $25.00; from the 60th day a late charge of $50.00.

7.11. COLLECTION -- SUIT - The Association, at its option, may enforce collection of delinquent assessment accounts by suit at law or by foreclosure of the lien securing the assessments, or by any other remedy available under the laws of the State of Florida, and in any event the Association shall be entitled to recover the payments which are delinquent at the time of collection, judgment or decree, together with interest thereon at the rate of 18% per annum and all costs incident to the collection and the proceedings, including reasonable attorneys' fees. Per F.S. 718.116, the Association must deliver or mail by certified mail to the unit owner a written notice of its intention to foreclose the lien 30 days before commencing foreclosure.

7.12. ACCOUNTS - All sums collected from assessments may be mingled in a single fund, but they shall be held in trust for the unit owners in the respective shares set forth in the Condominium documents and shall be credited to accounts from which shall be paid the expenses for which the respective assessments are made. These accounts shall be as follows:

7.13. COMMON EXPENSE ACCOUNT - to which shall be credited collections of assessments for all common expenses.

7.14. THE DEPOSITORY of the Association shall be such bank or banks or federal savings and loan associations in Florida as shall be designated from time to time by the Directors and in which the monies for the Association shall be deposited. Withdrawal of monies from such accounts shall be only by checks signed by such persons as are authorized by the Directors.

7.15. A REPORT of the accounts of the Association shall be made annually including, but not limited to, a complete financial report of actual receipts and expenditures for the previous 12 months. It shall comply with F.S. 718.111(13). A copy of the report shall be furnished to each member within 30 days after its completion and delivery to the Directors or at the annual meeting.

7.16. FIDELITY BONDS shall be required by the Board of Directors from all Officers and Directors of the Association who control or disburse Association funds. The amount of such bonds shall be determined by the Directors and shall be not less than required by law. The premiums on such bonds shall be paid by the Association.

8. PARLIAMENTARY RULES - Roberts Rules of Order (latest edition) shall govern the conduct of corporate proceedings when not in conflict with the Declaration, the By-Laws of the Association or with the laws of the State of Florida.

9. AMENDMENTS - Amendments to the By-Laws shall be proposed in the following manner:

9.1. NOTICE of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

9.2. A RESOLUTION adopting a proposed amendment must receive approval of a majority of the voting interests of the Association. Members may express their approval in writing.

9.3. INITIATION - An amendment may be proposed by either a majority of the Directors or by 10% of the membership of the Association.

9.4. EFFECTIVE DATE - An amendment when adopted shall become effective only after being recorded as an attachment to an amendment to the Declaration according to law.

9.5. THESE BY-LAWS shall be deemed amended, if necessary, so as to make the same consistent with the provisions of the Declaration of Condominium, or the Condominium Act.

9.6. PROPOSAL TO AMEND EXISTING BY-LAWS shall contain the full text of the By-Laws to be amended. New words shall be underlined and words to be deleted shall be lined through with hyphens. If the proposed change is so extensive that this procedure would hinder rather than assist understanding, a notation must be inserted immdiately preceding the proposed amendment saying, "SUBSTANTIAL REWORDING OF BY-LAW. SEE BY-LAW NUMBER _____ FOR PRESENT TEXT."

The foregoing were adopted as the Amended By-Laws on this _____ day of _____, 19____.

_____
PRESIDENT

EXHIBIT "C"

AMENDED RULES AND REGULATIONS

LEONARDO ARMS BEACH CLUB CONDOMINIUM, UNIT I

1. Only passenger automobiles may be parked in the areas provided for that purpose. Vehicles other than passenger automobiles shall not remain longer than overnight. Boats shall not be maintained in the automobile parking area nor in the common area. Bicycles shall be parked only in the areas provided for that purpose. Vehicles illegally parked may be towed away pursuant to Florida Statutes, Chapter 715.

2. Use of the recreational facilities will be in a manner to respect the rights of others. Use will be controlled by regulations issued from time to time, but in general, such use will be prohibited between the hours of 11:00 p.m. and 8:00 a.m. Children under the age of eighteen (18) are barred from the swimming pool area from 4:00 p.m. to 5:00 p.m. daily.

3. No radio or television antenna or wiring for any purpose may be installed on the exterior of the building without the written consent of the Association.

4. No sign, advertisement, notice or other lettering other than nameplates on unit doors shall be exhibited, inscribed, painted or affixed that is visible from the exterior of a unit without the prior written consent of the Association.

5. Common areas must not be obstructed or encumbered or used for improper purposes.

6. No owner may operate or keep washers or dryers within his unit, and no washlines of any kind will be maintained so as to be visible from the common areas. No one shall throw or let fall any items from the windows.

7. Servants and domestic help of apartment owners shall not gather or lounge in the common areas.

8. All apartments shall be used for single family residential purposes only as defined in the Amended Declaration.

9. All apartments, except ground floor units, shall be carpeted except in entryways, bathrooms and kitchens. All carpets shall be medium to heavy carpet and pad.

10. Disposition of garbage and trash shall be only by the use of garbage disposal units or by use of receptacles approved by the Association.

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11. No animals shall be allowed in the Condominium except for original owners existing dogs and cats at the time the unit was purchased by them which may not be replaced after they die and which must be kept on a leash when outside a unit. Birds and tropical fish are permitted. Birds must be kept caged when outside a unit. If the Association shall determine that any pet shall become a nuisance to others, the pet shall be removed from the premises.

12. No occupant may make or permit any disturbing noises in the building whether made by himself, his family, friends or servants, nor do or permit anything to be done by such persons that will interfere with the rights, comforts and conveniences of other occupants. No one may play or suffer to be played any musical instrument, phonograph, radio or television set in his unit between the hours of 11:00 p.m. and the following 8:00 a.m. at a level which disturbs or annoys other occupants of the Condominium.

13. No child under the age of thirteen (13) years shall be allowed as a permanent resident in the Condominium. Children should be supervised by an adult to prevent unsafe, noisy or destructive behavior. Children under the age of twelve (12) must be accompanied by an adult when using elevators or the recreation areas.

14. Personal items shall not be placed in the halls or on the staircase landings, although doormats are allowed. Linens, cloths, clothing, curtains, rugs or mops must not be shaken or hung from any of the windows, doors or balconies, but American flags may be hung from private balconies. No fire exits shall be obstructed in any manner.

15. Children under thirteen (13) may not maintain residence for a continuous period exceeding three months. Guests who will be in residence for more than a few days should be made known to the Association.

16. Leasing or renting of the apartment by an apartment owner is not prohibited, however, the approval of the Association is required in advance and the minimum rental period is four weeks. Please see the Amended Declaration, Paragraph 11. No more than four people may occupy rental units.

17. Owners must maintain their units in good condition and repair and may not make alterations to the common elements without prior approval from the Association.

18. The Association shall have a key to each unit. No one shall alter a lock or install a new lock without providing the Association with a key.

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19. All draperies and other types of interior window coverings or window casings facing the street shall be white or pastel shades.

20. Storm doors or shutters shall be white or aluminium color and shall be of design and materials approved by the Association in advance.

21. Owners must notify the manager in advance when their units will be occupied in their absence whether the occupants be family, friends or renters giving the same information as is required on rental requests. This is very important for security reasons.

22. All cooking on patios is prohibited.

23. Patios may be screened in but only according to the specifications approved by the Board on April 18, 1978.

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AMENDED DECLARATION OF CONDOMINIUM

OF

LEONARDO ARMS BEACH CLUB CONDOMINIUM, UNIT I

FORT MYERS BEACH, FLORIDA

1. RECITAL - This Condominium was created by a Declaration dated March 20, 1969 in which Leonardo Arms, Inc. was the developer. That Declaration is recorded in the Lee County, Florida Public Records in O.R. Book 520 at Page 725.

The submission of the land to the condominium form of ownership by that document is, and will remain, effective. It is the desire of the unit owners, however, to operate with modernized documents free of internal conflicts and obsolete references to the developer, hence this Amended Declaration.

2. PLAN OF DEVELOPMENT - The Condominium consists of one six story building with 12 units on each floor for a total of 72 units restricted to singlefamily residential purposes.

3. NAME - ASSOCIATION - The name of the Condominium Association is Leonardo Arms Beach Club Condominium Association Unit 1, Inc. This Association is incorporated as a nonprofit Florida corporation.

4. DEFINITIONS - The terms used herein shall have the meanings stated in the Condominium Act (Florida Statutes, Chapter 718) and as follows, unless the context otherwise requires:

4.1. ASSESSMENT - The share of the funds required for the payment of common expenses which from time to time is assessed against a unit owner.

4.2. ASSOCIATION - The Corporation responsible for the operation of the Condominium.

4.3. BOARD OF ADMINISTRATION - The Board of Directors responsible for administration of the Association.

4.4. COMMON ELEMENTS - The portions of the condominium property not included in the units as defined in Florida Statute 718.108, including:

4.5. The land.

4.6. All parts of the improvements which are not included within the units.

4.7. Easements.

4.8. Installations for the furnishing of services to more than one unit or to the common elements, such as electricity, water and sewer.

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4.9. COMMON EXPENSES - All expenses and assessments properly incurred by the Association for the condominium.

4.10. COMMON SURPLUS - The excess of all receipts of the Association over the common expenses.

4.11. CONDOMINIUM DOCUMENTS - The Declaration and its attached exhibits, which set forth the nature of the property rights in the Condominium and the covenants running with the land which govern these rights. All the condominium documents shall be subject to the provisions of the Declaration. Documents which are still in force as previously promulgated and which are not amended hereby are the Articles of Incorporation of the Association, the Architects Certificate, as previously amended December 16, 1969, as filed in O.R. Book 573, Page 809, Lee County Public Records, and Plat in O.R. Book 520, Page 749, Lee County Public Records, and Condominiuims Plat Book 1, Pages 195-201, and amended Page 1 of 7 of Plat recorded with Architects Certificate in O.R. Book 570 at Page 709, Lee County Public Records.

4.12. CONDOMINIUM PARCEL - A unit together with the undivided share in the common elements which is appurtenant to the unit.

4.13. CONDOMINIUM PROPERTY - The lands and personal property, both tangible and intangible, subject to condominium ownership, whether or not contiguous and all improvements thereon and all easements and rights appurtenant thereto.

4.14. LIMITED COMMON ELEMENTS - Those portions of the common elements which are reserved for the use of a certain unit or units to the exclusion of other units.

4.15. OPERATION - The administration and management of the condominium property.

4.16. PERSON - An individual, corporation, trustee or other legal entity capable of holding title to real property.

4.17. SINGULAR, PLURAL, GENDER - Whenever the context so permits, the use of the plural shall include the singular, the singular, the plural and use of any gender shall be deemed to include all genders.

4.18. UNIT - A part of the condominium property which is subject to exclusive ownership.

4.19 UNIT NUMBER - The letter, number or combination thereof which is designated upon the surveyor plans (Exhibit "B") and which is used as the identification of a unit.

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4.20. UNIT OWNER - The owner of a condominium parcel.

5. UNITS SHALL BE CONSTITUTED AS FOLLOWS:

5.1. REAL PROPERTY - Each unit and all appurtenances thereto, for all purposes, constitute a separate parcel of real property, which may be owned in fee simple and which may be conveyed, transferred and encumbered in the same manner as any other parcel of real property, independently of all other parts of the condominium property, subject only to the provisions of the condominium documents and applicable laws.

5.2. BOUNDARIES - Each unit shall be bounded as to both horizontal and perimetrical boundaries as below defined, whether they exist now or are created by construction, settlement or movement of the buildings, or permissible repairs, reconstruction or alterations. Said boundaries are intended to be as follows and shall be determined in the following manner:

5.3. HORIZONTAL BOUNDARIES - The upper and lower boundaries of the units shall be:

5.4. UPPER BOUNDARY - The underside of the finished undecorated ceilings of the unit, extended to meet the perimetrical boundaries.

5.5. LOWER BOUNDARY - The upperside of the finished undecorated surface of the floors of the unit, extended to meet the perimetrical boundaries.

5.6. PERIMETRICAL BOUNDARIES - The perimetrical boundaries shall be the interior surfaces of the perimeter walls of the unit as shown on the surveyor plans and the interior surfaces of the unit's windows and doors that abut the exterior of the building or common areas. Where there exist porches or balconies exclusive to units, the unit boundaries are extended to include same within the unit.

5.7. EXCLUSIVE USE - Each unit owner shall have the exclusive use of his unit.

5.8. APPURTENANCES - The ownership of each unit shall include, and there shall pass as appurtenances thereto whether or not separately described, all of the right, title and interest of a unit owner in the condominium property which shall include, but not be limited to:

5.9. COMMON ELEMENTS - An undivided share of the common elements.

5.10. LIMITED COMMON ELEMENTS - The exclusive use (or use in common with one or more other designated units) of the following limited common elements that may exist:

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Garden area, storage locker, garage or other facility (enclosed, screened, fenced or open).

5.11. The parking space or spaces assigned to the unit.

5.12. ASSOCIATION MEMBERSHIP and an undivided share in the common surplus and property, real and personal, held by the Association. Including the right of user for recreation purposes in favor of Leonardo Arms Units II and III unit owners in the common recreational elements and the same privileges in proportion to their interest to participate in the use, operation and management and to serve as officers and directors of a common integrated association for the purpose of the management of said common recreational elements, as established by the instrument dated July 23, 1970, and recorded in O.R. Book 638, Page 102, Lee County Public Records, provided that the Association and owners in these phases pay their proportionate share of the expenses of using these facilities as determined by the Association.

5.13. EASEMENT TO AIR SPACE - An exclusive easement for the use of the air space occupied by the unit as it exists at any particular time and as the unit may be lawfully altered or reconstructed from time to time, which easement shall be terminated automatically in any air space which is vacated from time to time.

5.14. EASEMENTS - The following non-exclusive easements to (as applicable) each unit owner, to the Association and its employees, agents and hired contractors, to utility companies, unit owners' families in residence, guests, invitees and to governmental and emergency services (but not to the general public), are hereby granted and created:

5.15. INGRESS AND EGRESS - Easements over the common areas for ingress and egress to units and public ways.

5.16. MAINTENANCE, REPAIR AND REPLACEMENT - Easements through the units and common elements for operation, maintenance, repair and replacements. Such access is to be only during reasonable hours except that access may be had at any time in case of emergency.

5.17. UTILITIES - Easements through the common elements for conduits, ducts, plumbing, wiring and other facilities for the furnishing of services to other units and the common elements.

5.18. PUBLIC SERVICES - Access to the property and to the units for emergency, regulatory, law enforcement and other public services in the lawful performance of their duties.

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5.19. MAINTENANCE - The responsibility for the maintenance of each unit shall be as follows:

5.20. BY THE ASSOCIATION - The Association shall maintain, repair and replace at the Association's expense:

5.21. Such portions of the unit as contribute to the support of the building in which the unit is located including, but not limited to, the perimeter walls, columns, roof and floors. Also, wiring, piping, ductwork and other mechanical or electrical or other installations or equipment serving the common areas or more than one unit.

5.22. Provided that if the maintenance and repair and replacement of any of the above shall be made necessary because of the negligence, act or omission of a unit owner, his family, lessees, invitees and guests, in that event the work shall be done by the Association at the expense of the unit owner, and the cost shall be secured as an assessment.

5.23. All incidental damage caused to a unit by work done or ordered by the Association shall be promptly repaired by and at the expense of the Association..

5.24. BY THE UNIT OWNER - The responsibility of the unit owner shall be as follows:

5.25. To maintain, repair and replace at his expense, all portions of the unit except the portions to be maintained, repaired and replaced by the Association. The unit owner's responsibility specifically includes windows, window and balcony glass, doors (except wooden entrance doors which the Association will maintain), screens and associated hardware, appliances, fixtures, switches, fan motors, compressors, wiring, piping and ductwork serving only the particular unit, whether located inside or outside the unit.

5.26. A unit owner shall not paint or otherwise decorate or change the appearance of any portion of the building not within the interior walls of the unit or which is visible from the exterior of the unit, unless the written consent of the Association is obtained in advance. (This shall not be construed to require approval of interior shades, drapes or curtains (which shall be, or faced with, white or pastel tones) or for placing appropriate furniture on balconies, patios or terraces.)

5.27. ALTERATION AND IMPROVEMENT - No owner shall make any alterations in the portions of the improvements which are to be maintained by the Association or remove any portion thereof or make any additions thereto or

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do any work which would jeopardize the safety or soundness of the building or impair any easements.

5.28. COMMON ELEMENTS - The common elements and common surplus shall be owned by the unit owners in the shares shown upon Exhibit "B", the Surveyors Plat as previously recorded. Common expenses will be shared equally by each unit as provided by the Amendment to the original Declaration recorded in O.R. Book 782, Page 640, dated February 21, 1972, which is not hereby amended and which is incorporated herein and made a part hereof.

5.29. No action for partition of the common elements shall lie.

5.30. The maintenance and operation of the common elements shall be the responsibility of the Association which shall not, however, prohibit management contracts.

5.31. Each unit owner and the Association shall be entitled to use the common elements in accordance with the purposes for which they are intended, but no such use shall hinder or encroach unpon the lawful rights of owners of other units.

5.32. Material alteration of or substantial additions to the common elements may be effectuated only by amendment to the Declaration. Provided, however, that the Association is authorized to enter into agreements, to acquire leaseholds, memberships and other possessory or use interests in lands or facilities such as country clubs, golf courses, marinas and other facilities whether or not contiguous to the lands of the Condominium if they are intended to provide enjoyment, recreation or other use or benefit to the unit owners.

6. FISCAL MANAGEMENT - The fiscal management of the Condominium including budget, fiscal year, assessments, lien for and collection of assessments and accounts shall be as set forth in the By-Laws.

7. ASSOCIATION - The administration of the Condominium by the Board of Directors and its powers and duties shall be as set forth in the By-Laws.

8. INSURANCE - The insurance which shall be carried upon the property shall be governed by the following provisions.

8.1. ASSOCIATION TO PURCHASE - All insurance policies except those insuring an individual unit owner separately (see 8.2.) shall be purchased by the Association.

8.2. UNIT OWNERS - Each unit owner may obtain insurance at his own expense, affording coverage upon his personal property and for his personal liability, for owner or mortgagee title insurance and as the owner may desire.

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8.3. COVERAGE - CASUALTY - The buildings and all other insurable improvements upon the land and all personal property owned by the Association shall be insured in an amount equal to the current insurable replacement value thereof (exclusive of excavation and foundations) as determined from time to time to account for inflation. Such coverage shall afford protection against:

8.4. LOSS OR DAMAGE BY FIRE, WINDSTORM and other hazards covered by the standard extended coverage endorsement.

8.5. SUCH OTHER RISKS as from time to time customarily shall be covered with respect to buildings similar in construction, location and use as the buildings, including but not limited to, flood insurance, vandalism and malicious mischief, if available.

8.6. PUBLIC LIABILITY AND PROPERTY DAMAGE in such amounts and in such forms as may be necessary to adequately protect the Association.

8.7. WORKERS COMPENSATION AND UNEMPLOYMENT COMPENSATION to meet the requirement of law.

8.8. PREMIUMS - Premiums upon insurance policies purchased by the Association shall be paid by the Association and charged as common expenses.

8.9. ALL INSURANCE POLICIES PURCHASED by the Association shall be for the benefit of the Association, and the unit owners and their mortgagees as their respective interests may appear and shall provide that all proceeds payable as a result of casualty losses in excess of $10,000.00 shall be paid to any bank in Florida with trust powers as may be approved by the Association. Such bank is herein referred to as the Insurance Trustee. The Insurance Trustee shall not be liable for payment of premiums nor for the renewal of the policies, nor for the sufficiency of coverage, nor for the form or contents of the policies, nor for the failure to collect any insurance proceeds. The duty of the Insurance Trustee shall be to receive such proceeds as are paid and to hold and disburse them as provided in Paragraph 9, next following.

9. RECONSTRUCTION OR REPAIR OF CASUALTY DAMAGE - If any part of the common elements or units shall be damaged or destroyed by casualty, the same shall be repaired or replaced unless such damage rendered 80% or more of the units in the Condominium untenantable, and 80% of the owners' condominium vote against repair or replacement, in which event the proceeds shall be distributed to the unit owners and their mortgagees, as their interests may appear, and the condominium shall be terminated as provided in Paragraph 14 following.

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9.1. ANY SUCH RECONSTRUCTION OR REPAIR shall be substantially in accordance with the as-built plans and specifications.

9.2. CERTIFICATE - The Insurance Trustee may rely upon a Certificate of the Association certifying as to whether or not the damaged property is to be reconstructed or repaired. The Association, upon request of the Insurance Trustee, shall deliver this certificate as soon as practical.

9.3. ESTIMATE OF COSTS - Immediately after a casualty causing damage to property which the Association under Paragraph 8 has the responsibility to insure, the Association shall obtain reliable and detailed estimates of the cost to place the damaged property insofar as reasonably possible in condition as good as that before the casualty. Such costs may include professional fees and premiums for such bonds as the Board of Directors desires.

9.4. ASSESSMENTS - If the proceeds of insurance will not be sufficient to defray the estimated costs of reconstruction and repair by the Association (including the aforesaid fees and premium, if any) assessment shall be made against the unit owners in the Condominium who own the affected property in proportion to the damage suffered by such units in sufficient amounts to provide funds to pay the estimated costs. If at any time during reconstruction and repair, such funds are insufficient, special assessment shall be made against such unit owners in the same fashion in sufficient amounts to provide funds for the payment of such costs. It is specifically provided that those units which have suffered damage which is covered by insurance shall pay the insurance deductible amount, if any.

9.5. CONSTRUCTION FUNDS - The funds for payment of costs of reconstruction and repair after casualty, which shall consist of proceeds of insurance held by the Insurance Trustee and funds collected by the Association from assessments against unit owners, shall be disbursed in payment of such costs by the Insurance Trustee and the Association, upon the written request of the Association, signed by an Officer of the Association and by the Architect or Contractor in charge of the work who shall be selected by the Association, setting forth that the sum then requested either has been paid by the Association or is justly due to persons who have rendered services or furnished materials in connection with the work, giving a brief description of the services and materials and the amounts so paid or now due.

9.6. SURPLUS - It shall be presumed that the first monies disbursed in payment of costs of reconstruction and repair shall be from insurance proceeds; and if there is a balance in a construction fund after payment of all

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costs of the reconstruction and repair for which the fund is established, such balance shall be repaid to the owners of the affected property who contributed to the fund in the same proportion as their contributions were made. If insurance proceeds constituted the entire fund, any excess shall become part of the common surplus.

9.7. INSURANCE ADJUSTMENTS - The Board of Directors has the exclusive right to adjust with insurance companies all losses under policies purchased by the Association.

10. USE RESTRICTIONS - The use of the property of the Condominium shall be in accordance with the Amended Rules and Regulations attached as Exhibit "C" and the following provisions:

10.1. LAWFUL USE - All valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies which require maintenance, modification or repair upon condominium property shall be the same as the responsibility for the repair and maintenance of the property concerned as expressed earlier in this Declaration.

10.2. REGULATIONS - Reasonable regulations concerning the use of the condominium property may be made and amended from time to time by a majority vote of the Board of Directors. Copies of the regulations and amendments shall be furnished by the Association to all unit owners. No regulation may unlawfully discriminate against any group or class of users. No new or amended regulation affecting fundamental property rights may be enforced prior to approval by the owners. Changes in Exhibit "C" (Regulations) shall not be construed as amendments to this Declaration and need not be recorded in the Public Records.

10.3. USE OF THE UNITS is restricted to single family residential purposes only. Single family is defined to mean persons who are related by blood or marriage or persons who are living as a single economic unit under the same roof. The foregoing shall not be construed to restrict ownership of units which may be by natural persons, corporations, trusts or other entities, provided however that the occupancy of units owned by business entities shall be restricted to individuals who have been made known to the Association in advance of occupancy, and provided further that the use of such units shall be in compliance with all the same provisions of these documents applicable to units owned by natural persons.

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11. CONVEYANCE, DISPOSITION, FINANCING - In order to assure a community of congenial residents and protect the value of the units, the conveyance, disposal and financing of the units by any owner shall be subject to the following provisions:

11.1. NO OWNER may sell, lease, give or dispose of a unit or any interest therein in any manner without the written approval of the Association except to another unit owner. No lease may be for less than four consecutive weeks. Only entire units may be leased. All leases must expressly state that the lessee will abide by all of the condominium documents and that failure to do so is a material breach of the lease which will be a cause for forfeiture of the lease.

The owner of each unit, by this Declaration, grants to the Condominium Association the authority to act and to bring proceedings against lessees or tenants in the owner's name for violations of the documents, including eviction and termination.

11.2. NO OWNER MAY MORTGAGE his unit without the written approval of the Association except to an institutional lender regularly engaged in the business of making residential first mortgage loans, provided that a unit owner who sells his unit needs no approval to take back a purchase money mortgage.

11.3. THE APPROVAL OF THE ASSOCIATION SHALL be obtained as follows:

11.4. WRITTEN NOTICE SHALL BE GIVEN the Association by the owner of his intention to sell, lease, transfer in any fashion or encumber his interest. The notice shall include the name and address of the proposed lessee acquirer or lender and a correct and complete copy of the proposed documents to be executed to effectuate the transaction. The Association may require such other and further information as it deems reasonably necessary and may impose a charge not to exceed an amount permitted by law. No charge shall be made in connection with the extension or renewal of a lease.

11.5. IF A SALE, the Association must, within 30 days after receipt of the information required above, either approve the transaction, disapprove for cause, or upon the written demand of the owner, furnish an alternate purchaser it approves or itself elect to purchase, and the owner must sell to such alternate or to the Association upon the same terms set forth in the proposal given the Association or the owner may withdraw his proposed sale. If the Association fails or refuses within the allotted time to notify the owner of either approval or disapproval in writing, or if it fails to provide an alternate purchaser or

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make an election to purchase the unit itself then the Association shall conclusively be presumed to have approved the transaction, and the Association shall, upon demand, provide a certificate of approval.

11.6. AT THE OPTION OF THE OWNER OR THE ASSOCIATION, if a dispute as to price arises, it shall be submitted prior to any litigation to arbitration by two qualified real estate appraisers practicing in Southwest Florida. One shall be selected by each party, and the average of their appraisals shall be the agreed price; and a judgment of specific performance upon the arbitrators' average price may be entered in any court of jurisdiction. The arbitration expense shall be shared equally by the owner and the Association.

11.7. THE SALE SHALL BE CLOSED WITHIN 60 DAYS after an alternate purchaser has been furnished or the Association has elected to purchase or within 30 days of the arbitration award, whichever is later.

11.8. IF THE PROPOSED TRANSACTION IS A LEASE, GIFT, DEVISE or mortgage to a lender other than those types listed above, assignment of interest or other disposition than a sale, notice of disapproval of the Association shall be sent within thirty (30) days in writing to the owner or interest holder, and the transaction shall not be made.

11.9. NOTICE OF SUIT - An owner shall give notice to the Association of every suit or other proceedings which may affect the title to his unit, such notice to be given immediately after the owner receives knowledge thereof.

11.10. FAILURE TO COMPLY - Section 11.9 will not affect the validity of any judicial sale.

11.11. JUDICIAL SALES - No judicial sale of a unit nor any interest therein shall be valid unless the sale is a public sale with open bidding.

11.12. UNAPPROVED TRANSACTIONS - Any transaction which is not approved pursuant to the terms of this Declaration shall be void unless subsequently approved by the Association.

12. COMPLIANCE AND DEFAULT - Each owner and the Association shall be governed by and shall comply with the terms of the condominium documents as they may be amended from time to time.

12.1. Failure to comply shall be grounds for relief, which relief may include but shall not be limited to an action to recover damages or injunctive relief or both. Actions may be maintained by the Association or by any unit owner.

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12.2. In any such proceeding, the prevailing party shall be entitled to recover the costs of the proceeding and such reasonable attorney fees as may be awarded by the court.

12.3. In the event of a grievance of an owner against the Association, the Board of Directors or a member thereof, prior to the institution of litigation, written notice in detail of the grievance shall be given the Directors, and they shall be allowed a period of 20 days in which to try to resolve the grievance.

12.4. NO WAIVER OF RIGHTS - The failure of the Association or any owner to enforce any covenant, restriction or other provision of the condominium documents shall not constitute a waiver of the right to do so thereafter as to subsequent or other infractions.

13. AMENDMENTS - Amendments to this Declaration shall be made as follows:

13.1. An Amendment may be proposed either by the Board of Directors or by any owner and may be considered at any meeting of the owners, regular or special, of which due notice has been given according to the By-Laws, which notice includes notice of the substance of the proposed amendment. Passage shall be evidenced by a certificate executed in recordable form signed by the President or Vice President of the Association that it has been enacted by the affirmative vote of the required percentage of unit owners (which vote may be evidenced by written approval of owners not present), and the separate written joinder of mortgagees where required shall include the recording data identifying the location of the Declaration as originally recorded and which shall become effective when recorded in the public records.

13.2. CORRECTORY AMENDMENT - Whenever it shall appear that there is a defect, error or omission in any of the condominium documents, a simple majority vote of the voting interests in the Association shall be the required percentage, or the procedure set forth in F.S. 718.110(5) may be used.

13.3. REGULAR AMENDMENTS - An amendment which does not change the configuration or size of any condominium unit in any material fashion, materially alter or modify the appurtenances to a unit, change the percentages of ownership of the common elements, sharing of common expenses or materially adversely affects the property rights of unit owners may be enacted by a simple majority vote.

51% for reg amendments

13.4. EXTRAORDINARY AMENDMENTS - An amendment which will have the effect of doing any of the things mentioned in 13.3. above shall require the

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affirmative vote of all the record owners of the affected units and all record owners of liens thereon, but only if the same will have a material adverse effect on the owners' property rights.

100% for extraordinary amendments

14. TERMINATION - The Condominium shall be terminated in the following manner:

14.1. By the agreement of 80% of the owners, which agreement shall be evidenced by an instrument or instruments executed in the manner required for conveyance of land. The termination shall become effective when such agreement has been recorded in the public records.

14.2. SHARES OF UNIT OWNERS AFTER TERMINATION - After termination of the Condominium, the owners shall own the property as tenants in common in undivided shares, and the holders of mortgages and liens against the unit or units formerly owned by such owners shall have mortgages and liens upon the respective undivided shares of the owners. Such undivided shares of the owners shall be as shown upon Exhibit "B" to the Declaration. All funds of the Condominium held by the Association except for the reasonably necessary expenses of winding up shall be disbursed to the unit owners and mortgagees as their interests may appear. The costs incurred by the Association in connection with a termnination shall be a common expense.

14.3. FOLLOWING TERMINATION - The property may be partitioned and sold upon the application of any owner. Provided, however, that if the Board of Directors following a termination determines to accept an offer for the sale of the condominium property, each owner shall by his acceptance of a deed to his unit, be deemed to have granted power of attorney to the Board of Directors to execute such deeds and other documents required to effect sale. In such event, any action for partition shall be held in abeyance pending sale, and upon the consummation of the sale shall be discontinued by all parties thereto.

15. RIGHTS OF MORTGAGEES - Where an approved institutional mortgagee of a first mortgage of record obtains title to a unit by foreclosure or by deed in lieu of foreclosure, such mortgagee and its successors and assigns shall not be liable for such unit's assessments or share of the common expenses which became due prior to acquisition of title unless it is secured by a claim of lien for assessments recorded prior to the recordation of the mortgage.

Also, such mortgagee may obtain title,own, occupy, lease, sell or otherwise dispose of such unit without the approval of the Association.

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16. ENFORCEMENT OF ASSESSMENT LIENS - Liens for assessments may be foreclosed by suit brought in the name of the Association in the same manner as a foreclosure of mortgage on real property. During his occupancy, the foreclosed owner shall be required to pay a reasonable rental, and the Association shall be entitled to the appointment of a receiver to collect it, and the Association shall have all the powers provided in F.S. 718.116 and shall be entitled to collect interest at 18% per annum on unpaid assessments and reasonable attorneys' fees incident to the collection of such assessment or enforcement of such lien, with or without suit.

17. MEMBERS - The qualification of members, the manner of their admission shall be as follows:

17.1. ALL OWNERS OF UNITS in the Condominium shall be members of the Association, and no other persons or entities shall be entitled to membership, nor to serve as Directors.

17.2. MEMBERSHIP IN THE ASSOCIATION shall be established by the recording in the Public Records of Lee County, Florida, a deed or other instrument establishing a change of record title to a unit in the Condominium; the new owner thereby becoming a member of the Association. The membership of the prior owner shall be thereby terminated. Provided, however, that the change of ownership and occupancy of the new owner must have been in compliance with this Declaration, and the Association need not recognize membership or ownership in any person until its requirements have been complied with.

18. COMMON EXPENSES - The percentage of sharing common expenses are an equal share for each unit.

19. SEVERABILITY - If any provision of this Declaration or its exhibits as now constituted or as later amended or any section, sentence, clause, phrase or word, or the application thereof in any circumstances is held invalid, the validity of the remainder and of the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

20. VOTING - Each unit shall have one full indivisible vote in all matters.

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IMPORTANT NOTICE

The following is not a new rule, but we want to call your attention to the importance of it. We are striving to provide security for our occupants, and we must abide by the Fire Department rules.

21. Owners must notify the manager in advance when their units will be occupied in their absence, whether the occupants be family or renters, giving the same information as is required on rental requests. This is very important for security reasons.

Also, you should be aware that, with the adoption of Rule #24, we are now is a position to legally impose the fines specified in our By-Law #4.13 (copy attached).

4.13. THE DIRECTORS MAY, pursuant to F.S.617.10(3), impose fines in such reasonable sums as they deem appropriate, not to exceed $150.00, against unit owners for violations of the condominium documents, including the Rules and Regulations, by owners or their guests or lessees and to be secured and collect the fine in the same manner as an assessment for common expenses. Each day of violation shall be a separate violation. No fine shall be imposed until the owner(s) has been given an opportunity to be heard before the Board.

The following Amendments have been made to our documents, Exhibit C - Rules and Regulations, in accordasnce with our Declaration, paragraph 10.2. Please attach them to the last page of your Amended Documents.

15. (as amended). Children under thirteen (13) may not maintain residence for a period exceeding three months per year. Guests who will be in residence for more than a few days should be made known to the Association.

---

24 (new rule):

(a) The party against whom the fine is sought to be levied shall be afforded an opportunity for hearing after reasonable notice of not less than fourteen (14) days and said notice shall include:

1. A statement of the date, time and place of hearing.

2. A statement of the provisions of the declaration, association by-laws, or association rules which have allegedly been violated, and

3. A short and plain statement of the matters asserted by the association.

(b) The party against whom the fine may be levied shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge and respond to any material considered by the association.

**Town of Fort Myers Beach**
**Agenda Item Summary** Yellow Sheet Number:**2024-1406**

1. **Requested Motion:** **Meeting Date: January 9, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

**Why the action is necessary:**
The LPA hears special exception requests and recommends action to the Town Council.

**What the action accomplishes:**
The recommendation will be forwarded to Town Council.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

---

5. **Background:**
JABO LLC, owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of192 Estero Blvd, known as Pink Shell Resort, is requesting a special exception, to allow the reconstruction of pool and beach amenities, seaward of the Coastal Construction Control Line (CCCL), that were destroyed by Ian. The applicant proposes the replacement of pool deck, pool cabanas, a pool fence, irrigation and tiki huts. The site plan in your packet shows eight (8) tiki huts. The two (2) huts closest to the water are moveable and will be brought in daily during turtle season. The six (6) huts located further away from the water are permanent. The applicant has shown a line on the site plan indicating a "managed beach dune #3 low dune". This dune type is vegetated with panic grass, dune sunflowers, sea oats, and railroad vines. The dune will limit the risk of any sea turtles venturing into the area with permanent tiki huts and getting stuck.

**Attachments:**
1. Resolution 24-13 Pink Shell Accessory in EC
2. Staff Report
3. Exhibit A Site Plan Showing Dune
4. Exhibit B Pamphlet showing tikis
5. Exhibit C LPA postcard
6. Exhibit D SEZ Application

**Financial Impact:**
unknown

6. **Alternative Action**
Deny request

7. **Staff Recommendations:**
Recommend approval

8. **Recommended Approval:**

_____ Date: January 03, 2024

Frankie Kropacek, Operations & Compliance Director

_____ Date: January 05, 2024

Nancy Stuparich, Town Attorney

_____ Date: January 05, 2024

Amy Baker, Town Clerk

**RESOLUTION NUMBER 24-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 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**, applicants Jabo LLC and Captiva Villas Development LLC is requesting a special exception for the reconstruction of major accessory structures that were destroyed during hurricane Ian, including a pool deck, walkways, and a fence in the Environmentally Critical zoning district; and

**WHEREAS**, the STRAP number for the subject property is 24-46-23-W1-00700.0340 (275/322 Estero blvd), 24-46-23-W1-00700.037A (Captiva Villas C/E), 24-46-23-W1-00700.0330 (200 Estero blvd);

**WHEREAS**, the Property is located in the “Recreation” category of the Future Land Use Map of the Comprehensive Plan 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 January 9, 2024, 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/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

**WHEREAS**, on January 22, 2024 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 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 Applicant **did** meet its burden of proof that the requested Special Exception **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/APPROVES WITH CONDITIONS/DENIES** the special exception for the reconstruction of a pool deck, walkways and a fence in the Environmentally Critical zoning district.

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 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:

A. Any repairs must comply with all relevant local and state floodplain regulations.
B. Repairs may not damage existing dunes or dune vegetation.
C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
D. A new special exception must be applied for each time the structure is repaired.

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

A. The terms and conditions of all previous resolutions and ordinances shall continue in full force.

B. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of August 27, 2013.

C. Additional repairs to major structures in the EC zoning district will require a new special exception.

D. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.

E. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.

F. Any violation of the conditions of approval shall render the special exception null and void.

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

| | |
|---|---|
| Dan Allers, Mayor | ___ |
| Jim Atterholt, Vice Mayor | ____ |
| John R. King | ___ |
| Karen Woodson | ___ |
| Vacant | ___ |

ADOPTED this ___day of January 2024 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:**

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of January 2024.

# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT
## STAFF REPORT

| | |
|---|---|
| **TYPE OF CASE:** | **Special Exception** |
| **CASE NUMBER:** | **SEZ 20230226** |
| **CASE NAME:** | **Special Exception for Pink Shell (275/322 Estero, 200 Estero, 192 Estero Common Element only) to reconstruct pool and beach amenities seaward of the 1978 Coastal Construction Control Line.** |
| **LPA HEARING DATE:** | **January 9, 2024 at 9:00 AM** |
| **STAFF RECOMMENDATION:** | **Approve with conditions** |
| **PREPARED/ SUBMITTED BY:** | **Sarah Propst, AICP, PMP/ Jason Green AICP, CFM** |

## I. APPLICATION SUMMARY

| | |
|---|---|
| Applicant/Owner: | Sarah Spector/JABO LLC, Bill Waichulis |
| Request: | The applicant is requesting a special exception to allow the reconstruction of the pool fence, pool, deck, cabanas, six chickee huts, and irrigation seaward of the 1978 Coastal Construction Control Line. |
| Subject property: | Exhibit A – Adopted Master Concept Plan |
| Physical Address: | 275/322 Estero Blvd, 200 Estero Blvd, 192 Estero Blvd Common Element only |
| STRAP #: | 24-46-23-W1-00700.0340 (275/322 Estero blvd), 24-46-23-W1-00700.037A (Captiva Villas C/E), 24-46-23-W1-00700.0330 (200 Estero blvd) |
| FLU: | Recreation |

Zoning: Commercial Planned Development & Environmentally Critical

Adjacent zoning and land uses:

North: COMMERCIAL PLANNED DEVELOPMENT,
Mixed Residential

South: ENVIRONMENTALLY CRITICAL (EC)
Recreation

East: RESIDENTIAL PLANNED DEVELOPMENT (RPD) &
RESIDENTIAL MULTIFAMILY (RM)
Mixed Residential

West: RESIDENTIAL MULTIFAMILY (RM)
Mixed Residential

## II. BACKGROUND AND ANALYSIS

Background:
JABO LLC, owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of192 Estero Blvd, known as Pink Shell Resort, is requesting a special exception, to allow the reconstruction of pool and beach amenities, seaward of the Coastal Construction Control Line (CCCL), that were destroyed by Ian.

The original Pink Shell rezoning was in 1982 (Z-82-170). Since that time, several modifications to the CPD have been adopted. The proposed layout appears to closely match the approved and previously existing development seaward of the 1978 CCCL.

Analysis:
The applicant proposes the replacement of pool deck, pool cabanas, a pool fence, irrigation and tiki huts. The site plan in your packet shows eight (8) tiki huts. The two (2) huts closest to the water are moveable and will be brought in daily during turtle season. The six (6) huts located further away from the water are permanent. The applicant has shown a line on the site plan indicating a "managed beach dune #3 low dune". This dune type is vegetated with panic grass, dune sunflowers, sea oats, and railroad vines. The dune will limit the risk of any sea turtles venturing into the area with permanent tiki huts and getting stuck.

The LDC was recently updated to allow major primary and accessory structures to be repaired in the EC zoning district with the approval of a special exception. Prior to the code change, only single-family residences could be repaired in the EC zoning district.

Neighborhood Compatibility:
The proposed replacement of existing structures will have no impact on the adjacent properties because the proposed structures existed prior to the storm and no

additional structures are proposed.

Properties to the north and south of this location will likely require special exceptions in order to replace structures which existing and were damaged or destroyed by hurricane Ian.

Considerations, Findings and Conclusions:

Section 6-366(b)(3) Regulations and Considerations
LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

*a. Any repairs must comply with all relevant local and state floodplain regulations.*

The development will be required to meet all local and state floodplain regulations.

*b. Repairs may not damage existing dunes or dune vegetation.*

The repairs are proposed landward of the dune and native vegetation will not be impacted.

*c. Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*

Sea turtle nesting season ended on October 31st .

*d. A new special exception must be applied for each time the structure is repaired.*

This will be a condition of the special exception approval.

Special Exception Findings
LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The pool and all facilities in the EC were destroyed or severely damaged during Ian. Construction seaward of the EC is likely to be damaged by storm surge in the future.

2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment does not create any new development or change the location from what previously existed on the site. Therefore staff believes that

this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality and it will not create a nuisance to adjacent properties.

4) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The request will maintain what was previously constructed on this property. It will not have an additional negative impact. The proposed dune seaward of the development will limit any impacts on sea turtles.

5) *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

There is no anticipated negative impact or injury to surrounding properties.

6) *Whether a 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.*

The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows replacement of major accessory structures also.

## III. RECOMMENDATION

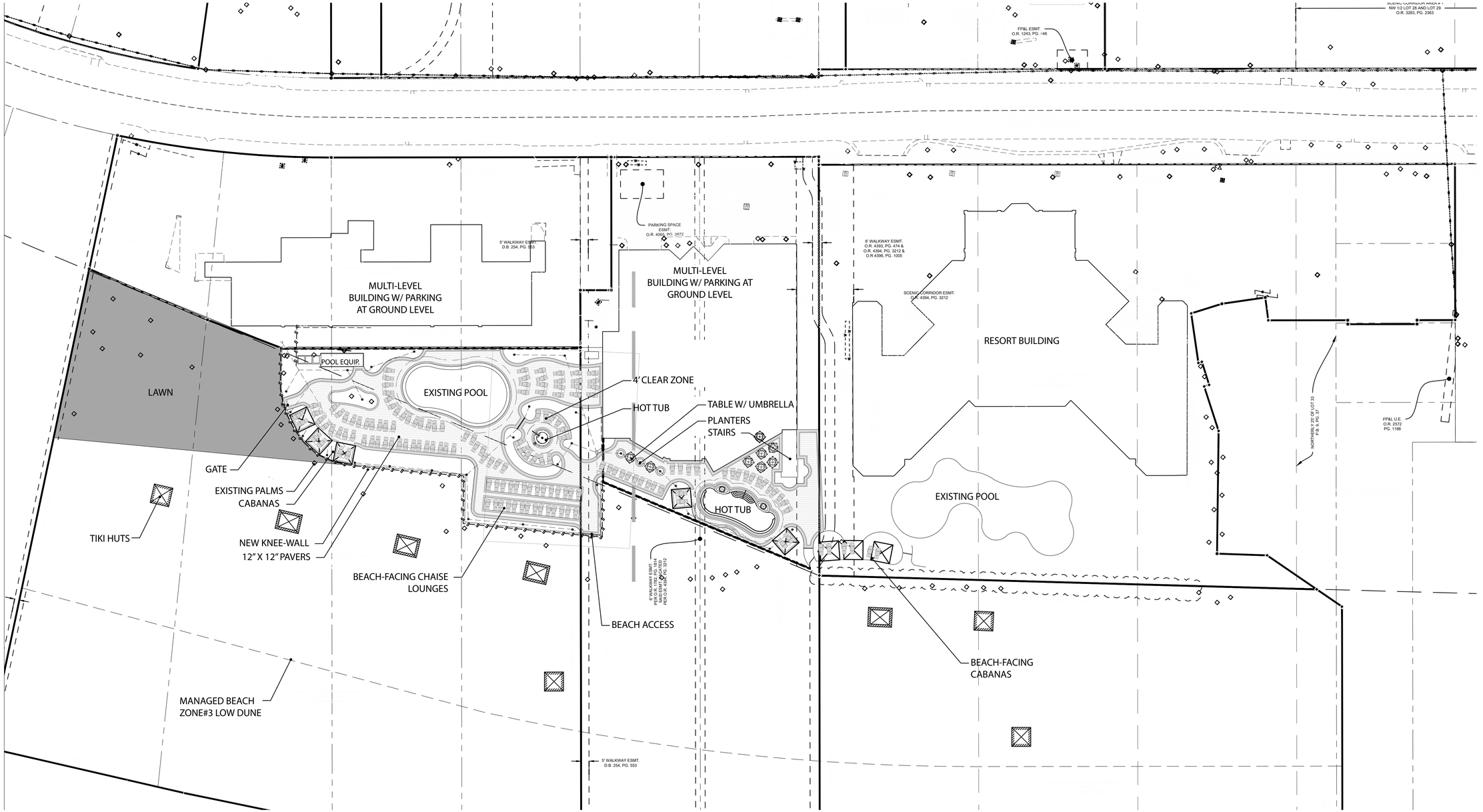
Staff finds that the Special Exception request meets the required findings and conclusions for approval found in Section 6-366(b)(3) and 34-88(b) of the land development code. Staff recommends approval of DCI20230226 to allow the replacement of pool and beach amenities at Pink Shell Resort, with the attached conditions.

## IV. CONDITIONS OF APPROVAL

1. The terms and conditions of all previous resolutions and ordinances shall continue in full force.
2. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of August 27, 2013.
3. Additional repairs to major structures in the EC zoning district will require a new special exception.
4. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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.
5. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.

**V. Staff Report Exhibits:**

A – Updated site plan showing dune
B – Pamphlet showing original chickees
C – Postcards to adjacent property owners
D – Complete application




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Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

# PINK SHELL RESORT • **POOL DECK CONCEPT**

Lee County, FL

December 1, 2023

# 23004319

0 30' 60'

SCALE: 1" = 30'-0"

For illustrative purposes only.
Subject to change without notice.

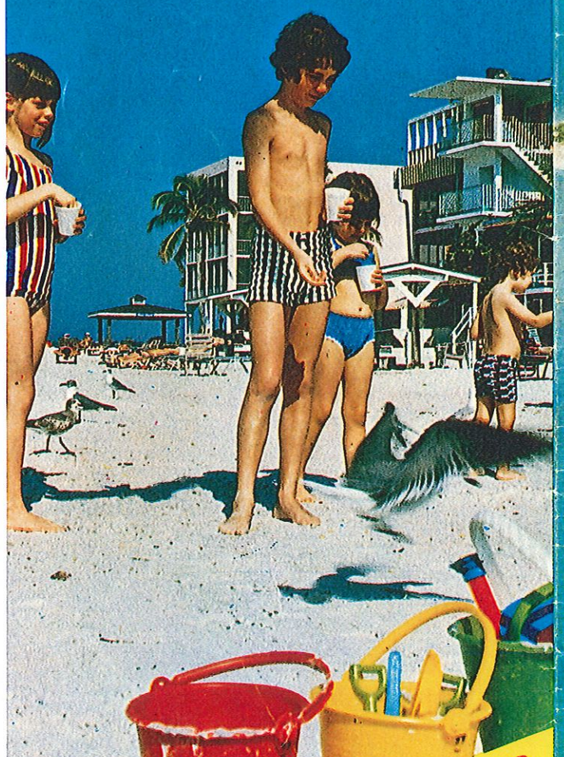
FORT MYERS BEACH, FL.

# Pink Shell

## Family Resort

ON ESTERO ISLAND

ON THE GULF OF MEXICO



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RESERVE YOUR ACCOMMODATIONS . . . NOW!!

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Fort Myers Beach, FL 33931
*On Estero Island*
Telephone (813) 463-6181

FORT MYERS BEACH, FL.

# Pink Shell

## Family Resort

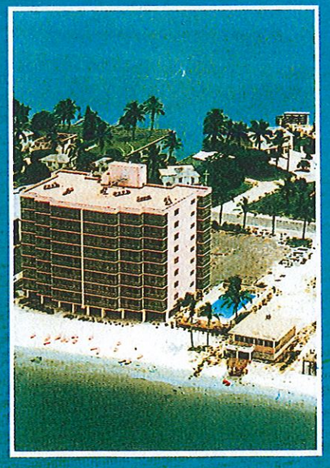
ON ESTERO ISLAND

ONE STAY USUALLY MEANS MANY MORE



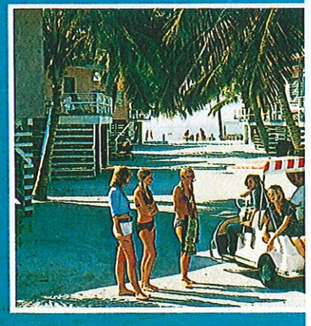
For your island sojourn
ON BEAUTIFUL ESTERO ISLAND
directly on the Gulf of Mexico and Estero Bay
Florida's Southwest Sun Coast
Ft. Myers Beach, Florida
The Pink Shell facilities span the breadth
of this tropical island from Gulf to Bay.



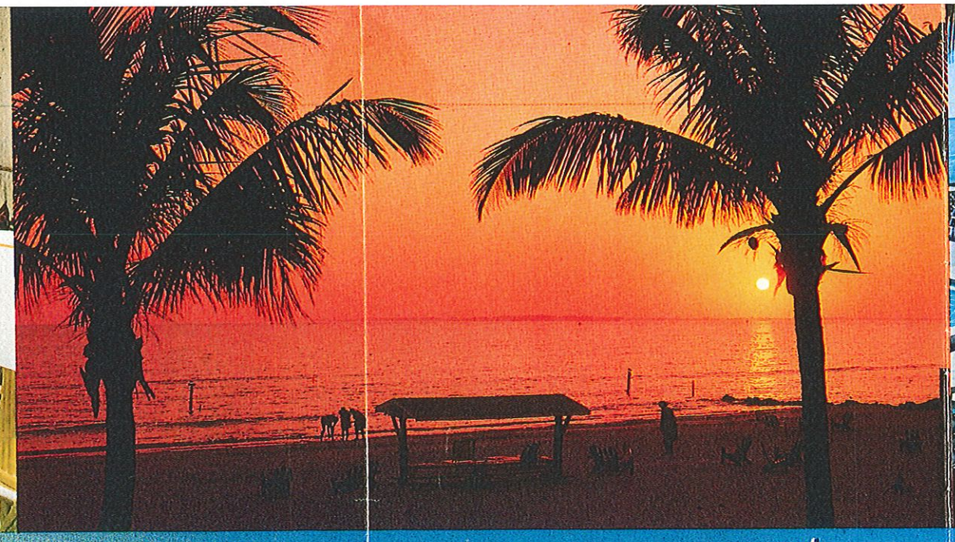


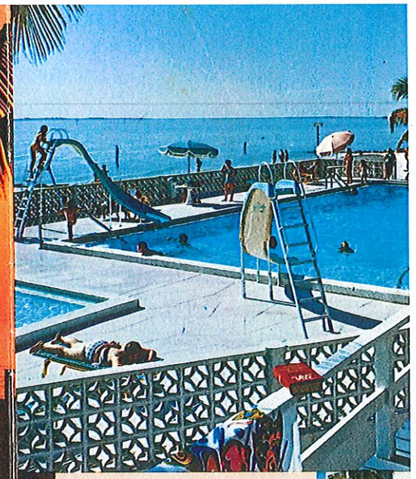
Join us . . . nearly a half mile
waterfront on the Gulf and Bay. Stro
white sandy beach, sun bathe or searc
bountiful shells found in this area. Th
seascape with shrimp boats coming an
picturesque, everchanging sunsets to
delight your senses. It's a panorama o
as active, exciting or lazy and relaxing

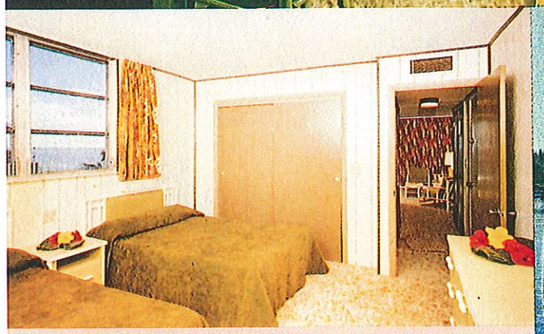
There's water everywhe
From Gulf to Bay
is only a
few steps . . . and
it's all yours to enjoy!



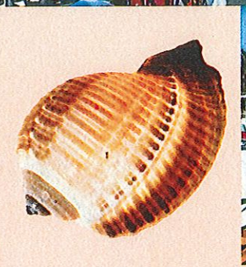














Pink Shell
COTTAGES
FORT MYERS BEACH, FLORIDA

Stay in luxurious accommodations . . . from a simple motel room to a 3-bedroom, 3-bath apartment. More than mere function was considered in the appointments of Pink Shell. Everything to make your holiday as pleasant and comfortable as possible has been incorporated into these deluxe accommodations. The soft warmth of carpeting, temperature control with central heat and air conditioning, color television for entertainment, telephone for easy communication, modern kitchen needs for easy meal preparation, sun decks or screened-in porches for leisure hours are all yours to enjoy at Pink Shell. Everything is furnished from a can opener to television!

You'll be reluctant to leave . . . leisure time activities are plentiful and the pace is slow and tropical.

# Welcome to the Pink Shell Family Resort

SWIMMING . . . in our three heated, f
or in the Gulf, on the world's safest be
tow. FISHING . . . from our five pier
fishing from charter and party boats.
we have rental boats, ramp and docka
explore the inlets, rivers and Gulf. WA
for the entire family on shallow Gulf
undisturbed bay. TENNIS . . . enjoy
lighted courts. SHELLING . . . this ar
renown shelling haven. GOLFING . .
drive to several championship courses.
ROOM . . . to keep the small fry busy

If you choose you can doze on the sa
the sun 'cause we have plenty for ever
convenience our Ship Store has groce
fishing and boating supplies.

P.S. Visit us soon . . . reservations sug

## Drop anchor at the Pink Shell for a holiday of fun and relaxation for the entire fa

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

## NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

**Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please check for meeting changes on our website WWW.FMBGOV.com.**

**TIME: 9 AM**
**DATE: LPA January 9, 2023 and Town Council January 22,2023**
**CASE: SEZ20230226**
**ADDRESS: 200 Estero Blvd**
**APPLICANT: Jabo LLC/ Captiva Villas Development**
**REQUEST: The applicant is requesting a Special Exception to reconstruct the pool, paver deck, 6 chickee huts and irrigation, seaward of the 1978 CCCL**

**TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM**

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
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# PINK SHELL SPECIAL EXCEPTION REQUEST
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# PUBLIC HEARING APPLICATION

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 200 Estero Boulevard, Fort Myers Beach, FL

STRAP Number: 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Applicant: JABO LLC and Captiva Villas Development LLC Phone: 239.463.8601

Contact Name: Sarah Spector, Roetzel & Andress Phone: 239.338.4213

Email: sspector@ralaw.com Fax: 239.337.0970

Current Zoning District: CPD, MPD and EC

Future Land Use Map (FLUM) Category: Mixed Residential and Recreation

FLUM Density Range: 6 du/acre Platted Overlay: ☐ YES ☑ NO

| ACTION REQUESTED | SUPPLEMENTAL FORM REQUIRED |
|---|---|
| ☑ Special Exception | PH-A |
| ☐ Variance | PH-B |
| ☐ Conventional Rezoning | PH-C |
| ☐ Planned Development ☐ Commercial ☐ Residential | PH-D |
| ☐ Master Concept Plan Extension | PH-E |
| ☐ Appeal of Administrative Action | PH-F |
| ☐ Vacation of Platted Right-of-way and Easement | PH-G |
| ☐ Other – cite LDC Section: _____ | attach on separate sheet |

### PART I – General Information

A. Applicant*: JABO LLC and Captiva Villas Development LLC Phone: 239.463.8601

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 275 Estero Boulevard, Fort Myers Beach, FL 33931

Email: bwaichulis@boykin.com Fax: 239.463.8640

Contact Name: Bill Waichulis Phone: 239.463.8601



Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

B. Relationship of Applicant to subject property:

☑ Owner* ☐ Land Trust* ☐ Partnership*
☐ Corporation* ☐ Association* ☐ Condominium*
☐ Subdivision* ☐ Timeshare Condo* ☐ Contract Purchaser*
☐ Authorized Representative* ☐ Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Sarah Spector, Roetzel & Andress Phone: 239.338.4213
Address: 2320 First Street, Suite 1000, Fort Myers, FL 33901
Email: sspector@ralaw.com Fax: 239.337.0970

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

## PART II – Nature of Request

Requested Action (each request requires a separate application)

☑ Special Exception
☐ Variance from LDC Section _____ - _____
☐ Conventional Rezoning from _____ to _____
☐ Planned Development
☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
☐ Amendment. List the project number: _____
☐ Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

## PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: N/A Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

## PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: N/A Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

## AFFIDAVIT
## APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

_____ _____
Signature Printed Name

**STATE OF _____ COUNTY OF _____**

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR _____ online notarization, this _____day of _____, 20_____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

(SEAL) _____
Notary Public Signature

## PART V
### Property Ownership (Multiple Owners)

☑ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☑ Complete Disclosure of Interest Form (see below)
- ☑ Attach list of property owners as Exhibit 5-1
- ☑ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

### DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage Ownership |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |


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Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address and Office | Percentage of Stock |
|---|---|
| JABO LLC and Captiva Villas Development LLC | |
| Robert Boykin, John Boykin | 100% |
| 275 Estero Boulevard, Fort Myers Beach, FL 33931 | |
| | |

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name, Address and Office | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |



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# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

| Name | Address |
|---|---|
| | |
| | |
| | |
| | |

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ William Waichulis, Officer, JABO, LLC

Signature Printed Name

**AFFIDAVIT**

**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, William Waichulis (name), as President (title) of JABO LLC and New Pink Shell LLC* (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC



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Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

# COMMUNITY DEVELOPMENT DEPARTMENT
## APPLICATION for PUBLIC HEARING

JABO LLC and New Pink Shell LLC*

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

President

Title

William Waichulis

Typed or Printed Name

10/30/23

Date

**STATE OF** Florida **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 30 day of October, 2023, by WilliamWaichulis ☒ who is personally known to me OR ☐ who has produced _____ as identification.

ASHLEY G. MPANZA
MY COMMISSION # HH 000365
EXPIRES: May 17, 2024
Bonded Thru Notary Public Underwriters

Notary Public Signature

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC

### PART VI– Property Information

A. Legal Description:

STRAP: 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Property Address: 200/275/322 Estero Boulevard, Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☑ Yes. Property identified in subdivision: See attached List of Property Owners (Exhibit 5-1)

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



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C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: _____ ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

From Sky Bridge, go north on Estero Boulevard +/- 1 mile. Pink Shell Resort is located on both sides of Estero Boulevard, with the property in question being on the west (Gulf) side.

☑ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☑ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☑ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☑ Attach a map showing the surrounding property owners as Exhibit 6-7.

☑ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

| | |
|---|---|
| ☐ Low Density | ☐ Marina |
| ☑ Mixed Residential | ☑ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



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# EXHIBIT 5-1

# LIST OF PROPERTY OWNERS

**EXHIBIT 5-1**

**LIST OF PROPERTY OWNERS**

| | Property Owner | Property Address | STRAP Number | Plat Reference |
|---|---|---|---|---|
| 1 | JABO LLC | 275/322 Estero Boulevard | 24-46-23-W1-00700.0340 | Portion of Lots 39 through 42, Island Shores Club Section, according to the plat thereof recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida (the "Island Shores Club Plat") |
| 2 | Captiva Villas Development LLC | N/A | 24-46-23-W1-00700.037A | Portion of Lots 37 and 38, Island Shores Club Section, according to the Island Shores Club Plat |
| 3 | JABO LLC | 200 Estero Boulevard | 24-46-23-W1-00700.0330 | Portion of Lots 33 through 36, Unit No. 4 Island Shores, according to the plat thereof recorded in Plat Book 9, Page 37 of the Public Records of Lee County, Florida |

# UNIT Nº 4
# ISLAND SHORES
## A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46S, R23E ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale: 1" = 100'  October, 1951

### DESCRIPTION

A tract or parcel of land in U.S. Lot 1, Section 24, T46S, R23E on Estero Island described as follows:
Begin at the northwesterly corner of lot 25 of Unit No. 3, Island Shores according to a plat recorded in plat book 9, at page 27 of the public records of Lee County, Florida thence run northeasterly along the northwesterly boundary of said Unit Nº 3 for 60'; thence southeasterly along the northeasterly line of Estero Boulevard as shown on said plat for 805.41'; thence deflect left 111°51' and run northerly 150.70'; thence deflect right 90°00' and run easterly for 150'; thence deflect left 90°00' and run northerly along the western boundary of Unit No. 2, Island Shores, according to a plat recorded in said plat book 9, at page 25, for 390' more or less to the waters of Matanzas Pass; thence northwesterly along said waters to an intersection with a line parallel to the northwesterly line of said lot 25 of Unit No. 3 and 1100' (measured on a perpendicular) northwesterly therefrom; thence southwesterly along said parallel line for 450' more or less to the waters of the Gulf of Mexico; thence southeasterly along said waters to the northwesterly line of said lot 25 of Unit No. 3; thence northeasterly along said line for 385' more or less to the point of beginning, together with all riparian rights appurtenant thereto.

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Island Shores, Inc., a corporation under the laws of Florida, the owner of the hereon described lands has caused this plat of UNIT Nº 4, ISLAND SHORES to be made and does hereby dedicate to the perpetual use of the public all streets, roads, and/or boulevards and canals shown hereon.
IN WITNESS WHEREOF Island Shores, Inc., has caused this dedication to be signed in its name by its president and its corporate seal to be affixed, attested by its secretary this 9th day of Oct., A.D. 1951.

ISLAND SHORES, INC.
By: John Waltman
President
Attest: James B. Kelley
Secretary

### ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day before me personally appeared John Waltman and James B. Kelley, respectively president and secretary of Island Shores, Inc., a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and that said dedication is the act and deed of said corporation.
WITNESS my hand and official seal at Fort Myers, said County and State this 9th day of October, A.D. 1951.

Doris M. Richardson
Notary Public, State of Florida at large.
My Commission expires Aug. 22 1955

NOTES
P.R.M.'s are 4" × 4" × 24" Concrete Monuments.
Indicates Concrete Monument set.

Both chord and arc distances are given on curved lines with angles to chords.

### APPROVALS

This plat accepted this 17th day of October, 1951 in open meeting of the Board of County Commissioners of Lee County.
Approved: Chairman
D. D. Farabee
Clerk

I HEREBY CERTIFY that this plat of UNIT NO. 4, ISLAND SHORES has been examined by me, and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 4 P.M. this 22nd day of October 1951 and duly recorded in Plat Book 9, at Page 37 at the public records of Lee County, Florida.
D. D. Farabee
Clerk of the Circuit Court in and for Lee County

135757

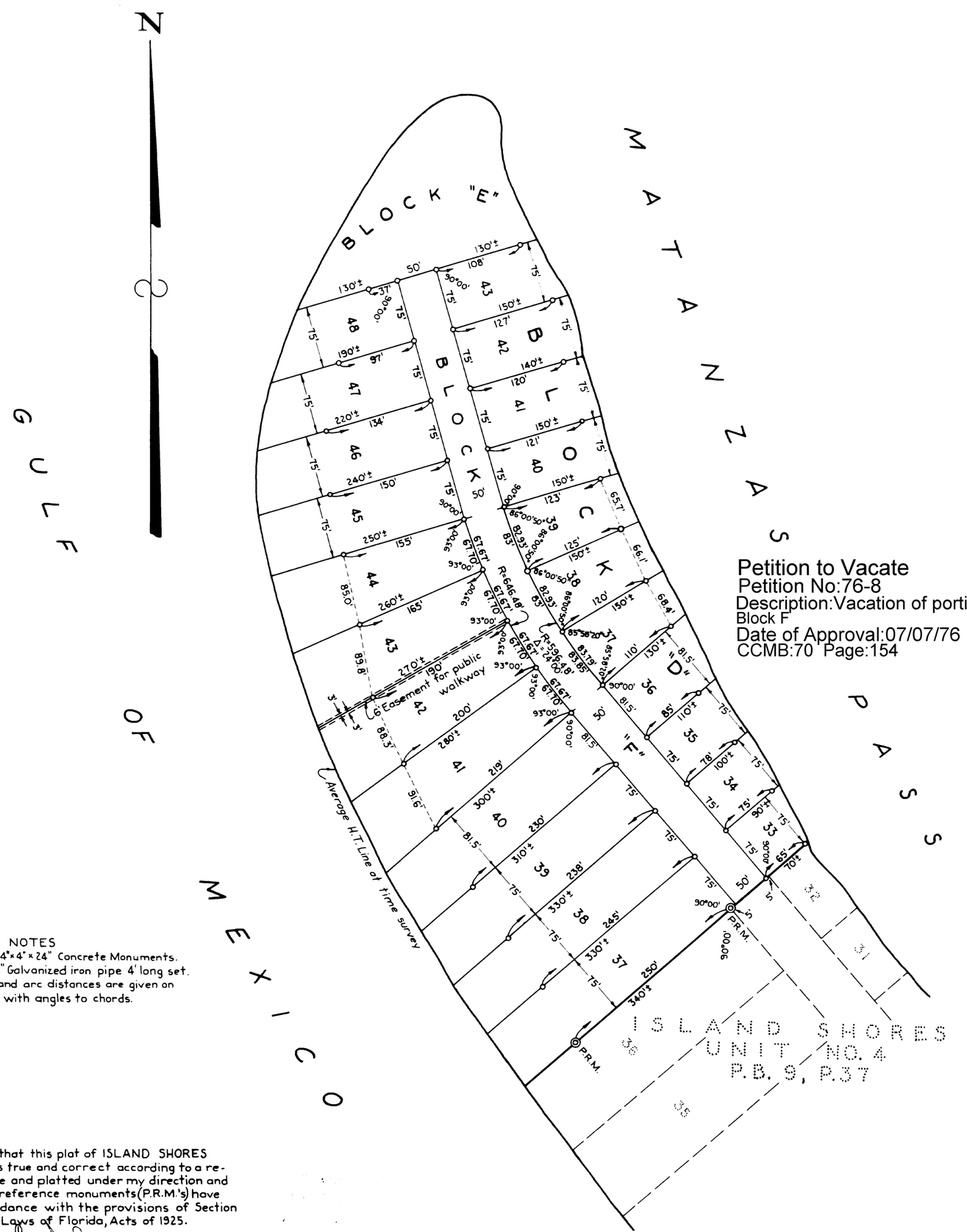
I hereby certify that this plat of UNIT NO. 4, ISLAND SHORES is true and correct according to a recent survey made and platted under my direction and that permanent reference monuments (P.R.M's) have been set in accordance with the provisions of Sec. 7, Chap. 10275, Laws of Florida, Acts of 1925.

Carl B. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Johnson & Cothern, Ft. Myers, Florida

# ISLAND SHORES CLUB SECTION

## A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46 S, R23E
## ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale: 1" = 100'  March 1952




### DESCRIPTION

All that part of U.S. or Government Lot 1, Section 24, Township 46 South, Range 23 East lying north and west of the northwesterly boundary of Unit No. 4, Island Shores according to a map or plat thereof recorded in Plat Book 9 at Page 37 of the public records of Lee County.

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS that John Waltman and his wife Doris H. Waltman, the owners of the hereon described lands have caused this plat of ISLAND SHORES CLUB SECTION to be made and do hereby dedicate to the perpetual use of the public all streets, roads and/or boulevards shown hereon.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seal this 15th day of March, A.D. 1952.

WITNESS: Frances Farrar  John Waltman SEAL

WITNESS: Arthur K. Knudsen Jr.  Doris H. Waltman SEAL

Petition to Vacate
Petition No:76-8
Description:Vacation of portion of road
Block F
Date of Approval:07/07/76
CCMB:70 Page:154

### ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared John Waltman and his wife Doris H. Waltman, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.

WITNESS my hand and official seal at Fort Myers, said County and State this 18th day of March A.D. 1952.

Arthur K. Knudsen Jr.
Notary Public, State of Florida at large
My Commission expires July 29 1955

NOTES
- P.R.M.'s are 4"×4"×24" Concrete Monuments.
- Indicates 1¼" Galvanized iron pipe 4' long set.

Both chord and arc distances are given on curved lines with angles to chords.

I hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a recent survey made and platted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

Carl G. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Johnson & Cothern, Fort Myers, Fla.

### APPROVALS

This plat accepted this 19th day of March, A.D. 1952 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: _____
Chairman

L. J. Larrabee
Clerk

I HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.

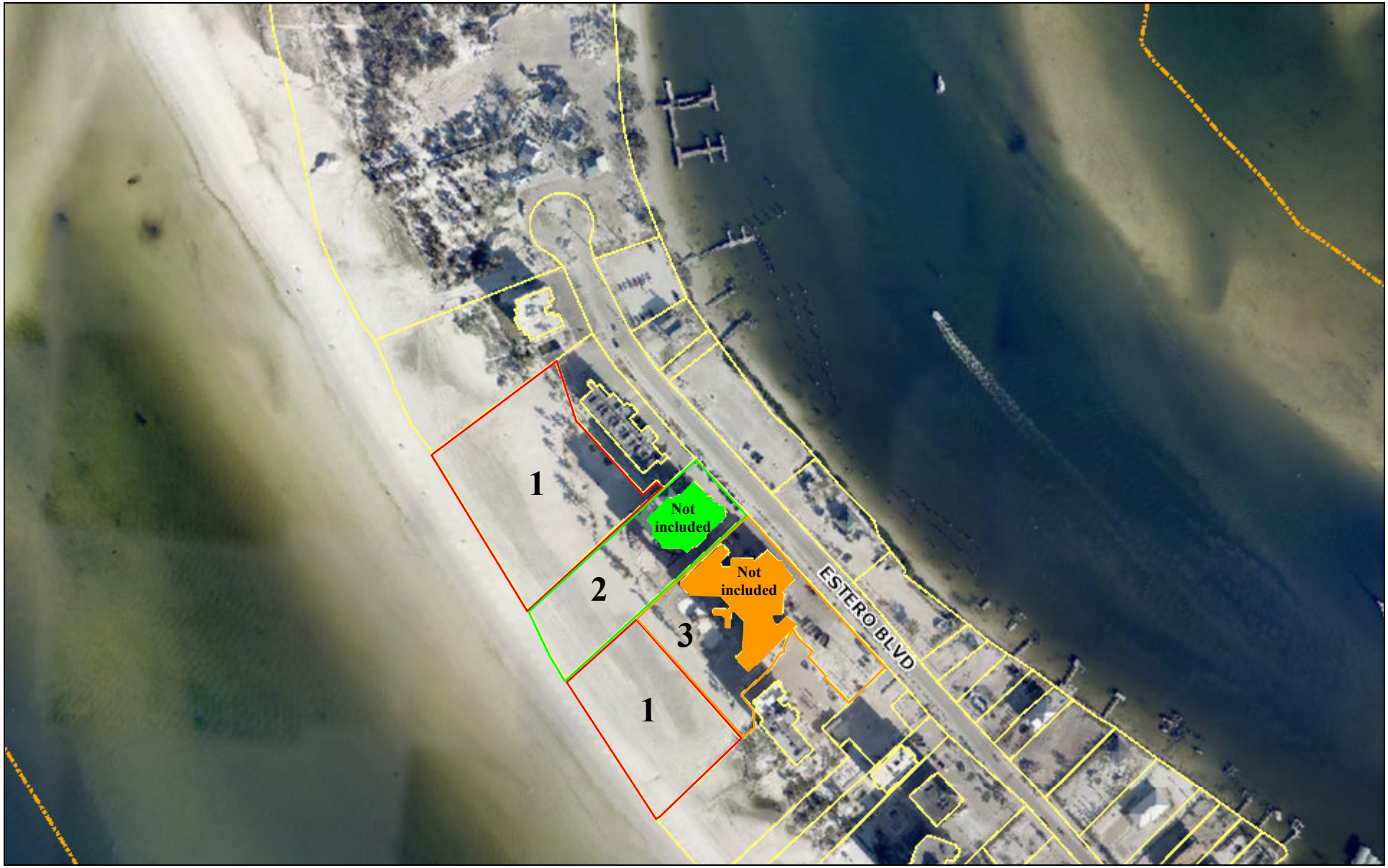
I FURTHER CERTIFY that said plat was filed for record at 11 A.M. this 29th day of March, A.D. 1952 and duly recorded in Plat Book 9, on Page 41 of the public records of Lee County, Florida.

L. J. Larrabee
Clerk of the Circuit Court in and for Lee County

# EXHIBIT 5-2

# PROPERTY OWNERS MAP

**EXHIBIT 5-2**
**PROPERTY OWNERS MAP**




October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

County Boundary

US 41

Parcels Near

**Major Roads Medium**

Other Highways

Downtown Government Bldgs

I - 75

Other Roads

Building Footprints Low

1:3,200

0 150 300 600 ft

0 40 80 160 m

This map is NOT a legal land survey and should not be used or relied upon as such.
No warranties, express or implied, are provided with the data, use, accuracy, timeliness and completeness.

# EXHIBIT 6-2

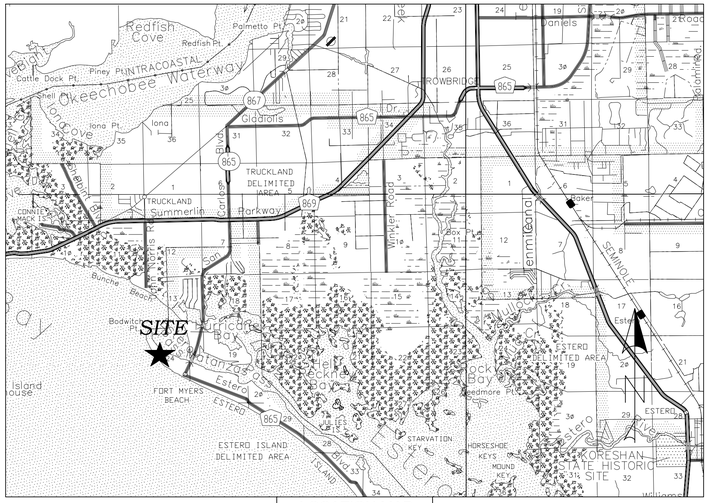
# BOUNDARY SURVEY

# BOUNDARY AND TOPOGRAPHIC SURVEY

## PINK SHELL BEACH RESORT AND MARINA
## SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
## LEE COUNTY, FLORIDA

NOTES

1. THE CERTIFICATE OF AUTHORI ATION NUMBER OF T2 UES, INC. IS LB-8336.
2. NO ABSTRACT OF TITLE OR TITLE INSURANCE COMMITMENT WAS REVIEWED AS PART OF THIS SURVEY.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. NO SUB-SURFACE FOUNDATIONS HAVE BEEN LOCATED AS PART OF THIS SURVEY.
5. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
6. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
7. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY.
8. ALL HORI ONTAL SURVEY DATA IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED ON GPS RTK (REAL TIME KINEMATIC) CORRECTIONS RECEIVED FROM THE TRIMBLE VRS NETWORK. THE BASIS OF BEARING IS THE SOUTH RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS BEING S 42 06'01" E.
9. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
10. COORDINATES, ELEVATIONS, BEARINGS AND DISTANCES SHOWN ARE MEASURED OR CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
11. SURVEYED PARCELS COMBINED CONTAINS 478,809.50 S UARE FEET OR 10.99 ACRES, MORE OR LESS.
12. DATE OF LAST FIELD WORK: 4-14-2023 FIELD BOOK 593, PAGES 29.
13. THIS SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
14. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
15. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
16. ANY ADJOINING DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY" NO SURVEY WAS MADE OF ADJOINING LANDS.
17. ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988, AND TIES TO NATIONAL GEODETIC SURVEY BENCHMARK "872 5366 F" (PID "AD7852") HAVING A ELEVATION OF 22.60 FEET'.
18. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 50' OR SMALLER.
19. EROSION CONTROL LINE AS PER COORDINATES SHOWN ON PLAT BOOK 70, PAGE 25. NO MONUMENTATION WAS FOUND DURING FIELD SURVEY.
20. STATUS OF COASTAL CONSTRUCTION SETBACK LINE IS UNKNOWN. SHOWN FOR INFORMATIONAL PURPOSES ONLY.
21. MANY AREAS OF THIS PROJECT WERE OBSCURED BY HURRICANE DEBRIS AND CONSTRUCTION ACTIVITIES. ALL IMPROVEMENTS AND DETAILS MAY NOT HAVE BEEN OBTAINED DURING THIS SURVEY.




LOCATION MAP
N.T.S.

LEGAL DESCRIPTION: (PER INST. NO. 2006000369825)

PARCEL 1:

Lo 5 d 6, GULFSHORE SUBDIVISION r ord d P Boo 9, 88, of P R ord of L Co , F or d .

PARCEL 2: W S d U d r P r :

P r of Lo 8 d 9, d Lo 10 of G f or S d o r ord d P Boo 9, 88, of P R ord of L Co , F or d , d r of Lo 33 ro 36 of U No. 4, I d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :

B Nor or r of Lo 36 of d U No. 4, I d S or o o o So r r of of E ro Bo rd 30 f fro r So 42 07'25 E o d r of for 400.00 f o Nor r r of of G f or Co r So 47 52'35 W o d r of of G f or Co r for 98.24 f Nor 42 07'25 W for 24 f So 47 52'35 W for 2.50 f Nor 42 07'25 W for 43.54 f Nor 47 52'35 E for 2.50 f Nor 42 07'25 W for 50.00 f Nor 40 31'28 E for 14.49 f Nor 50 19'25 for 27.57 f Nor 59 22'01 W for 20.23 f So 39 40'35 W for 31.50 f So 59 17'28 E for 2.30 f So 30 21'33 W for 15.24 f Nor 58 42'37 W for 3.31 f So 29 58'13 W for 29.45 f So 48 42'33 W for 77.19 f So 40 09'10 E for 31.53 f So 07 36'21 E for 37.85 f Nor 40 26'54 W for 312.86 f o Nor r of Lo 36 of d U . No. 4, I d S or C S o Nor 47 52'35 E o d Lo 36 for 258.36 f o Po of B .

TOGETHER WITH PARCEL 3:

P r of B o D , U 4, I d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :

T Nor f of Lo 28, ALL of Lo 29, ALL of Lo 30, d So 20 f of Lo 31 of d Bo D , U 4, I d S or .

TOGETHER WITH PARCEL 4:

P r of B o D , I d S or C S o , r ord d P Boo 9, 41, A d r of U 4, I d S or , r ord d P Boo 9, 37 of d P R ord or r r d r d fo o :

T Nor 17 f of Lo 32, of d B o D U 4, I d S or .

ALL of Lo 33, Lo 34, d Lo 35, d So 50 f of Lo 36, ISLAND SHORES CLUB SECTION, r ord d P oo 9, 41, of P r ord of L Co , F or d .

PARCEL 5:

Lo 34, 35, 36 d Nor r 25 f of Lo 33, U No. 4. ISLAND SHORES, ord o r of d P Boo 9, 37, of P r ord of l Co F or d ,

Lo 4, GULFSHORE, ord o r of d P Boo 9, 88, of P r ord of L Co , F or d .

LESS of o or o d r d W S d U d r P r d r d o

AND LESS or o d r d o o r of ESTBRO BEACH VILLAS, o do r o D r o of Co do r ord d Of R ord Boo 2574, 734, of P R ord of L Co , F or d .

PARCEL 6:

Lots 39, 40, 41 and 42, Unit No. 4. ISLAND SHORES, according to the plat thereof filed in Plat Book 9, page 41, of the Public records of lee County Florida,

LESS any portion which lies within the property pursuant to the Declaration of Condominium for Sanib e1 View Villas, a Condominium, according to the Declaration of Condominium thereof recorded in Official Record Book 3559, page 222, of the Public Records of Lee County, Florida.

PARCEL 7:

Lot 31, LESS the South 20 feet, Block "D", Unit 4, Island Shores, as recorded in Plat Book 9, page 37of the Public records of Lee County, Florida. Lots 32, LESS the Northwest 17 feet, Block "D", Unit 4, Island Shores, according to the plat thereof as filed in Plat Book 9, page 37, and Lots 36, LESS the Southeast 50 feet, and Lots 38 and 39, Block D, ISLAND SHORES CLUB SECTION, according to the plat thereof as filed in Plat Book 9, page 41, of the Public Records of Lee County, Florida.

LEGAL DESCRIPTION: (PER O.R. 4161, PG. 3372)

A TRACT OR PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 37 AND PART OF LOT 38 OF ISLAND SHORES CLUB SECTION, A SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT COMMON TO LOTS 37 AND 38 OF SAID ISLAND SHORES CLUB SECTION LYING ON THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE THENCE S.42 07'25 E. ALONG THE SAID RIGHT OF WAY FOR 75.00 FEET THENCE S.47 52'35"W ALONG THE SOUTHEASTERLY LINE OF LOT 37 FOR 525 FEET MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE GULF OF MEXICO THENCE NORTHWESTERLY ALONG SAID MEAN HIGH 'IIDE LINE TO THE NORTHWEST ERLY LINE OF SAID LOT 38 OF SAID ISLAND SHORES CLUB SECTION THENCE N.47 52'35 E. ALONG THE NORTHWESTERLY LINE OF SAID LOT 38 AND PERPENDICULAR TO SAID RIGHT OF WAY FOR 412 FEET MORE OR LESS THENCE S.42 07'25 E. FOR 19.50 FEET THENCE N.47 52'35" E. FOR 83.68 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT OF WAY THENCE S.42 07'25"E. ALONG SAID RIGHT OF WAY FOR 55.50 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PER O.R. 3559, PG. 222)

PART OF LOTS 38 THROUGH 42 OF ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9 . PAGE 4 1 OF THE PUBLIC RECORDS IN LEE COUNTY, FLORIDA. SECTION 2 4 . TOWNSHIP 48 SOUTH. RANGE 23 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 42 OF SAID ISLAND SHORES CLUB SECTION. THENCE S. 5 9 52' 36" W . ALONG THE NORTHERLY LINE OF SAID LOT 42 , FOR 85.88 FEET THENCE S. 18 44' 59" E. FOR 80. 90 FEET: THENCE S. 21 11' 18" E. FOR 49.64 FEET: THENCE S. 42 07' 25" E. FOR 188.15 FEET: THENCE N. 47 52' 35" E. FOR 36.03 FEET: THENCE S. 42 07' 25" E . FOR 19.50 FEET THENCE N. 47 52' 35" E. FOR 83.68 FEET TO THE WESTERLY RIGHT OF WAY OF ESTERO BOULEVARD THENCE N. 42 07' 25" W. FOR 176.00 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 646.48 FEET, CENTRAL ANGLE OF 12 00' 01". CHORD 135.15 FEET: THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 135.40 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PER INST. NO. 2022000052757)

The Southeast 1/2 of Lot 28, Block D, Unit No. 4, Island Shores, according to the plat thereof as recorded in Plat Book 9, Page(s) 37, Public Records of Lee County, Florida.

LEGEND:

- BACKFLOW PREVENTER
- BENCH MARK
- BOLLARD
- CATCH BASIN
- CENTERLINE
- CONCRETE POWER POLE
- ELECTRICAL BOX
- ELECTRIC METER
- ELECTRIC TRANSFORMER W/ PAD
- EXISTING ELEVATION
- FIBER OPTIC BOX
- FIRE HYDRANT
- FIRE VALVE
- GATE ARM ACTUATOR BOX
- GUY WIRE
- LIGHT POLE
- WELL
- OVERHEAD POWER LINE
- POWER POLE
- SIGN SINGLE POST
- TELEPHONE RISER
- UNKNOWN UTILITY VAULT
- UNKNOWN UTILITY MANHOLE
- WOOD POST
- BUSH
- FOUND CONCRETE MONUMENT
- FOUND DRILL HOLE
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND IRON ROD & CAP
- NOT FND OR SET
- FOUND NAIL & DISK
- FOUND LIGHTER WOOD POST
- FOUND PARKER KALON NAIL
- FOUND PARKER KALON NAIL & DISK
- SET CONCRETE MONUMENT
- SET DRILL HOLE
- SET 5/8" IRON ROD & CAP "T2 LB 8336" U.O.N.
- SET MAG NAIL & DISK "T2 LB 8336" U.O.N.
- SET IRON PIPE
- CONCRETE

ABBREVIATIONS:

| | |
|---|---|
| AC. | = ACRE |
| A.C. | = AIR CONDITIONER |
| A.K.A. | = ALSO KNOWN AS |
| ALTA | = AMERICAN LAND TITLE ASSOCIATION |
| ALUM. | = ALUMINUM |
| APPR. | = APPROXIMATE |
| ASPH. | = ASPHALT |
| AVE. | = AVENUE |
| BLDG. | = BUILDING |
| BLVD. | = BOULEVARD |
| BM | = BENCHMARK |
| BOC | = BACK OF CURB |
| BOW | = BACK OF WALK |
| BRG. | = BEARING |
| BSM | = BUREAU OF SURVEYING AND MAPPING |
| (C) | = CALCULATED |
| CATV | = CABLE TELEVISION |
| CB | = CATCH BASIN |
| CBS | = CONCRETE BLOCK STRUCTURE |
| C.C.R. | = CERTIFIED CORNER RECORD |
| CDB | = CHORD BEARING |
| CH | = CHORD |
| CLF | = CHAIN LINK FENCE |
| CM | = CONCRETE MONUMENT |
| CMP | = CORRUGATED METAL PIPE |
| C.O. | = CLEANOUT |
| CONC. | = CONCRETE |
| CONT. | = CONTROL |
| COV. | = COVERED |
| CPP | = CORRUGATED PLASTIC PIPE |
| COR. | = CORNER |
| CORP. | = CORPORATION |
| C.P. | = CABBAGE PALM |
| C.R. | = COUNTY ROAD |
| CT. | = COURT |
| C.U.E. | = COUNTY UTILITY EASEMENT |
| (D) | = DEED |
| D.B. | = DEED BOOK |
| D.E. | = DRAINAGE EASEMENT |
| DEPT. | = DEPARTMENT |
| (DESC.) | = DESCRIPTION |
| DH | = DRILL HOLE |
| DIA. | = DIAMETER |
| DIST. | = DISTANCE |
| DR. | = DRIVE |
| DWG. | = DRAWING |
| EL. | = ELEVATION |
| ELEC. | = ELECTRIC |
| EOP | = EDGE OF PAVEMENT |
| EOW | = EDGE OF WATER |
| ERCP | = ELLIPTICAL REINFORCED CONCRETE PIPE |
| ESMT. | = EASEMENT |
| EXIST. | = EXISTING |
| (F) | = FIELD |
| FDEP | = FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION |
| FDOT | = FLORIDA DEPARTMENT OF TRANSPORTATION |
| FEMA | = FEDERAL EMERGENCY MANAGEMENT AGENCY |
| F.F. | = FINISHED FLOOR |
| FNC. | = FENCE |
| FND | = FOUND |
| FPL OR FP&L | = FLORIDA POWER & LIGHT |
| F.S. | = FLORIDA STATUTES |
| FT. | = FOOT / FEET |
| GLO | = GENERAL LAND OFFICE |
| GPS | = GLOBAL POSITIONING SYSTEM |
| I.D. | = IDENTIFICATION |
| I.D.D. | = IONA DRAINAGE DISTRICT |
| INC. | = INCORPORATED |
| INST. | = INSTRUMENT |
| INV. | = INVERT |
| I.P. | = IRON PIPE |
| IR | = IRON ROD (5/8" DIA. U.O.N.) |
| IRC OR IR&C | = IRON ROD & CAP |
| IRR. | = IRRIGATION |
| L | = LENGTH |
| LABINS | = LAND BOUNDARY INFORMATION SYSTEM (STATE OF FLORIDA) |
| LAT | = LATITUDE |
| LB | = LICENSED BUSINESS |
| LLC | = LIMITED LIABILITY COMPANY |
| LN. | = LANE |
| LONG | = LONGITUDE |
| LS | = LICENSED SURVEYOR |
| LT | = LEFT |
| (M) | = MEASURED |
| MAG | = MAGNETIC |
| ME | = MITERED END |
| MH | = MANHOLE |
| MHWL | = MEAN HIGH WATER LINE |
| MISC. | = MISCELLANEOUS |
| MON | = MONUMENT |
| N/A | = NOT AVAILABLE |
| NAD | = NORTH AMERICAN DATUM |
| N.A.V.D. | = NORTH AMERICAN VERTICAL DATUM (1988) |
| NGS | = NATIONAL GEODETIC SURVEY |
| N.G.V.D. | = NATIONAL GEODETIC VERTICAL DATUM (1929) |
| NO. | = NUMBER |
| NSPS | = NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS |
| N.T.S. | = NOT TO SCALE |
| N-D | = NAIL & DISK |
| O/H | = OVERHANG |
| O.H.W.L. | = ORDINARY HIGH WATER LINE |
| O.H.W.M. | = ORDINARY HIGH WATER MARK |
| O.R. | = OFFICIAL RECORD BOOK / PAGE |
| (P) | = PLAT |
| PB | = PLAT BOOK |
| P.C. | = POINT OF CURVATURE |
| PCP | = PERMANENT CONTROL POINT |
| PG (S). | = PAGE(S) |
| P.I. | = POINT OF INTERSECTION |
| PID | = POINT IDENTIFIER |
| PKN&D | = PARKER-KALON NAIL & DISK |
| PKWY. | = PARKWAY |
| PL | = PROPERTY LINE |
| PLS | = PROFESSIONAL LAND SURVEYOR |
| P.O.B. | = POINT OF BEGINNING |
| P.O.C. | = POINT OF COMMENCEMENT |
| P.O.T. | = POINT OF TERMINUS |
| PP | = POWER POLE |
| P.R.M. | = PERMANENT REFERENCE MONUMENT |
| PROP. | = PROPERTY |
| PSM | = PROFESSIONAL SURVEYOR AND MAPPER |
| PT. | = POINT |
| P.T. | = POINT OF TANGENCY |
| P.U.E. | = PUBLIC UTILITY EASEMENT |
| PVC | = POLY VINYL CHLORIDE |
| R | = RADIUS OR RIGHT |
| (R) | = RECORD |
| RCP | = REINFORCED CONCRETE PIPE |
| RGE | = RANGE |
| RLS | = REGISTERED LAND SURVEYOR |
| R.P. | = ROYAL PALM TREE |
| R.R. | = RAILROAD |
| RT | = RIGHT |
| RTA | = RIGHT ANGLE |
| RTK | = REAL TIME KINEMATIC |
| R/W | = RIGHT-OF-WAY |
| SEC. | = SECTION |
| S.F. | = S UARE FEET |
| SFWMD | = SOUTH FLORIDA WATER MANAGEMENT DISTRICT |
| SHT. | = SHEET |
| S.R. | = STATE ROAD |
| S.S. | = SANITARY SEWER |
| STA. | = STATION |
| ST. | = STREET |
| SWFWMD | = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT |
| T | = TANGENT |
| TEL | = TELEPHONE |
| TIIF | = TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA |
| TIITF | = BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA |
| TOB | = TOP OF BANK |
| TOE | = TOE OF SLOPE |
| T.P. | = TRAVERSE POINT |
| TRANS. | = TRANSITION |
| TWP | = TOWNSHIP |
| TYP | = TYPICAL |
| U.E. | = UTILITY EASEMENT |
| U.O.N. | = UNLESS OTHERWISE NOTED |
| USGS | = UNITED STATES GEOLOGICAL SURVEY |
| U.T. | = UNKNOWN TREE |
| VRS | = VIRTUAL REFERENCE STATION |
| W/ | = WITH |
| Y.D. | = YARD DRAIN |
| Δ | = DELTA ANGLE |
| > | = MORE OR LESS |
| # | = NUMBER |
| " " | = STAMPING OF CAP OR DISK |

*Scott R. Urquhart*
SCOTT R. UR UHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS 19 DAY OF May , 2023


T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179


FOR: CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

| REVISION | DATE |
|---|---|
| SHEET 2 ACREAGE TABLE | 5-19-23 |

| | |
|---|---|
| 2-9-2023 | DWG. DATE: |
| 3-13-2023 | SURVEY DATE: |
| R.J.O. | DRAWN BY: |
| S.U. | CHECKED BY: |

| | |
|---|---|
| LEE | COUNTY: |
| 24-46-23 | SEC. |
| 220702.04 | PROJECT NUMBER: |
| 220702.04 - BNDT | DWG. NUMBER: |

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



...\PINKSHELL\DWG\220702.04 - PINK SHELL DRAWING\220702.04 - BNDT DWG 5/19/2023 7:04 AM

# BOUNDARY AND TOPOGRAPHIC SURVEY

## PINK SHELL BEACH RESORT AND MARINA
## SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
## LEE COUNTY, FLORIDA

50 0 25 50
1 inch = 50 ft.
INTENDED DISPLAY SCALE

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L-1 (C) | S 42 06'01" E | 75.00' |
| L-1 (P) | N/A | 75.00' |
| L-2 (C) | S 47 53'59" W | 100.00' |
| L-2 (P) | N/A | 100.00' |
| L-3 | N 42 06'01" W | 75.00' |
| L-3 (P) | N/A | 75.00' |
| L-4 | N 47 53'59" E | 100.00' |
| L-4 (P) | N/A | 100.00' |
| L-5 | S 47 53'59" W | 98.24' |
| L-5 (D) | S 47 52'35" W | 98.24' |
| L-6 | N 42 06'01" W | 24.00' |
| L-6 (D) | N 42 07'25" W | 24' |
| L-7 | S 47 53'59" W | 2.50' |
| L-7 (D) | S 47 52'35" W | 2.50' |
| L-8 | N 42 06'01" W | 43.54' |
| L-8 (D) | N 42 07'25" W | 43.54' |
| L-9 | N 47 53'59" E | 2.50' |
| L-9 (D) | N 47 52'35" E | 2.50' |
| L-10 | N 42 06'01" W | 50.00' |
| L-10 (D) | N 42 07'25" W | 50.00' |
| L-11 | N 40 32'52" E | 14.49' |
| L-11 (D) | N 40 31'28" E | 14.49' |
| L-12 | N 50 18'01" W | 27.57' |
| L-12 (D) | N 50 19'25" W | 27.57' |
| L-13 | N 59 20'37" W | 20.23' |
| L-13 (D) | N 59 22'01" W | 20.23' |
| L-14 | S 39 41'59" W | 31.50' |
| L-14 (D) | S 39 40'35" W | 31.50' |
| L-15 | S 59 16'04" E | 2.30' |
| L-15 (D) | S 59 17'28" E | 2.30' |
| L-16 | S 30 22'57" W | 15.24' |
| L-16 (D) | S 30 21'33" W | 15.24' |
| L-17 | N 58 41'13" W | 3.31' |
| L-17 (D) | N 58 42'37" W | 3.31' |
| L-18 | S 29 59'37" W | 29.45' |
| L-18 (D) | S 29 58'13" W | 29.45' |
| L-19 (C) | S 48 43'57" W | 77.19' |
| L-19 (D) | S 48 42'33" W | 77.19' |
| L-20 (C) | S 40 07'46" E | 31.53' |
| L-20 (D) | S 40 09'10" E | 31.53' |
| L-21 | S 07 34'57" E | 37.85' |
| L-21 (D) | S 07 36'21" E | 37.85' |
| L-22 | S 07 34'57" E | 57.08' |
| L-22 (D) | S 07 36'21" E | 57.08' |
| L-23 | S 07 34'57" E | 19.23' |
| L-24 (C) | S 42 06'01" E | 75.00' |
| L-24 (D) | S 42 07'25" E | 75.00' |
| L-25 | S 42 06'01" E | 19.50' |
| L-25 (D) | S 42 07'25" E | 19.50' |
| L-26 | N 47 53'59" E | 83.68' |
| L-26 (D) | N 47 52'35" E | 83.68' |
| L-27 (C) | S 42 06'01" E | 55.50' |
| L-27 (D) | S 42 07'25" E | 55.50' |
| L-28 | S 59 53'59" W | 85.88' |
| L-28 (D) | S 59 52'36" W | 85.88' |
| L-29 | S 18 43'35" E | 80.90' |
| L-29 (D) | S 18 44'59" E | 80.90' |
| L-30 | S 21 09'54" E | 49.64' |
| L-30 (D) | S 21 11'18" E | 49.64' |
| L-31 | N 47 53'59" E | 36.03' |
| L-31 (D) | N 47 52'35" E | 36.03' |
| L-32 | N 42 06'01" W | 17.00' |
| L-33 | S 47 53'59" W | 5.00' |
| L-33 (P) | N/A | 5.00' |
| L-34 | N 42 06'01" W | 31.50' |
| L-35 (C) | N 71 53'59" E | 120.40' |
| L-36 (C) | S 55 57'18" W | 125.31' |
| L-37 (C) | N 47 53'59" E | 119.62' |
| L-38 (C) | N 47 53'59" E | 112.84' |
| L-39 (C) | N 47 53'59" E | 97.11' |
| L-40 (C) | N 47 53'59" E | 90.93' |
| L-41 (C) | N 47 53'59" E | 101.69' |
| L-42 (C) | S 28 03'40" E | 128.32' |
| L-43 (C) | S 33 27'35" E | 3.16' |
| L-44 (C) | S 33 27'35" E | 63.93' |
| L-45 (C) | S 27 24'31" E | 2.91' |
| L-46 (C) | S 27 24'31" E | 25.81' |
| L-47 (C) | S 40 05'39" E | 6.54' |
| L-48 (C) | S 40 05'39" E | 56.87' |
| L-49 (C) | S 39 51'05" E | 68.23' |
| L-50 (C) | S 40 37'13" E | 20.29' |
| L-51 (C) | S 39 30'18" E | 14.62' |
| L-52 (C) | S 40 13'20" E | 25.59' |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | CHORD BRG. | CHORD DIST. |
| C-1 | 135.40' | 646.48' | 12 00'00" | N 36 06'01" W | 135.15' |
| C-1 (D) | 135.40' | 646.48' | 12 00'01" | N/A | 135.15' |
| C-2 (C) | 165.99' | 596.48' | 15 56'41" | N 26 04'22" W | 165.46' |
| C-3 | 83.86' | 596.48' | 08 03'19" | N 38 04'22" W | 83.79' |
| C-4 | 135.40' | 646.48' | 12 00'00" | N 24 06'01" W | 135.15' |

*MATANZAS PASS*

NOTE:
P.B. 9, PG. 37: UNIT NO. 4 ISLAND SHORES SUBDIVISION
P.B. 9, PG. 41: ISLAND SHORES CLUB SECTION SUBDIVISION
P.B. 9, PG. 88: GULFSHORE SUBDIVISION

A = STRAP NO. 24-46-23-W1-00700.0370
KAMINSKY AT 131 ESTERO LLC
INST. NO. 202100319193
NOT PART OF SURVEY

B = STRAP NO. 24-46-23-W1-00700.0290
PARCEL 3
INST. NO. 2006000369825

C = STRAP NO. 24-46-23-W1-0070D.028A
LINK G. AND DOROTHY G. ARDEN
INST. NO. 2022000052757

D = STRAP NO. 24-46-23-W1-0070D.027B
PAUL G. EDWARDS
INST. NO. 2011000276175

SUBMERGED LAND LEASE NO. 360349445 (EXPIRES JULY 24, 2025)

SCENIC CORRIDOR AREA 2 NORTHWESTERLY 20' OF LOT 35 AND ALL OF LOT 36 O.R. 3283, PG. 2363

PROP. LINE PER WATER FACE OF SEAWALL CAP (TYP.)

STRAP NO. 24-46-23-W1-00700.0340 PARCEL 7 INST. NO. 2006000369825

6' WIDE PEDESTRIAN ACCESS WALKWAY NO. 2 ESMT. O.R. 3283, PG. 2363

4.4' WIDE DOCK PEDESTRIAN ACCESS WALKWAY ESMT. O.R. 3283, PG. 2363

6' WIDE PEDESTRIAN ACCESS WALKWAY NO. 1 ESMT. O.R. 3283, PG. 2363

DOCK AGREEMENT ALONG BOUNDARY LINE EXTENDED PER O.R. 2399, PG. 1164

STRAP NO. 24-46-23-W1-0080D.0400 LEE COUNTY O.R. 1961, PG. 2851

INGRESS - EGRESS ESMT. O.R. 2116/PG. 145

STRAP NO. 24-46-23-W1-00700.0320 PARCEL 4 INST. NO. 2006000369825

STRAP NO. 24-46-23-W1-00700.0340 PARCEL 7 INST. NO. 2006000369825

FP&L ESMT. O.R. 1243, PG. 446

SCENIC CORRIDOR AREA 1 NW 1/2 LOT 28 AND LOT 29 O.R. 3283, PG. 2363

ESTERO BOULEVARD (R/W VARIES)

FND 5/8" IR, NO I.D. ALSO FND 4" X 4" CM "LB 642" 0.49' E & 0.14' N

P.O.B. O.R. 3559, PG. 222

P.O.B. O.R. 4161, PG. 3372

P.O.B. PARCEL 2 NW COR. LOT 36

BASIS OF BEARING
S 42°06'01" E 400.00'
S 42 07'25" E 400.00' (D)

WESTERLY OR SOUTHWESTERLY R/W
N 42°06'01" W 176.00'
N 42 07'25" W 176.00' (D)

NORTHERLY R/W
N 42°06'01" W 275.00'
N 42°06'01" W 163.00'
N 42°06'01" W 270.00'

SOUTHWESTERLY R/W

NORTHWESTERLY R/W

GULFSHORE COURT (50' R/W)

STRAP NO. 24-46-23-W1-00700.0340 PARCEL 1 INST. NO. 2006000369825

STRAP NO. 24-46-23-W1-00900.0070 O.R. 3682, PG. 1744

STRAP NO. 24-46-23-W1-00700.0330 PARCEL 2 INST. NO. 2006000369825

STRAP NO. 24-46-23-W1-03700.00CE O.R. 3559, PG. 222

STRAP NO. 24-46-23-W1-02100.00CE PINK SHELL VACATION VILLAS O.R. 1173, PG. 1496

STRAP NO. 24-46-23-W1-00700.037A O.R. 4161, PG. 3372

STRAP NO. 24-46-23-W1-00700.0340 PARCEL 6 INST. NO. 2006000369825

STRAP NO. 24-46-23-W1-00700.0340 PARCEL 5 INST. NO. 2006000369825

STRAP NO. 24-46-23-W1-03600.00CE ESTERO ISLAND BEACH VILLAS O.R. 2574, PG. 734

STRAP NO. 24-46-23-W1-02400.00CE O.R. 2606, PG. 3262

STRAP NO. 24-46-23-W1-00900.0010 INST. NO. 2021000213132

SOUTHERLY 75' OF LOT 31 P.B. 9, PG. 37

PARKING SPACE ESMT. O.R. 4065, PG. 2672

6' WALKWAY ESMT. O.R. 4393, PG. 474 & O.R. 4394, PG. 3212 & O.R 4396, PG. 1005

SCENIC CORRIDOR ESMT. O.R. 4394, PG. 3212

5' WALKWAY ESMT. D.B. 254, PG. 553

3' WALKWAY ESMT. P.B. 9, PG. 41

6' WALKWAY ESMT. PER O.R. 4394, PG. 3212 SAID ESMT. VACATED PER O.R. 4394, PG. 3212

NORTHERLY 25' OF LOT 33 P.B. 9, PG. 37

4' WALKWAY ESMT.

NORTHERLY LINE OF LOT 42

NORTHWESTERLY LINE OF LOT 38

APPROXIMATE COASTAL CONSTRUCTION SETBACK LINE (LEE COUNTY ORDINANCE NO. 76-3) (PB 31, PAGES 1-21) (SEE NOTE NO. 20)

EROSION CONTROL LINE PER P.B. 70, PG. 25 (SEE NOTE NO. 19)

GULF OF MEXICO

| AREA TABLE | |
|---|---|
| | = 8.40 ACRES |
| | = 0.17 ACREA |
| | = 1.80 ACRES |
| | = 0.43 ACRES |
| TOTAL 10.80 ACRES | |

| BOUNDARY POINT TABLE | |
|---|---|
| POINT | DESCRIPTION |
| 500 | FND 1/2" IR, NO .I.D., 0.09' E & 0.38' N |
| 501 | FND 6" ROUND CM W/ N-D, "INK ENG. PCP REF LB 856" |
| 502 | SET 5/8" IR&C "T2 LB 8663" |
| 503 | FND 1/2" IR, NO .I.D. |
| 504 | FND 5/8" IR&C, ILLEGIBLE |
| 505 | FND 5/8" IR&C "LDFH INC. LB 959" |
| 506 | SET 5/8" IR&C "T2 LB 8663" |
| 507 | SET 5/8" IR&C "T2 LB 8663" |
| 508 | SET 5/8" IR&C "T2 LB 8663" |
| 509 | FND 5/8" IR&C "LDFH INC. LB 959" |
| 510 | SET 5/8" IR&C "T2 LB 8663" |
| 511 | FND N-D NO I.D. |
| 512 | SET 5/8" IR&C "T2 LB 8663" |
| 513 | SET 5/8" IR&C "T2 LB 8663" |
| 514 | SET 5/8" IR&C "T2 LB 8663" |
| 515 | SET 5/8" IR&C "T2 LB 8663" |
| 516 | SET 5/8" IR&C "T2 LB 8663" |

| BOUNDARY POINT TABLE | |
|---|---|
| POINT | DESCRIPTION |
| 517 | SET 5/8" IR&C "T2 LB 8663" |
| 518 | FND 5/8" IR&C "LDFH INC. LB 959" 0.23' E & 0.32' N |
| 519 | SET 5/8" IR&C "T2 LB 8663" |
| 520 | SET 5/8" IR&C "T2 LB 8663" |
| 521 | SET 5/8" IR&C "T2 LB 8663" |
| 522 | SET 5/8" IR&C "T2 LB 8663" |
| 523 | SET 5/8" IR&C "T2 LB 8663" |
| 524 | SET 5/8" IR&C "T2 LB 8663" |
| 525 | SET N-D "T2 LB 8663" |
| 526 | SET N-D "T2 LB 8663" |
| 527 | SET N-D "T2 LB 8663" |
| 528 | SET N-D "T2 LB 8663" |
| 529 | FND 5/8" "INK ENG. LB 856" |
| 530 | SET 5/8" IR&C "T2 LB 8663" |
| 531 | SET 5/8" IR&C "T2 LB 8663" |
| 532 | SET 5/8" IR&C "T2 LB 8663" |
| 533 | SET 5/8" IR&C "T2 LB 8663" |

| BOUNDARY POINT TABLE | |
|---|---|
| POINT | DESCRIPTION |
| 534 | SET N-D "T2 LB 8663" |
| 535 | FND 4" X 4" CM "LB 642" 0.37' E & 0.48' N |
| 536 | SET 5/8" IR&C "T2 LB 8663" |
| 537 | FND 3/4" I.P., NO I.D. |
| 538 | SET 5/8" IR&C "T2 LB 8663" |
| 539 | SET 5/8" IR&C "T2 LB 8663" |
| 540 | SET 5/8" IR&C "T2 LB 8663" |
| 541 | SET 5/8" IR&C "T2 LB 8663" |
| 542 | SET 5/8" IR&C "T2 LB 8663" |
| 543 | FND N-D ILLEGIBLE |
| 544 | FND N-D, "INK ENG. PCP REF LB 856" |
| 545 | FND N-D, "INK ENG. PCP REF LB 856" |
| 546 | FND N-D, "INK ENG. PCP REF LB 856" |
| 547 | FND N-D "LDFH LB 959" |
| 548 | FND 5/8" IR&C "RKB LB 6133" |

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L-53 (C) | S 39 51'35" E | 88.85' |
| L-54 (C) | S 40 20'58" E | 15.12' |
| L-55 (C) | S 39 49'33" E | 2.62' |
| L-56 (C) | S 39 49'33" E | 26.97' |
| L-57 (C) | S 40 02'49" E | 37.52' |
| L-58 (C) | S 39 56'38" E | 68.33' |
| L-59 (C) | S 39 51'07" E | 30.29' |
| L-60 (C) | S 39 51'07" E | 118.82' |
| L-61 (C) | S 43 49'43" W | 8.68' |
| L-62 (C) | S 40 17'54" W | 4.03' |
| L-63 (C) | S 52 50'26" E | 75.16' |
| L-64 (C) | S 51 09'45" E | 36.30' |
| L-65 (C) | S 38 50'15" W | 0.33' |
| L-66 (C) | S 54 12'31" E | 41.31' |
| L-67 (C) | S 54 12'31" E | 3.08' |
| L-68 (C) | N 37 22'35" E | 0.42' |
| L-69 (C) | S 53 33'35" E | 46.76' |
| L-70 (C) | S 55 27'10" E | 1.27' |
| L-71 (C) | N 47 53'59" E | 112.33' |
| L-72 | N 42 06'01" W | 50.00' |


T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179



CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917


FOR: LEE

| REVISION | DATE |
|---|---|
| SHEET 2 ACREAGE TABLE | 5-10-23 |

| | |
|---|---|
| DWG. DATE: | 2-9-2023 |
| SURVEY DATE: | 3-13-2023 |
| DRAWN BY: | R.J.O. |
| CHECKED BY: | S.U. |
| COUNTY: | |
| SEC: | 24-46-23 |
| PROJECT NUMBER: | 220702.04 |
| DWG. NUMBER: | 220702.04 - BNDT |

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA





J:\ETMODATA\2022\220702\04 - CW3 - PINK SHELL\DRAWING\220702.04 - BNDT.DWG 6/16/2023 7:04 AM

# BOUNDARY AND TOPOGRAPHIC SURVEY

*PINK SHELL BEACH RESORT AND MARINA*
*SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST*
*LEE COUNTY, FLORIDA*

30 0 15 30
1 inch = 30 ft.
INTENDED DISPLAY SCALE

GULF OF MEXICO

MATANZAS PASS

SEE SHEET 4 OF 4

CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

FOR:

| REVISION | DATE |
|---|---|
| 1 | 5-9-23 |
| 2 | |
| 3 | |

SHEET 2 ACREAGE TABLE

| | |
|---|---|
| DWG. DATE: | 2-9-2023 |
| SURVEY DATE: | 3-13-2023 |
| DRAWN BY: | R.J.O. |
| CHECKED BY: | S.U. |

| | |
|---|---|
| COUNTY: | LEE |
| SEC. | 24-46-23 |
| PROJECT NUMBER: | 220702.04 |
| DWG. NUMBER: | 220702.04 - BNDT |

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

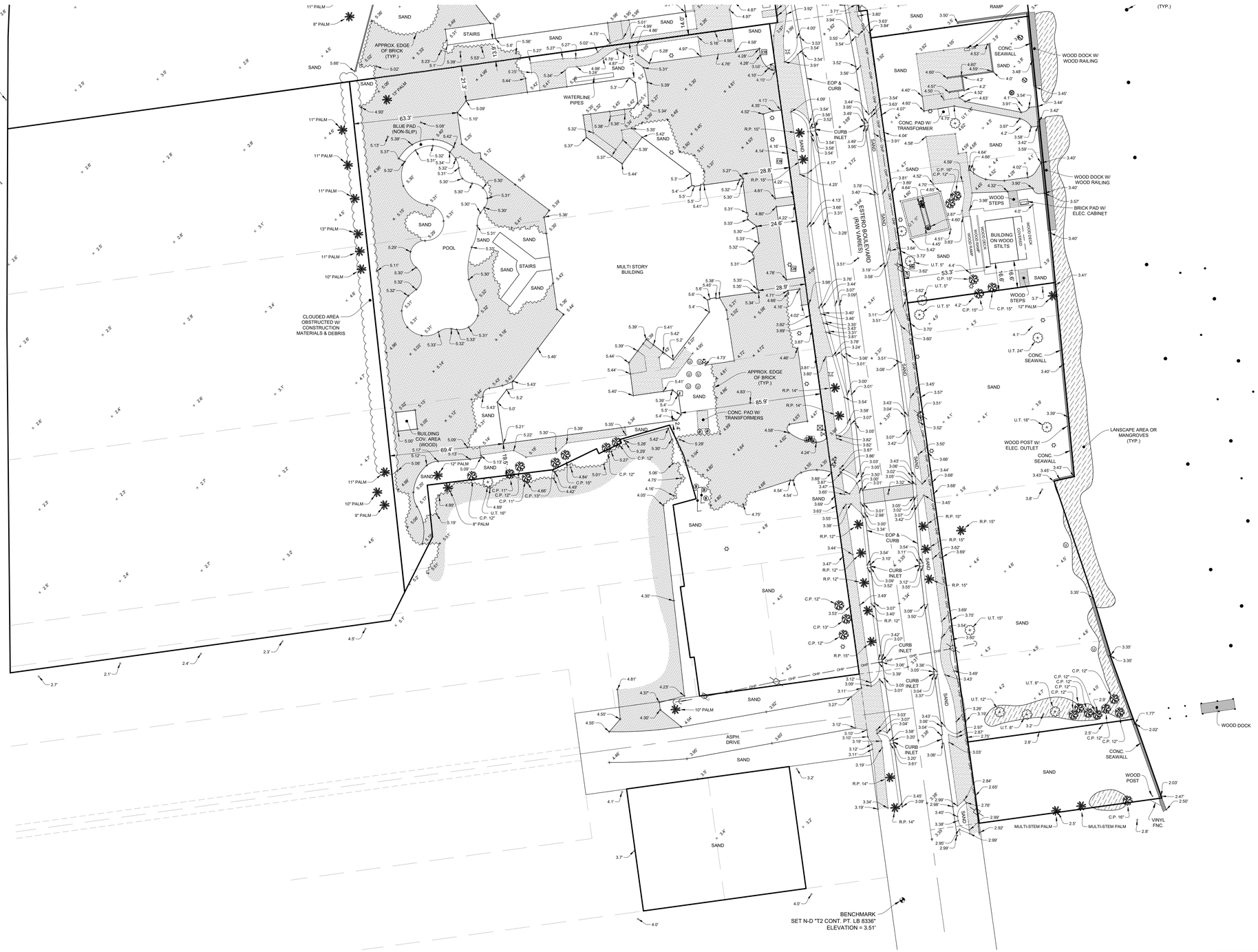
3 of 4

# BOUNDARY AND TOPOGRAPHIC SURVEY

*PINK SHELL BEACH RESORT AND MARINA*
*SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST*
*LEE COUNTY, FLORIDA*

SEE SHEET 3 OF 4

30 0 15 30
1 inch = 30 ft.
INTENDED DISPLAY SCALE




| REVISION | DATE |
|---|---|
| 1 | 5-19-23 |
| 2 | |
| 3 | |

| | |
|---|---|
| DWG. DATE: | 2-9-2023 |
| SURVEY DATE: | 3-13-2023 |
| DRAWN BY: | R.J.O. |
| CHECKED BY: | S.U. |

| | |
|---|---|
| COUNTY: | LEE |
| SEC. | 24-46-23 |
| PROJECT NUMBER: | 220702.04 |
| DWG. NUMBER: | 220702.04 - BNDT |

FOR:
CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

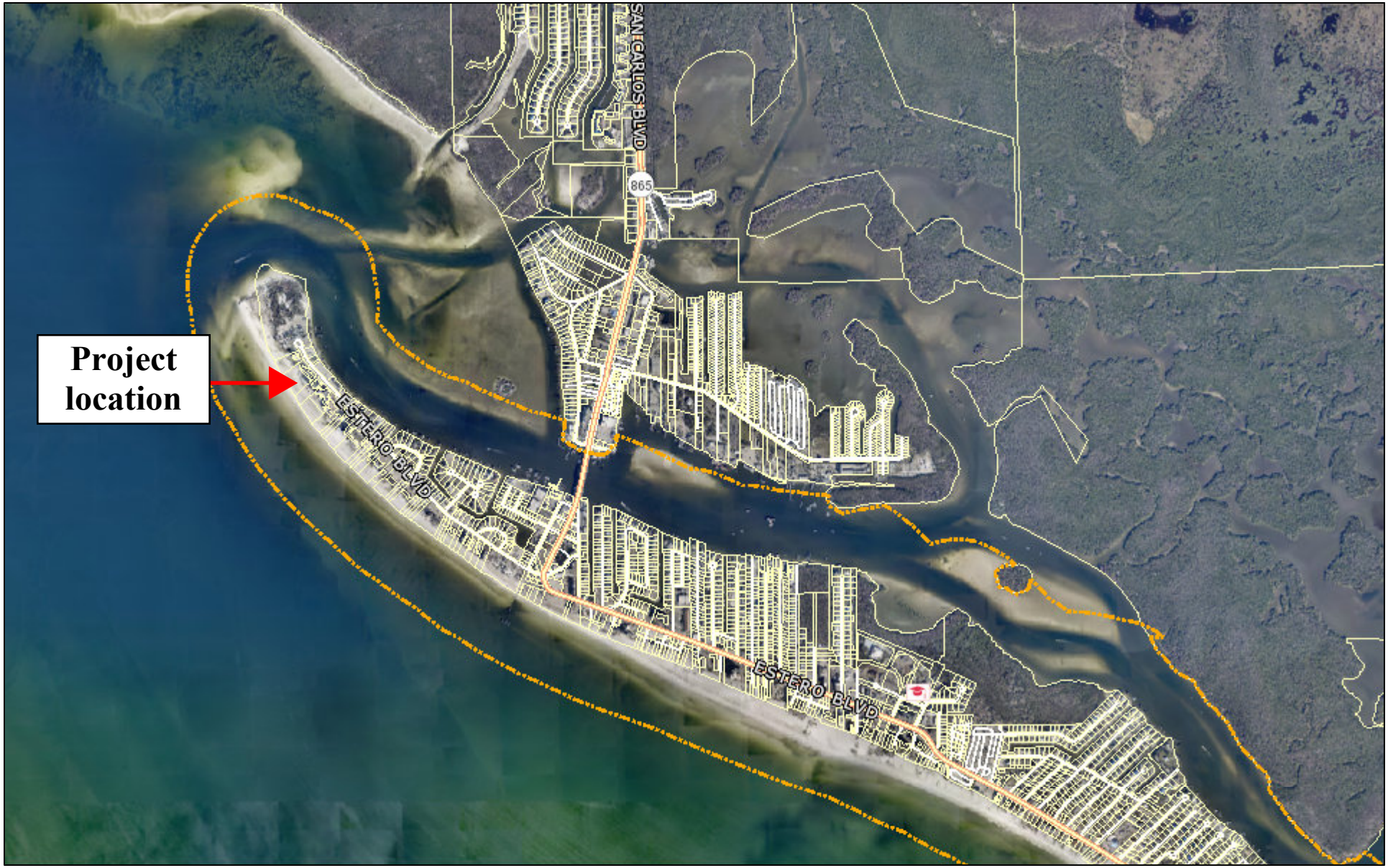


J:\ETM\DATA\2022\220702.04 - CW3 - PINK SHELL\DRAWING\220702.04 - BNDT.DWG 6/19/2023 7:09 AM

# EXHIBIT 6-3

# AREA LOCATION MAP

**EXHIBIT 6-3**
**AREA LOCATION MAP**




October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

HospitalLocations

Library Locations

**School Locations**

School Locations

CCC_Parks

County Boundary

**Major Roads Medium**

I - 75

US 41

Other Highways

Other Roads

1:24,000

0 1,100 2,200 4,400 ft

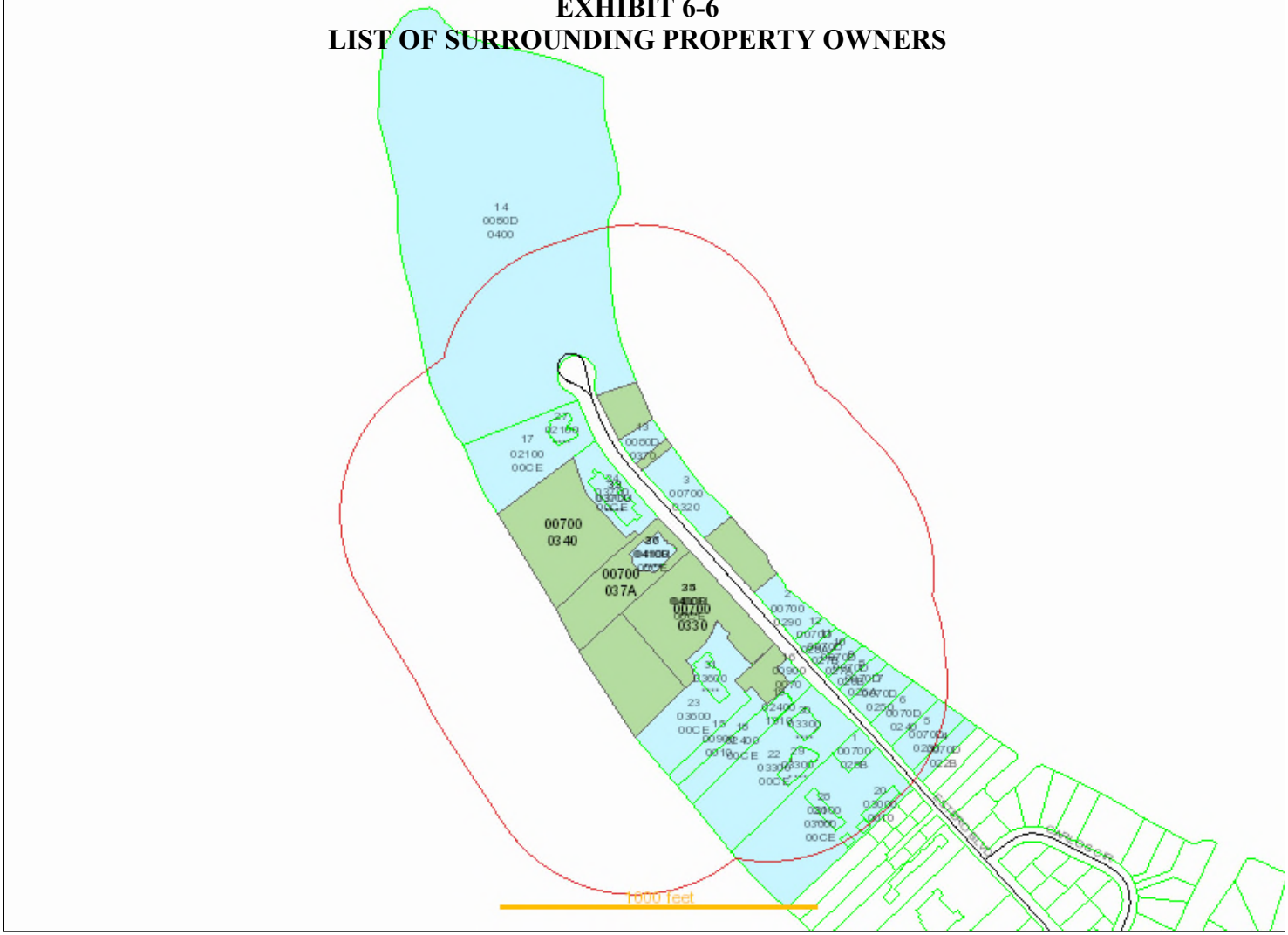
0 330 660 1,320 m

This map is NOT a legal land survey and should not be used or relied upon as such.
No warranties, express or implied, are provided with the data, use, accuracy, completeness, etc.

# EXHIBIT 6-6

# LIST OF SURROUNDING PROPERTY OWNERS

# EXHIBIT 6-6
# LIST OF SURROUNDING PROPERTY OWNERS




Date of Report: October 19, 2023

Buffer Distance: 500 feet Rerun

Parcels Affected: 432

Subject Parcels: **24-46-23-W1-00700.0330, 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A**

To change, add or remove subject parcels please change the parcel selection in GeoView

Click here to download the map image, mailing labels (Avery 5161) and CSV formatted information.

| OWNER NAME AND ADDRESS | STRAP AND LOCATION | LEGAL DESCRIPTION | MAP INDEX |
|---|---|---|---|
| WINDWARD PASSAGE RESORT CONDO<br>VACATION RESORTS INTL<br>25510 COMMERCENTRE DR STE 100<br>LAKE FOREST CA 92630 | **24-46-23-W1-00700.028B**<br>406 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>PB 9 PG 37<br>LOT PT 28 | 1 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-00700.0290**<br>251-281 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | NW 1/2 OF LT 28 LT 29 + 30 + SE 20 FT OF LOT 31 BLK D UT 4 ISLAND SHORES PB 9 PG 37 | 2 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-00700.0320**<br>171-191 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | NW 17 FT OF LT 32 + LTS 33 + 34 + 35 + SE 50 FT LT 36 BLK D UT 4 ISLAND SHORES PB 9 PG 37 | 3 |
| BLAUM BRIAN C TR<br>220 EMERSON PL #201<br>DAVENPORT IA 52801 | **24-46-23-W1-0070D.022B**<br>431 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>NWLY 50 FT LOT 22 | 4 |

| | | | |
|---|---|---|---|
| MCCHESNEY KEVIN E TR<br>417 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0070D.0230**<br>417 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>LOT 23 | 5 |
| SILVER KING VENTURES LLC<br>353 CLIFTON AVE<br>KINGSTON NY 12401 | **24-46-23-W1-0070D.0240**<br>405 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>LOT 24 | 6 |
| 385 ESTERO BLVD LLC<br>1421 E LAKE SHORE DR<br>SPRINGFIELD IL 62712 | **24-46-23-W1-0070D.0250**<br>385 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>LOT 25 | 7 |
| DAVIS JAMES & KIMBERLY<br>327 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0070D.026A**<br>327 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>E 1/2 LOT 26 | 8 |
| COOPER FMB LLC<br>PO BOX 501<br>HOWELL MI 48844 | **24-46-23-W1-0070D.026B**<br>325 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>W 1/2 LOT 26 | 9 |
| HOLSEM JACK<br>505 JACKSON ST<br>GRANDVILLE MI 49418 | **24-46-23-W1-0070D.027A**<br>319 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>E 1/2 LOT 27 | 10 |
| EDWARDS PAUL G L/E<br>315 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0070D.027B**<br>315 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>W 1/2 LOT 27 | 11 |
| JABO LLC<br>275 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0070D.028A**<br>309 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES UNIT 4<br>BLK D PB 9 PG 37<br>THE SELY 1/2 LOT 28 | 12 |
| KAMINSKIY AT 131 ESTERO LLC<br>12463 RANCHO BERNARDO RD #237<br>SAN DIEGO CA 92128 | **24-46-23-W1-0080D.0370**<br>131/133 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CLUB SEC<br>BLK D PB 9 PG 41<br>LOT 37 | 13 |
| LEE COUNTY<br>PO BOX 398<br>FORT MYERS FL 33902 | **24-46-23-W1-0080D.0400**<br>50/58 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CLUB SEC<br>BLK D PB 9 PG 41 LTS 40-43<br>BLK E + BLK F LTS 45-48 | 14 |
| ZENG GORDAN G & ZHU DONGHE +<br>145 LAWRENCE DR<br>SHORT HILLS NJ 07078 | **24-46-23-W1-00900.0010**<br>324 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | GULF SHORE<br>PB 9 PG 88<br>LOT 1 | 15 |
| JAMES F BRYANT TRUST +<br>27 FOREST BAY LN<br>CICERO IN 46034 | **24-46-23-W1-00900.0070**<br>320 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | GULF SHORE SUBD<br>PB 9 PG 88<br>LOT 7 | 16 |
| PINK SHELL VACATION VILLAS<br>SUITOR MIDDLETON COX & ASSOC<br>15751 SAN CARLOS BLVD STE 8<br>FORT MYERS FL 33908 | **24-46-23-W1-02100.00CE**<br>102 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>COMMON AREA<br>OR 1173 PG 1496 | 17 |
| PINK SHELL BEACH CLUB CONDO<br>275 ESTERI BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-02400.00CE**<br>328 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | PINK SHELL BEACH CLUB I<br>CONDO A TIME-SHARE<br>COMMON AREA<br>DESC IN OR BK 2606 PG 3252 | 18 |
| PINK SHELL BEACH CLUB<br>VACATION RESORTS INTL<br>25510 COMMERCENTRE DR STE 100<br>LAKE FOREST CA 92630 | **24-46-23-W1-02400.1910**<br>326 ESTERO BLVD #191<br>FORT MYERS BEACH FL 33931 | PINK SHELL BEACH CLUB I<br>A TIME-SHARE OR1429-2219<br>UNITS 191-593 / 15 UNITS | 19 |
| WINDWARD PASSAGE RESORT<br>VACATION RESORTS INTL<br>25510 COMMERCENTRE DR STE 100<br>LAKE FOREST CA 92630 | **24-46-23-W1-03000.0010**<br>418 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | WINDWARD PASSAGE RESORT<br>A TIME-SHARE OR1578-0728<br>UNIT 1 THRU 408 / 52 UNITS | 20 |
| WINDWARD PASSAGE RESORT<br>418 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03000.00CE**<br>420 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | WINDWARD PASSAGE RESORT<br>CONDO A TIME-SHARE<br>COMMON AREA<br>OR BK 1578 PG 0728 | 21 |
| ISLAND SHORES CONDO<br>394 ESTERO BLVD | **24-46-23-W1-03300.00CE**<br>394 ESTERO BLVD | ISLAND SHORES CONDO<br>COMMON AREA | 22 |

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| FORT MYERS BEACH FL 33931 | FORT MYERS BEACH FL 33931 | DESC OR BK 1817 PG 1137<br>+ CPB 12 PG 34 | |
| ESTERO ISLAND BEACH VILLAS<br>CONDO PHASES 1 + 2<br>250 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03600.00CE**<br>252 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>CONDO PHS 1+2 DESC OR2574<br>PG0734 CE:LAND ONLY | 23 |
| SANIBEL VIEW VILLAS CONDO<br>ASOC | **24-46-23-W1-03700.00CE**<br>142 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>AS DESC IN OR 3559 PG 222<br>COMMON ELEMENTS | 24 |
| WHITE SAND VILLAS CONDO ASSN<br>200 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-04000.00CE**<br>202 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>COMMON ELEMENTS | 25 |
| CAPTIVA VILLAS<br>275 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-04100.00CE**<br>192 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COMMON ELEMENT | 26 |
| FUN & SUN LLC<br>PO BOX 07264<br>FORT MYERS FL 33919 | **24-46-23-W1-02100.1310**<br>100 ESTERO BLVD #131<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 131 | 27 |
| 100 ESTERO BLVD LLC<br>844 TENACITY DR<br>LONGMONT CO 80504 | **24-46-23-W1-02100.1320**<br>100 ESTERO BLVD #132<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 132 | 27 |
| BAGGOT HOLLY S & ANDREW P<br>6644 N CHICKAHAUK TRL<br>MIDDLETON WI 53562 | **24-46-23-W1-02100.1330**<br>100 ESTERO BLVD #133<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 133 | 27 |
| WALTERS CHRISTINE<br>224 CARRANZA RD<br>TABERNACLE NJ 08088 | **24-46-23-W1-02100.1340**<br>100 ESTERO BLVD #134<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 134 | 27 |
| BURNS ROBERT &<br>5965 BAKER CT<br>FORT MYERS FL 33919 | **24-46-23-W1-02100.1350**<br>100 ESTERO BLVD #135<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 135 | 27 |
| STEDER PATRICIA B +<br>9820 STERLING DR<br>CUTLER BAY FL 33157 | **24-46-23-W1-02100.2310**<br>100 ESTERO BLVD #231<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 231 | 27 |
| UNKNOWN HEIRS OF<br>582 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-02100.2320**<br>100 ESTERO BLVD #232<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 232 | 27 |
| TTK ENTERPRISES LLC<br>15 TREMORE WAY<br>HOLLAND OH 43528 | **24-46-23-W1-02100.2330**<br>100 ESTERO BLVD #233<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 233 | 27 |
| HARRIS ELSIE KAY +<br>1043 HEATHER HILLS LN<br>LEXINGTON KY 40511 | **24-46-23-W1-02100.2340**<br>100 ESTERO BLVD #234<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 234 | 27 |
| A&H 100 ESTERO FMB LLC<br>6644 N CHICKAHAUK TRAIL<br>MIDDLETON WI 53562 | **24-46-23-W1-02100.2350**<br>100 ESTERO BLVD #235<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 235 | 27 |
| STIGEN REED A & VICKI L<br>711 NORTHRIDGE WAY<br>WEST FARGO ND 58078 | **24-46-23-W1-02100.3310**<br>100 ESTERO BLVD #331<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 331 | 27 |
| ALMAGUER SUZANNE DAVIS<br>5541 NW 49TH TER<br>COCONUT CREEK FL 33073 | **24-46-23-W1-02100.3320**<br>100 ESTERO BLVD #332<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 332 | 27 |
| TTK ENTERPRISES LLC<br>15 TREMORE WAY<br>HOLLAND OH 43528 | **24-46-23-W1-02100.3330**<br>100 ESTERO BLVD #333<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 333 | 27 |
| SCHOLZ W W & ANGELA L<br>105 BENTLEY DR<br>LATHAM NY 12110 | **24-46-23-W1-02100.3340**<br>100 ESTERO BLVD #334<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 334 | 27 |

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| CASSIDY RICHARD +<br>65-25 160TH ST #20B<br>FRESH MEADOWS NY 11365 | **24-46-23-W1-02100.3350**<br>100 ESTERO BLVD #335<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 335 | 27 |
| OUDERSLUYS CAROL S TR<br>7117 PELICAN BAY BLVD #1901<br>NAPLES FL 34108 | **24-46-23-W1-02100.4310**<br>100 ESTERO BLVD #431<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 431 | 27 |
| CICCONE NATALE +<br>1239 CEDAR RD<br>SOUTHPORT CT 06890 | **24-46-23-W1-02100.4320**<br>100 ESTERO BLVD #432<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 432 | 27 |
| MCGINNITY MARTHA TR<br>440 CARROLLWOOD DR<br>TARRYTOWN NY 10591 | **24-46-23-W1-02100.4330**<br>100 ESTERO BLVD #433<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 433 | 27 |
| RYFFEL-KRAGH AMY<br>23939 WINBERLY OAK<br>SAN ANTONIO TX 78261 | **24-46-23-W1-02100.4340**<br>100 ESTERO BLVD #434<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 434 | 27 |
| SHEPKA ELYSE +<br>1642 S FOUNTAINHEAD RD<br>FORT MYERS FL 33919 | **24-46-23-W1-02100.4350**<br>100 ESTERO BLVD #435<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 435 | 27 |
| RYREAL FLORIDA LLC<br>MARY K HERMAN<br>27 STANTON LN<br>STAMFORD CT 06902 | **24-46-23-W1-02100.5310**<br>100 ESTERO BLVD #531<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 531 | 27 |
| FLANAGAN MICHAEL P & ANNA L<br>TR<br>18104 BLUE HERON POINTE DR<br>NORTHVILLE MI 48168 | **24-46-23-W1-02100.5320**<br>100 ESTERO BLVD #532<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 532 | 27 |
| SCHULTE WAYNE D &<br>PO BOX 268<br>ELLSWORTH WI 54011 | **24-46-23-W1-02100.5330**<br>100 ESTERO BLVD #533<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 533 | 27 |
| SCROGGIE PHYLLIS T TR<br>PO BOX 61596<br>FORT MYERS FL 33906 | **24-46-23-W1-02100.5340**<br>100 ESTERO BLVD #534<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 534 | 27 |
| REGGIE 535 LLC<br>2353 GREENWOOD RD<br>NORTHBROOK IL 60062 | **24-46-23-W1-02100.5350**<br>100 ESTERO BLVD #535<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 535 | 27 |
| PINK SHELL PROPERTIES LLC<br>MOIRA FAHEY-ULLRICH<br>94 LOWER LOCH VISTA DR<br>WILLIAMS BAY WI 53191 | **24-46-23-W1-02100.6310**<br>100 ESTERO BLVD #631<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 631 | 27 |
| MERVIN + MELISSA LARSON TRUST<br>4 FIRST ST<br>EXCELSIOR MN 55331 | **24-46-23-W1-02100.6320**<br>100 ESTERO BLVD #632<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 632 | 27 |
| CMME PROPERTIES LLC<br>9523 CLAYCHIN CT<br>BURKE VA 22015 | **24-46-23-W1-02100.6330**<br>100 ESTERO BLVD #633<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 633 | 27 |
| AGUIRRE PENNY J TR<br>8424 40TH AVE N<br>NEW HOPE MN 55427 | **24-46-23-W1-02100.6340**<br>100 ESTERO BLVD #634<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 634 | 27 |
| TL 5109 LLC<br>180 WASHINGTON ST<br>GOLDEN CO 80403 | **24-46-23-W1-02100.6350**<br>100 ESTERO BLVD #635<br>FORT MYERS BEACH FL 33931 | PINK SHELL VACATION VILLAS<br>OR 1173 PG 1496<br>UNIT 635 | 27 |
| SEARENITY WPR LLC<br>RAYMOND HUNT<br>7N982 CLOVERFIELD DR<br>SAINT CHARLES IL 60175 | **24-46-23-W1-03000.5010**<br>418 ESTERO BLVD #501<br>FORT MYERS BEACH FL 33931 | WINDWARD PASSAGE RESORT<br>CONDO OR 1578 PG 728<br>UNIT 501 | 28 |
| FRITZ LAURA L TR<br>814 W MOUNT PLEASANT RD | **24-46-23-W1-03000.5020**<br>418 ESTERO BLVD #502 | WINDWARD PASSAGE RESORT<br>CONDO OR 1578 PG 728 | 28 |

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| EVANSVILLE IN 47711 | FORT MYERS BEACH FL 33931 | UNIT 502 | |
| SCHERER DEBRA E TR<br>18215 LANSFORD PATH<br>LAKEVILLE MN 55044 | **24-46-23-W1-03300.1010**<br>394 ESTERO BLVD #101<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 101 | 29 |
| BORNEMAN DAVID C & DINA E<br>394 ESTERO BLVD #102<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.1020**<br>394 ESTERO BLVD #102<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 102 | 29 |
| FIGURA MICHAEL A & CAROL A<br>394 ESTERO BLVD # 103<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.1030**<br>394 ESTERO BLVD #103<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 103 | 29 |
| ROBINSON CAROL L TR +<br>105 CROSSBOW TRAILS<br>LAWRENCEBURG IN 47025 | **24-46-23-W1-03300.1040**<br>394 ESTERO BLVD #104<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 104 | 29 |
| YORDY MICHAEL E TR<br>26700 BROADWAY RD<br>MORTON IL 61550 | **24-46-23-W1-03300.2010**<br>394 ESTERO BLVD #201<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 201 | 29 |
| ROHRBACHER MICHAEL &<br>394 ESTERO BLVD #202<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.2020**<br>394 ESTERO BLVD #202<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 202 | 29 |
| LOVELESS ENTERPRISES INC<br>210 SPRINGFIELD RD<br>GILLESPIE IL 62033 | **24-46-23-W1-03300.2030**<br>394 ESTERO BLVD #203<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 203 | 29 |
| DANGELO JANE M TR<br>394 ESTERO BLVD #204<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.2040**<br>394 ESTERO BLVD #204<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 204 | 29 |
| KING MICHAEL G<br>PO BOX 3001<br>DUBLIN OH 43016 | **24-46-23-W1-03300.3010**<br>394 ESTERO BLVD #301<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 301 | 29 |
| DIFFLEY CHRISTOPHER P &<br>394 ESTERO BLVD # 302<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.3020**<br>394 ESTERO BLVD #302<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 302 | 29 |
| ARENS ROBERT W TR<br>11431 LONGWATER CHASE CT<br>FORT MYERS FL 33908 | **24-46-23-W1-03300.3030**<br>394 ESTERO BLVD #303<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 303 | 29 |
| MAREK CHARLES B JR +<br>4021 BAY DR<br>MIDDLE RIVER MD 21220 | **24-46-23-W1-03300.3040**<br>394 ESTERO BLVD #304<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 304 | 29 |
| KRINKIE JODETTE M & BRUCE J TR<br>6881 BLACKDUCK DR<br>LINO LAKES MN 55014 | **24-46-23-W1-03300.4010**<br>394 ESTERO BLVD #401<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 401 | 29 |
| CATHERINE G SCHOLZ 2007 TRUST<br>5 FIDDLEHEAD LN<br>WAYLAND MA 01778 | **24-46-23-W1-03300.4020**<br>394 ESTERO BLVD #402<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 402 | 29 |
| BARNHART DAVID W<br>PO BOX 14536<br>MINNEAPOLIS MN 55414 | **24-46-23-W1-03300.4030**<br>394 ESTERO BLVD #403<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 403 | 29 |
| MIDDLESWARTH DAVID B TR<br>500 MEADOW LN<br>MIDDLEBURG PA 17842 | **24-46-23-W1-03300.4040**<br>394 ESTERO BLVD #404<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 404 | 29 |
| BENES ANDREW C TR<br>1127 HIGHLAND POINTE DR<br>SAINT LOUIS MO 63131 | **24-46-23-W1-03300.5010**<br>394 ESTERO BLVD #501<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 501 | 29 |
| BENES ANDREW C & JENNIFER J<br>1127 HIGHLAND POINTE DR<br>SAINT LOUIS MO 63131 | **24-46-23-W1-03300.5020**<br>394 ESTERO BLVD #502<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 502 | 29 |
| GERMAN PATRICIA A TR<br>394 ESTERO BLVD #503 | **24-46-23-W1-03300.5030**<br>394 ESTERO BLVD #503 | ISLAND SHORES CONDO<br>OR 1817 PG 1137 | 29 |

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| FORT MYERS BEACH FL 33931 | FORT MYERS BEACH FL 33931 | UNIT 503 | |
| CAPENIGRO ANTHONY T &<br>22W160 PINEGROVE CT<br>GLEN ELLYN IL 60137 | **24-46-23-W1-03300.5040**<br>394 ESTERO BLVD #504<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 504 | 29 |
| LLOYD JOHN D & STEPHANIE J TR<br>15725 OREGON AVE<br>PRIOR LAKE MN 55372 | **24-46-23-W1-03300.6010**<br>394 ESTERO BLVD #601<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 601 | 29 |
| LLOYD JOHN D & STEPHANIE J TR<br>15275 OREGON AVE<br>PRIOR LAKE MN 55372 | **24-46-23-W1-03300.6020**<br>394 ESTERO BLVD #602<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 602 | 29 |
| MIDDLESWARTH DAVID B<br>500 MEADOW LN<br>MIDDLEBURG PA 17842 | **24-46-23-W1-03300.6030**<br>394 ESTERO BLVD #603<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 603 | 29 |
| MILLIRON GRANT E TR<br>2384 STATE ROUTE 39 NW<br>MANSFIELD OH 44903 | **24-46-23-W1-03300.6040**<br>394 ESTERO BLVD #604<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 604 | 29 |
| SIEVERTSEN DOLORES C TR<br>15492 LEONARD RD<br>SPRING LAKE MI 49456 | **24-46-23-W1-03300.1050**<br>392 ESTERO BLVD #105<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 105 | 30 |
| EASTON FAMILY LLC<br>24523 WEST PELLINORE DR<br>JOLIET IL 60404 | **24-46-23-W1-03300.1060**<br>392 ESTERO BLVD #106<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 106 | 30 |
| EASTON MELODEE M TR<br>24523 W PELLINORE DR<br>JOLIET IL 60404 | **24-46-23-W1-03300.1070**<br>392 ESTERO BLVD #107<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 107 | 30 |
| ENGELSMAN JAMES + RHONDA TR<br>1184 64TH AVE<br>ZEELAND MI 49464 | **24-46-23-W1-03300.2050**<br>392 ESTERO BLVD #205<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 205 | 30 |
| HENSLEY DANIEL L & SHERYL L/E<br>PO BOX 547<br>MOUND MN 55364 | **24-46-23-W1-03300.2060**<br>392 ESTERO BLVD #206<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 206 | 30 |
| STOOPS JEFFREY E +<br>3808 CLAYBROOK CT<br>BARGERSVILLE IN 46106 | **24-46-23-W1-03300.2070**<br>392 ESTERO BLVD #207<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 207 | 30 |
| WELLS GWENDOLYN M +<br>4021 BAY DR<br>MIDDLE RIVER MD 21220 | **24-46-23-W1-03300.3050**<br>392 ESTERO BLVD #305<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 305 | 30 |
| ANGELA M ROCHE TRUST +<br>2243 RE PINE LN SW<br>ROCHESTER MN 55902 | **24-46-23-W1-03300.3060**<br>392 ESTERO BLVD #306<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 306 | 30 |
| LIOTTA SAVATORE & CONCETTA<br>6 OAK BROOK CLUB DR APT J101<br>OAK BROOK IL 60523 | **24-46-23-W1-03300.3070**<br>392 ESTERO BLVD #307<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 307 | 30 |
| STUTZ SHARON A TR<br>47790 STATE ROUTE 162<br>WELLINGTON OH 44090 | **24-46-23-W1-03300.4050**<br>392 ESTERO BLVD #405<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 405 | 30 |
| COVERT ROBERT & LOUISE B TR<br>9403 GIBSON DR<br>POWELL OH 43065 | **24-46-23-W1-03300.4060**<br>392 ESTERO BLVD #406<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 406 | 30 |
| DEMARY JULE A +<br>930 VILLAGE BROOK WAY<br>COLUMBUS OH 43235 | **24-46-23-W1-03300.4070**<br>392 ESTERO BLVD #407<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 407 | 30 |
| CALUSA LLC<br>22774 CITATION RD<br>FRANKFORT IL 60423 | **24-46-23-W1-03300.5050**<br>392 ESTERO BLVD #505<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 505 | 30 |
| MCK HOLDINGS (2018) LIMITED<br>200140 SIDE RD 10 RR 1 | **24-46-23-W1-03300.5060**<br>392 ESTERO BLVD #506 | ISLAND SHORES CONDO<br>OR 1817 PG 1137 | 30 |

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| SHALLOW LAKE ON N0H 2K0<br>CANADA | FORT MYERS BEACH FL 33931 | UNIT 506 | |
| WIESSING CAROL S TR<br>2403 LOWELL AVE<br>SPRINGFIELD IL 62704 | **24-46-23-W1-03300.5070**<br>392 ESTERO BLVD #507<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 507 | 30 |
| LANDISI ANNE MARIE T<br>392 ESTERO BLVD #605<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.6050**<br>392 ESTERO BLVD #605<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 605 | 30 |
| MCSPEDON TRUST<br>750 RUSHMORE AVE<br>MAMARONECK NY 10543 | **24-46-23-W1-03300.6060**<br>392 ESTERO BLVD #606<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 606 | 30 |
| NUNN JOYCE M TR<br>392 ESTERO BLVD #607<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03300.6070**<br>392 ESTERO BLVD #607<br>FORT MYERS BEACH FL 33931 | ISLAND SHORES CONDO<br>OR 1817 PG 1137<br>UNIT 607 | 30 |
| BOERMAN DANIEL J +<br>2420 DAVEY RD<br>WOODRIDGE IL 60517 | **24-46-23-W1-03600.1010**<br>250 ESTERO BLVD #101<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR 2574 PG 0734<br>PH 1 UNIT 101 | 31 |
| MASSEY STEVEN MICHAEL &<br>1864 SUMMIT LANE<br>MENDOTA HEIGHTS MN 55118 | **24-46-23-W1-03600.1020**<br>250 ESTERO BLVD #102<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR 2574 PG 0734<br>PH 1 UNIT 102 | 31 |
| JOHNSON GORDON R & HOPE Y TR<br>6409 DORON LN<br>EDINA MN 55439 | **24-46-23-W1-03600.1030**<br>250 ESTERO BLVD #103<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR 2574 PG 0734<br>PH 1 UNIT 103 | 31 |
| FM BEACH LLC<br>4441 CORNWELL LN<br>WHITMORE LAKE MI 48189 | **24-46-23-W1-03600.1040**<br>250 ESTERO BLVD #104<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR 2574 PG 0734<br>PH 1 UNIT 104 | 31 |
| HULL PETER H +<br>1982 AUTUMN BROOK TRL<br>HINCKLEY OH 44233 | **24-46-23-W1-03600.1050**<br>250 ESTERO BLVD #105<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 105 | 31 |
| ANDREW W PLACE TRUST +<br>1628 ROCK WOOD LN<br>MISHAWAKA IN 46545 | **24-46-23-W1-03600.1060**<br>250 ESTERO BLVD #106<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 106 | 31 |
| BASSEL ROBERT N &<br>9008 HACK RD<br>CLINTON MI 49236 | **24-46-23-W1-03600.2010**<br>250 ESTERO BLVD #201<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 201 | 31 |
| SHAFFER RICHARD TR<br>PO BOX 3075<br>FORT MYERS BEACH FL 33932 | **24-46-23-W1-03600.2020**<br>250 ESTERO BLVD #202<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 202 | 31 |
| ZASTROW TODD W & LYNN P<br>1051 N JAMEY LN<br>ADDISON IL 60101 | **24-46-23-W1-03600.2030**<br>250 ESTERO BLVD #203<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 203 | 31 |
| SCHUBERT CHARLES B & AMY L<br>344 HAMBLETONIAN DR<br>OAK BROOK IL 60523 | **24-46-23-W1-03600.2040**<br>250 ESTERO BLVD #204<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 204 | 31 |
| MURRAY WILLIS OLTMAN TRUST +<br>36490 OLD MILL BRIDGE RD<br>FRANKFORD DE 19945 | **24-46-23-W1-03600.2050**<br>250 ESTERO BLVD #205<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 205 | 31 |

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| SEQUEIRA THOMAS M &<br>6960 NORVALE CIR W<br>GATES MILLS OH 44040 | **24-46-23-W1-03600.2060**<br>250 ESTERO BLVD #206<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 206 | 31 |
| KOUMJIAN RICHARD H &<br>14220 ROYAL HARBOUR CT #511<br>FORT MYERS FL 33908 | **24-46-23-W1-03600.3010**<br>250 ESTERO BLVD #301<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 301 | 31 |
| TOWNSEND TREASURE LLC<br>3516 YORK RD<br>OAK BROOK IL 60523 | **24-46-23-W1-03600.3020**<br>250 ESTERO BLVD #302<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 302 | 31 |
| MALOCO LLC<br>36 SUFFOLK DR<br>SAINT CHARLES MO 63301 | **24-46-23-W1-03600.3030**<br>250 ESTERO BLVD #303<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 303 | 31 |
| ODONELL WILLIAM M &<br>415 COLFAX AVE<br>CLARENDON HILLS IL 60514 | **24-46-23-W1-03600.3040**<br>250 ESTERO BLVD #304<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 304 | 31 |
| FAHY BRYAN<br>421 OCEAN BLVD #5N<br>HAMPTON NH 03842 | **24-46-23-W1-03600.3050**<br>250 ESTERO BLVD #305<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 305 | 31 |
| WALZ PATRICIA M TR<br>20363 CARA AVE<br>CASSOPOLIS MI 49031 | **24-46-23-W1-03600.3060**<br>250 ESTERO BLVD #306<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 306 | 31 |
| WALZ JAMES E & MARGERY L<br>9250 BAYBERRY BEND APT 201<br>FORT MYERS FL 33908 | **24-46-23-W1-03600.4010**<br>250 ESTERO BLVD #401<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 401 | 31 |
| JAKOVY PROPERTIES LLC<br>1264 CANDLEWOOD CT<br>DOWNERS GROVE IL 60515 | **24-46-23-W1-03600.4020**<br>250 ESTERO BLVD #402<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 402 | 31 |
| J + L BOWEN LLC<br>1613 CAROLINA ORCHARDS BLVD<br>FORT MILL SC 29715 | **24-46-23-W1-03600.4030**<br>250 ESTERO BLVD #403<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 403 | 31 |
| PETH NICHOLAS A<br>1629 E STATE ROUTE 73<br>WAYNESVILLE OH 45068 | **24-46-23-W1-03600.4040**<br>250 ESTERO BLVD #404<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 404 | 31 |
| M LANE FARMS LLC<br>1456 E 1000 NORTH RD<br>TAYLORVILLE IL 62568 | **24-46-23-W1-03600.4050**<br>250 ESTERO BLVD #405<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 405 | 31 |
| CLENNON LAWRENCE<br>20641 W COUNTY RD<br>WILMINGTON IL 60481 | **24-46-23-W1-03600.4060**<br>250 ESTERO BLVD #406<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 406 | 31 |
| WENTWORTH JEFFREY R<br>3630 LOWER SPRINGBORO RD<br>WAYNESVILLE OH 45068 | **24-46-23-W1-03600.5010**<br>250 ESTERO BLVD #501<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 501 | 31 |
| ANDREWS BERNARD C TR<br>8355 CHESAPEAKE DR | **24-46-23-W1-03600.5020**<br>250 ESTERO BLVD #502 | ESTERO ISLAND BEACH VILLAS | 31 |

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| NORTH RIDGEVILLE OH 44039 | FORT MYERS BEACH FL 33931 | DESC OR2574 PG 0734<br>PH 1 UNIT 502 | |
| CONNOLLY PAUL A &<br>5780 WILLOW LN N<br>SHOREVIEW MN 55126 | **24-46-23-W1-03600.5030**<br>250 ESTERO BLVD #503<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 503 | 31 |
| TOWNSEND DOUGLAS Y<br>2060 COMMERCE DR<br>SIDNEY OH 45365 | **24-46-23-W1-03600.5040**<br>250 ESTERO BLVD #504<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 504 | 31 |
| SANDCASTLE BEACH PROPERTIES LL<br>11887 WILLIAMS COUNTY RD 15<br>MONTPELIER OH 43543 | **24-46-23-W1-03600.5050**<br>250 ESTERO BLVD #505<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 505 | 31 |
| DOAN BEVERLY CLARKE &<br>9737 WADSWORTH BLVD<br>WESTMINSTER CO 80021 | **24-46-23-W1-03600.5060**<br>250 ESTERO BLVD #506<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 506 | 31 |
| SCHUBERT CHARLES & AMY<br>344 HAMLETONIAN DR<br>OAK BROOK IL 60523 | **24-46-23-W1-03600.6010**<br>250 ESTERO BLVD #601<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 601 | 31 |
| LEVEE STUART E & CAROL A<br>9217 WILLOWCREST CT<br>FORT MYERS FL 33908 | **24-46-23-W1-03600.6020**<br>250 ESTERO BLVD #602<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 602 | 31 |
| LAIRMORE BRANDON & BRANDI<br>7651 COLDSTREAM WOODS DR<br>CINCINNATI OH 45255 | **24-46-23-W1-03600.6030**<br>250 ESTERO BLVD #603<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 603 | 31 |
| SEQUEIRA THOMAS M &<br>6960 NORVALE CIR W<br>GATES MILLS OH 44040 | **24-46-23-W1-03600.6040**<br>250 ESTERO BLVD #604<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 604 | 31 |
| RUCKER JOHN T & LOUSIE<br>5792 ROYAL LYTHAM CT<br>DUBLIN OH 43017 | **24-46-23-W1-03600.6050**<br>250 ESTERO BLVD #605<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 605 | 31 |
| T JOY RENTALS LLC<br>211 W HIGH ST<br>BRYAN OH 43506 | **24-46-23-W1-03600.6060**<br>250 ESTERO BLVD #606<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG 0734<br>PH 1 UNIT 606 | 31 |
| KM INVESTMENTS LLC<br>1721 W BIKE ST<br>BREMEN IN 46506 | **24-46-23-W1-03600.7010**<br>250 ESTERO BLVD #701<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG0824<br>PH 2 UNIT 701 | 31 |
| MANAGER LINK LLC<br>3404 ADAMS RD<br>OAK BROOK IL 60523 | **24-46-23-W1-03600.7020**<br>250 ESTERO BLVD #702<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG0824<br>PH 2 UNIT 702 | 31 |
| SWEET SAMUEL & KATHLEEN A<br>1595 JOHN PAUL CT<br>OXFORD MI 48371 | **24-46-23-W1-03600.7030**<br>250 ESTERO BLVD #703<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG0824<br>PH 2 UNIT 703 | 31 |
| FINISH STRONG LLC<br>673 CADDE TRAIL<br>SCROGGINS TX 75480 | **24-46-23-W1-03600.7040**<br>250 ESTERO BLVD #704<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH<br>VILLAS<br>DESC OR2574 PG0824<br>PH 2 UNIT 704 | 31 |

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| VIEAU MARK R & SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-03600.7050**<br>250 ESTERO BLVD #705<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG0824<br>PH 2 UNIT 705 | 31 |
| BROWN DAVID L TR<br>13 WARD LN<br>CINCINNATI OH 45246 | **24-46-23-W1-03600.7060**<br>250 ESTERO BLVD #706<br>FORT MYERS BEACH FL 33931 | ESTERO ISLAND BEACH VILLAS<br>DESC OR2574 PG0824<br>PH 2 UNIT 706 | 31 |
| DEUTSCH RANDALL P & KAREN M<br>1524 WATERFORD RD<br>NORTH AURORA IL 60542 | **24-46-23-W1-03700.2101**<br>140 ESTERO BLVD #2101<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2101 | 32 |
| LAYMAN JOSEPH E & MONICA B TR<br>140 ALLEN ST<br>WALWORTH WI 53184 | **24-46-23-W1-03700.2102**<br>140 ESTERO BLVD #2102<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2102 | 32 |
| PREMIUM PROPERTIES LP<br>440 W CAIRNS ST<br>ELLSWORTH WI 54011 | **24-46-23-W1-03700.2103**<br>140 ESTERO BLVD #2103<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2103 | 32 |
| JOSEPH N NAMOUR TRUST +<br>18340 CREEK DR<br>FORT MYERS FL 33908 | **24-46-23-W1-03700.2104**<br>140 ESTERO BLVD #2104<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2104 | 32 |
| KLB HOLDINGS LLC<br>6041 NORTH LINDBERG<br>HAZELWOOD MO 63042 | **24-46-23-W1-03700.2105**<br>140 ESTERO BLVD #2105<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2105 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2106**<br>140 ESTERO BLVD #2106<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2106 | 32 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2107**<br>140 ESTERO BLVD #2107<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2107 | 32 |
| MASON GEORGE E & ALICIA D L/E<br>3436 COUNTRYSIDE PATH<br>THE VILLAGES FL 32163 | **24-46-23-W1-03700.2108**<br>140 ESTERO BLVD #2108<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2108 | 32 |
| SHEMROSKE JIM & LISA J +<br>13412 ROUND BARD RD<br>PLAINFIELD IL 60585 | **24-46-23-W1-03700.2109**<br>140 ESTERO BLVD #2109<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2109 | 32 |
| FICK RICHARD C & CAROLINE T<br>4311 WIMBLEDON DR<br>HARRISBURG PA 17112 | **24-46-23-W1-03700.2110**<br>140 ESTERO BLVD #2110<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2110 | 32 |
| CLIFFORD DANIEL EUGENE &<br>1442 194TH AVE<br>BALSAM LAKE WI 54810 | **24-46-23-W1-03700.2111**<br>140 ESTERO BLVD #2111<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2111 | 32 |
| TRIEGLAFF MARK A<br>915 EDDY CT<br>WHEATON IL 60187 | **24-46-23-W1-03700.2112**<br>140 ESTERO BLVD #2112<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2112 | 32 |
| ATKINSON SUSAN MARY<br>8 FIELDWAY RD STE 614<br>TORONTO ON M8Z 0C3<br>CANADA | **24-46-23-W1-03700.2201**<br>140 ESTERO BLVD #2201<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2201 | 32 |
| ABDULLAH AFZAL<br>6136 EAGLE RIDGE CT<br>BETTENDORF IA 52722 | **24-46-23-W1-03700.2202**<br>140 ESTERO BLVD #2202<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2202 | 32 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2203**<br>140 ESTERO BLVD #2203<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2203 | 32 |
| FREEDOM LIBERTY PROPERTIES LLC | **24-46-23-W1-03700.2204**<br>140 ESTERO BLVD #2204 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222 | 32 |

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| 26072 N HILL AVE<br>WAUCONDA IL 60084 | FORT MYERS BEACH FL 33931 | UNIT 2204 | |
| ZACHARIAS KENNETH R &<br>16 EDMUND ST<br>GREEN BAY WI 54302 | **24-46-23-W1-03700.2205**<br>140 ESTERO BLVD #2205<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2205 | 32 |
| RICHTER JULIETTE TR<br>1832 BANK ST<br>BALTIMORE MD 21231 | **24-46-23-W1-03700.2206**<br>140 ESTERO BLVD #2206<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2206 | 32 |
| RICHTER FRANK J & LORETTA M<br>647 SIGNAL HILL RD<br>BARRINGTON IL 60010 | **24-46-23-W1-03700.2207**<br>140 ESTERO BLVD #2207<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2207 | 32 |
| WIEDER FLORENCE + ROBERT TR<br>3614 KINGS CROWN BLVD<br>FORT MYERS FL 33908 | **24-46-23-W1-03700.2208**<br>140 ESTERO BLVD #2208<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2208 | 32 |
| HART RANDALL D +<br>NEW YORK LIFE<br>153 S MAIN ST<br>COLUMBIANA OH 44408 | **24-46-23-W1-03700.2209**<br>140 ESTERO BLVD #2209<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2209 | 32 |
| DAVIS ALAN & JANET<br>2560 MATTHEW JOHN DR<br>DUBUQUE IA 52002 | **24-46-23-W1-03700.2210**<br>140 ESTERO BLVD #2210<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2210 | 32 |
| BAER DENNIS L TR<br>1418 SAND CASTLE RD<br>SANIBEL FL 33957 | **24-46-23-W1-03700.2211**<br>140 ESTERO BLVD #2211<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2211 | 32 |
| ZURI CAY LLC<br>1650 LILAC LANE SW<br>BYRON MN 55920 | **24-46-23-W1-03700.2212**<br>140 ESTERO BLVD #2212<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2212 | 32 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2301**<br>140 ESTERO BLVD #2301<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2301 | 32 |
| GOWDY WILLIAM G & JEAN B<br>12737 IVORY STONE LOOP<br>FORT MYERS FL 33913 | **24-46-23-W1-03700.2302**<br>140 ESTERO BLVD #2302<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2302 | 32 |
| HEMBROUGH JOSHUA HOWARD &<br>505 EMILIE DR<br>LAFAYETTE IN 47906 | **24-46-23-W1-03700.2303**<br>140 ESTERO BLVD #2303<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2303 | 32 |
| OLESCYSKI JAIME ALLEN<br>109 MANIZAKS AVE<br>PUNTA GORDA FL 33983 | **24-46-23-W1-03700.2304**<br>140 ESTERO BLVD #2304<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2304 | 32 |
| FRANCIS1704 LLC<br>709 CAPE CORAL PKWY W<br>CAPE CORAL FL 33914 | **24-46-23-W1-03700.2305**<br>140 ESTERO BLVD #2305<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2305 | 32 |
| CC SQUARED HOLDINGS INC<br>13923 LILY PAD CIRCLE<br>FORT MYERS FL 33907 | **24-46-23-W1-03700.2306**<br>140 ESTERO BLVD #2306<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2306 | 32 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2307**<br>140 ESTERO BLVD #2307<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2307 | 32 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2308**<br>140 ESTERO BLVD #2308<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2308 | 32 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2309**<br>140 ESTERO BLVD #2309<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2309 | 32 |

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| GOLOSOW LORRAINE &<br>33 FALCONWOOD COURT<br>FORT MYERS FL 33919 | **24-46-23-W1-03700.2310**<br>140 ESTERO BLVD #2310<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2310 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2311**<br>140 ESTERO BLVD #2311<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2311 | 32 |
| WHITE MARI TAKAYAMA<br>908 VILLAS DR #3<br>VENICE FL 34285 | **24-46-23-W1-03700.2312**<br>140 ESTERO BLVD #2312<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2312 | 32 |
| S & G PROPERTY MANAGEMENT LLC<br>3051 DANA POINTE DR<br>PINCKNEY MI 48169 | **24-46-23-W1-03700.2401**<br>140 ESTERO BLVD #2401<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2401 | 32 |
| JASPER COM LLC<br>JAMES VOLPE<br>3319 MANSION WAY<br>COLUMBUS OH 43221 | **24-46-23-W1-03700.2402**<br>140 ESTERO BLVD #2402<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2402 | 32 |
| CLASSE PROPERTIES LLC<br>4707 61ST ST<br>HOLLAND MI 49423 | **24-46-23-W1-03700.2403**<br>140 ESTERO BLVD #2403<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2403 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2404**<br>140 ESTERO BLVD #2404<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2404 | 32 |
| VIEAU MARK R & SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-03700.2405**<br>140 ESTERO BLVD #2405<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2405 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2406**<br>140 ESTERO BLVD #2406<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2406 | 32 |
| PINKERTON RICHARD A &<br>406 WAYNE ST<br>JOHNSTOWN PA 15905 | **24-46-23-W1-03700.2407**<br>140 ESTERO BLVD #2407<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2407 | 32 |
| FERGUSON ROBERT P & ROSE M TR<br>16935 TIMBERLAKES DR<br>FORT MYERS FL 33908 | **24-46-23-W1-03700.2408**<br>140 ESTERO BLVD #2408<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2408 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2409**<br>140 ESTERO BLVD #2409<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2409 | 32 |
| SCHMIDT EDWIN H TR<br>2004 PLYMOUTH RD #221<br>MINNETONKA MN 55305 | **24-46-23-W1-03700.2410**<br>140 ESTERO BLVD #2410<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2410 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2411**<br>140 ESTERO BLVD #2411<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2411 | 32 |
| MEES JUERGEN +<br>HUMMEL STRASSE 6<br>BERLIN 12623<br>GERMANY | **24-46-23-W1-03700.2412**<br>140 ESTERO BLVD #2412<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2412 | 32 |
| 832 LLC<br>832 HEATHWOOD DR<br>MARCO ISLAND FL 34145 | **24-46-23-W1-03700.2501**<br>140 ESTERO BLVD #2501<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2501 | 32 |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-03700.2502**<br>140 ESTERO BLVD #2502<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2502 | 32 |
| CAMPBELL FAMILY LTD PTNRSHP I<br>1375 N 800 W<br>TIPTON IN 46072 | **24-46-23-W1-03700.2503**<br>140 ESTERO BLVD #2503<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2503 | 32 |

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| H C J ASSOCIATES LLC<br>161 EGRET ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03700.2504**<br>140 ESTERO BLVD #2504<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2504 | 32 |
| DI-AN 2 LLC<br>4560 ESTERO BLVD APT 501<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03700.2505**<br>140 ESTERO BLVD #2505<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2505 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2506**<br>140 ESTERO BLVD #2506<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2506 | 32 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2507**<br>140 ESTERO BLVD #2507<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2507 | 32 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2508**<br>140 ESTERO BLVD #2508<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2508 | 32 |
| HOFF LARRY F & ANGELA M<br>5665 SUGARWOOD DR<br>NEW ALBANY OH 43054 | **24-46-23-W1-03700.2509**<br>140 ESTERO BLVD #2509<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2509 | 32 |
| GIRNYS DENNIS J TR<br>18243 DEEP PASSAGE LANE<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-03700.2510**<br>140 ESTERO BLVD #2510<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2510 | 32 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-03700.2511**<br>140 ESTERO BLVD #2511<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2511 | 32 |
| LA PALMA WEST LLC<br>6741 ORANGE DR<br>FORT LAUDERDALE FL 33314 | **24-46-23-W1-03700.2512**<br>140 ESTERO BLVD #2512<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT 2512 | 32 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-037CU.00E1**<br>140 ESTERO BLVD #CUE1<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT CU-E1 | 33 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-037CU.0101**<br>140 ESTERO BLVD #C101<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT CU-101 | 33 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-037CU.0201**<br>140 ESTERO BLVD #C201<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT CU-201 | 33 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-037CU.0301**<br>140 ESTERO BLVD #C301<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT CU-301 | 33 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-037CU.0401**<br>140 ESTERO BLVD #C401<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT CU-401 | 33 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-037CU.0501**<br>140 ESTERO BLVD #C501<br>FORT MYERS BEACH FL 33931 | SANIBEL VIEW VILLAS CONDO<br>DESC IN OR 3559 PG 222<br>UNIT CU-501 | 33 |
| NELSON DOUGLAS G & MARY M<br>1424 11TH ST<br>ARGYLE TX 76226 | **24-46-23-W1-0400R.0101**<br>200 ESTERO BLVD #101<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-101 | 34 |
| PANETTA RONALD J & NANCY I<br>26445 DOXTATOR ST<br>DEARBORN HEIGHTS MI 48127 | **24-46-23-W1-0400R.0102**<br>200 ESTERO BLVD #102<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-102 | 34 |
| PIZZANO JOSEPH V & MARIE J<br>22541 BAYCREST RIDGE DR<br>ESTERO FL 34135 | **24-46-23-W1-0400R.0103**<br>200 ESTERO BLVD #103<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-103 | 34 |
| MARSO ANN E<br>14575 WILDS VIEW NW | **24-46-23-W1-0400R.0104**<br>200 ESTERO BLVD #104 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 34 |

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| PRIOR LAKE MN 55372 | FORT MYERS BEACH FL 33931 | UNIT R-104 | |
| JACKSON LAND CO LLC<br>126 S 7TH ST<br>MIAMISBURG OH 45342 | **24-46-23-W1-0400R.0105**<br>200 ESTERO BLVD #105<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-105 | 34 |
| SCHULTZ DOREEN C<br>4 MYERS PL<br>DELANCO NJ 08075 | **24-46-23-W1-0400R.0106**<br>200 ESTERO BLVD #106<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-106 | 34 |
| GIBBONS GREGORY MICHAEL &<br>55 WOOD MANOR PL<br>THE WOODLANDS TX 77381 | **24-46-23-W1-0400R.0107**<br>200 ESTERO BLVD #107<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-107 | 34 |
| KIRKPATRICK CARLISLE III TR +<br>PO BOX 1944<br>CADIZ KY 42211 | **24-46-23-W1-0400R.0108**<br>200 ESTERO BLVD #108<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-108 | 34 |
| SIMONS LARRY A & DARLENE D<br>5364 MALALUKA CT<br>CAPE CORAL FL 33904 | **24-46-23-W1-0400R.0201**<br>200 ESTERO BLVD #201<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-201 | 34 |
| CLIFFORD DANIEL & SANDRA<br>1442 194TH AVE<br>BALSAM LAKE WI 54810 | **24-46-23-W1-0400R.0202**<br>200 ESTERO BLVD #202<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-202 | 34 |
| BEACH COAST PROPERTIES LLC<br>45 TRINITY CHAPEL RD<br>ASHEVILLE NC 28805 | **24-46-23-W1-0400R.0203**<br>200 ESTERO BLVD #203<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-203 | 34 |
| TALSMA TIMOTHY D TR<br>4851 QUINCY ST<br>HUDSONVILLE MI 49426 | **24-46-23-W1-0400R.0204**<br>200 ESTERO BLVD #204<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-204 | 34 |
| BEACH FAMILY TRADITIONS LLC<br>2875 DANA POINTE DR<br>PINCKNEY MI 48169 | **24-46-23-W1-0400R.0205**<br>200 ESTERO BLVD #205<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-205 | 34 |
| GRAY JOHN R JR & JANE E<br>15537 FIDDLESTICKS BLVD<br>FORT MYERS FL 33912 | **24-46-23-W1-0400R.0206**<br>200 ESTERO BLVD #206<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-206 | 34 |
| KARETA KENNETH C &<br>4138 RICH DR<br>WATERFORD MI 48329 | **24-46-23-W1-0400R.0207**<br>200 ESTERO BLVD #207<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-207 | 34 |
| DISILVESTRO LYNN M TR<br>733 N FORREST AVE<br>ARLINGTON HEIGHTS IL 60004 | **24-46-23-W1-0400R.0208**<br>200 ESTERO BLVD #208<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-208 | 34 |
| SIMPKINS MATTHEW J<br>10275 RANGER HWY<br>MORENCI MI 49256 | **24-46-23-W1-0400R.0301**<br>200 ESTERO BLVD #301<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-301 | 34 |
| LALLY ROBERT J &<br>719 CRAWFORD AVE<br>SYRACUSE NY 13224 | **24-46-23-W1-0400R.0302**<br>200 ESTERO BLVD #302<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-302 | 34 |
| GOODIN PROPERTIES LLC<br>15228 FIDDLESTICKS BLVD<br>FORT MYERS FL 33912 | **24-46-23-W1-0400R.0303**<br>200 ESTERO BLVD #303<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-303 | 34 |
| LEWIS RANDY & TERRY<br>3221 LINDEN CIR<br>PRIOR LAKE MN 55372 | **24-46-23-W1-0400R.0304**<br>200 ESTERO BLVD #304<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-304 | 34 |
| RICHTER FRANK J & LORETTA M<br>647 SIGNAL HILL RD<br>NORTH BARRINGTON IL 60010 | **24-46-23-W1-0400R.0305**<br>200 ESTERO BLVD #305<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-305 | 34 |
| LOFFRENO CHRISTIAN P<br>17916 GREY HERON CT<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0400R.0306**<br>200 ESTERO BLVD #306<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-306 | 34 |
| BETZRUHEN LLC<br>2330 E PARIS AVE SE | **24-46-23-W1-0400R.0307**<br>200 ESTERO BLVD #307 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 34 |

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| GRAND RAPIDS MI 49546 | FORT MYERS BEACH FL 33931 | UNIT R-307 | |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0400R.0308**<br>200 ESTERO BLVD #308<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-308 | 34 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-0400R.0309**<br>200 ESTERO BLVD #309<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-309 | 34 |
| BOUNDS ROSEANNE H<br>3842 NW 22ND ST<br>CAPE CORAL FL 33993 | **24-46-23-W1-0400R.0310**<br>200 ESTERO BLVD #310<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-310 | 34 |
| VICKERY STEVEN B &<br>1509 E 77TH ST<br>INDIANAPOLIS IN 46240 | **24-46-23-W1-0400R.0401**<br>200 ESTERO BLVD #401<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-401 | 34 |
| BARAN JOSEPH W JR &<br>1102 PHILIPS ST<br>BADEN PA 15005 | **24-46-23-W1-0400R.0402**<br>200 ESTERO BLVD #402<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-402 | 34 |
| SHEREN MICHAEL E TR<br>75 E OLD MILL TRL<br>ANTIOCH IL 60002 | **24-46-23-W1-0400R.0403**<br>200 ESTERO BLVD #403<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-403 | 34 |
| SCHMIDT EDWIN H TR<br>2004 PLYMOUTH RD #221<br>MINNETONKA MN 55305 | **24-46-23-W1-0400R.0404**<br>200 ESTERO BLVD #404<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-404 | 34 |
| PINK SHELL PROPERTY HOLDINGS L<br>14791 LAGUNA DR<br>FORT MYERS FL 33908 | **24-46-23-W1-0400R.0405**<br>200 ESTERO BLVD #405<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-405 | 34 |
| REVIS LINDA C +<br>43031 BOARDWALK LOOP<br>PUNTA GORDA FL 33982 | **24-46-23-W1-0400R.0406**<br>200 ESTERO BLVD #406<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-406 | 34 |
| PELLA KATHLEEN G TR<br>1079 CALOOSAHATCHEE DR SW<br>MOORE HAVEN FL 33471 | **24-46-23-W1-0400R.0407**<br>200 ESTERO BLVD #407<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-407 | 34 |
| CUSACK MICHAEL J &<br>15134 BROLIO LN<br>NAPLES FL 34110 | **24-46-23-W1-0400R.0408**<br>200 ESTERO BLVD #408<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-408 | 34 |
| KAECHLE CLARENCE W<br>31775 EASTLADY<br>BEVERLY HILLS MI 48025 | **24-46-23-W1-0400R.0409**<br>200 ESTERO BLVD #409<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-409 | 34 |
| 200 ESTERO BOULEVARD LLC<br>DOUGLAS SAVAGE<br>12320 GLOBE ST<br>LIVONIA MI 48150 | **24-46-23-W1-0400R.0410**<br>200 ESTERO BLVD #410<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-410 | 34 |
| NAGARATHINAM S V & CHRITHRA<br>3630 CASITAS DR<br>JACKSONVILLE FL 32224 | **24-46-23-W1-0400R.0501**<br>200 ESTERO BLVD #501<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-501 | 34 |
| BRUNER MICHAEL J & SUSAN L<br>PO BOX 447<br>HERSCHER IL 60941 | **24-46-23-W1-0400R.0502**<br>200 ESTERO BLVD #502<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-502 | 34 |
| GROSSKOPF MARK R<br>1000 N WATER ST #950<br>MILWAUKEE WI 53202 | **24-46-23-W1-0400R.0503**<br>200 ESTERO BLVD #503<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-503 | 34 |
| RECK SCOTT A & MARYLEE A<br>7550 32ND AVE S<br>GRAND FORKS ND 58201 | **24-46-23-W1-0400R.0504**<br>200 ESTERO BLVD #504<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-504 | 34 |
| IFG HOLDINGS LLC<br>4540 BARTHOLOMEW DR | **24-46-23-W1-0400R.0505**<br>200 ESTERO BLVD #505 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 34 |

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| PLEASANT HILL IA 50327 | FORT MYERS BEACH FL 33931 | UNIT R-505 | |
| KLAVANS ALAN L + KAREN R TR<br>8113 KEY WEST DOVE ST<br>WINTER GARDEN FL 34787 | **24-46-23-W1-0400R.0506**<br>200 ESTERO BLVD #506<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-506 | 34 |
| NAGARATHINIM S V & CHITHRA<br>3630 CASITAS DR<br>JACKSONVILLE FL 32224 | **24-46-23-W1-0400R.0507**<br>200 ESTERO BLVD #507<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-507 | 34 |
| BORKOWSKI DUANE E TR<br>694 SEABISCUIT DR<br>TROY MI 48084 | **24-46-23-W1-0400R.0508**<br>200 ESTERO BLVD #508<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-508 | 34 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-0400R.0509**<br>200 ESTERO BLVD #509<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-509 | 34 |
| GLOMERLOT PROPERTIES LLC<br>3075 DANA POINTE DR<br>PINCKNEY MI 48169 | **24-46-23-W1-0400R.0510**<br>200 ESTERO BLVD #510<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-510 | 34 |
| 200-601 ESTERO BOULEVARD LLC<br>DOUGLAS SAVAGE<br>12320 GLOBE ST<br>LIVONIA MI 48150 | **24-46-23-W1-0400R.0601**<br>200 ESTERO BLVD #601<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-601 | 34 |
| SCHANE JAMES R TR<br>PO BOX 5434<br>WOODRIDGE IL 60517 | **24-46-23-W1-0400R.0602**<br>200 ESTERO BLVD #602<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-602 | 34 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-0400R.0603**<br>200 ESTERO BLVD #603<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-603 | 34 |
| 174 PASSAIC AVENUE LLC<br>25 SOUTH RD<br>MENDHAM NJ 07945 | **24-46-23-W1-0400R.0604**<br>200 ESTERO BLVD #604<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-604 | 34 |
| HAMMERNIK KEITH M TR<br>13640 W LINFELD CT<br>NEW BERLIN WI 53151 | **24-46-23-W1-0400R.0605**<br>200 ESTERO BLVD #605<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-605 | 34 |
| RIEDEL THOMAS R TR<br>5949 ASHFORD LN<br>NAPLES FL 34110 | **24-46-23-W1-0400R.0606**<br>200 ESTERO BLVD #606<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-606 | 34 |
| LIOTTA VINCENZO S &<br>1000 MERRY LN<br>OAK BROOK IL 60523 | **24-46-23-W1-0400R.0607**<br>200 ESTERO BLVD #607<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-607 | 34 |
| DANIEL W BENECKE TRUST +<br>PO BOX 24<br>RIDGEVILLE CORNERS OH 43555 | **24-46-23-W1-0400R.0608**<br>200 ESTERO BLVD #608<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-608 | 34 |
| PUORRO ANTHONY TR<br>50133 JOY LANE<br>EAST LIVERPOOL OH 43920 | **24-46-23-W1-0400R.0609**<br>200 ESTERO BLVD #609<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-609 | 34 |
| PINK SHELL PROPERTY HOLDINGS L<br>14791 LAGUNA DR<br>FORT MYERS FL 33908 | **24-46-23-W1-0400R.0610**<br>200 ESTERO BLVD #610<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-610 | 34 |
| CAMPBELL FAMILY LTD PARTNERSHI<br>21557 SHORE VISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0400R.0701**<br>200 ESTERO BLVD #701<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-701 | 34 |
| CECIL LUDVIK FRANK & EVA<br>2900 NE 14TH ST CSWY UNIT 1005<br>POMPANO BEACH FL 33062 | **24-46-23-W1-0400R.0702**<br>200 ESTERO BLVD #702<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-702 | 34 |

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| CAMPBELL FAMILY LIMITED PARTNE<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0400R.0703**<br>200 ESTERO BLVD #703<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-703 | 34 |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0400R.0704**<br>200 ESTERO BLVD #704<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-704 | 34 |
| PSVC LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-0400R.0705**<br>200 ESTERO BLVD #705<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-705 | 34 |
| GORDEE BRADLEY TR<br>2685 MAPLE DR<br>MCFARLAND WI 53558 | **24-46-23-W1-0400R.0706**<br>200 ESTERO BLVD #706<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-706 | 34 |
| VIEAU MARK R & SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-0400R.0707**<br>200 ESTERO BLVD #707<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-707 | 34 |
| CECIL LUDVIK & EVA<br>2900 NE 14TH ST CSWY #1005<br>POMPANO BEACH FL 33062 | **24-46-23-W1-0400R.0708**<br>200 ESTERO BLVD #708<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-708 | 34 |
| MAIN REAL-ESTATE + CAPITAL LLC<br>1314 CAPE CORAL PKWY E STE 208<br>CAPE CORAL FL 33904 | **24-46-23-W1-0400R.0709**<br>200 ESTERO BLVD #709<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-709 | 34 |
| CUATRO AMIGOS PROPERTIES LLC<br>2623 HARRISON WOODS RD<br>TERRE HAUTE IN 47805 | **24-46-23-W1-0400R.0710**<br>200 ESTERO BLVD #710<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-710 | 34 |
| LOFFRENO REAL ESTATE INC<br>2100 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0400R.0801**<br>200 ESTERO BLVD #801<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-801 | 34 |
| TYSON FARRELL C II &<br>PO BOX 100181<br>CAPE CORAL FL 33910 | **24-46-23-W1-0400R.0802**<br>200 ESTERO BLVD #802<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-802 | 34 |
| DEUTSCH RANDALL P<br>1524 WATERFORD RD<br>NORTH AURORA IL 60542 | **24-46-23-W1-0400R.0803**<br>200 ESTERO BLVD #803<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-803 | 34 |
| RICHTER JULIETTE TR<br>1832 BANK ST<br>BALTIMORE MD 21231 | **24-46-23-W1-0400R.0804**<br>200 ESTERO BLVD #804<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-804 | 34 |
| DURR KENNETH C & DONNA M L/E<br>4830 WESTGATE RD<br>MINNETONKA MN 55345 | **24-46-23-W1-0400R.0805**<br>200 ESTERO BLVD #805<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-805 | 34 |
| MERSCHMAN GEORGE & LINDA TR<br>1421 E LAKE SHORE DR<br>SPRINGFIELD IL 62712 | **24-46-23-W1-0400R.0806**<br>200 ESTERO BLVD #806<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-806 | 34 |
| BRISTOL DAVID C<br>4149 MIDWAY RD<br>HERMANTOWN MN 55811 | **24-46-23-W1-0400R.0807**<br>200 ESTERO BLVD #807<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-807 | 34 |
| FERRY REALTY LLC<br>3 AJOOTIAN WAY UNIT D-10<br>MIDDLETON MA 01949 | **24-46-23-W1-0400R.0808**<br>200 ESTERO BLVD #808<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-808 | 34 |
| NAGARATHINAM SUNDARAM V &<br>3630 CASITAS DR<br>JACKSONVILLE FL 32224 | **24-46-23-W1-0400R.0809**<br>200 ESTERO BLVD #809<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-809 | 34 |
| CASH DOUGLAS A<br>PO BOX 1317<br>BELOIT WI 53512 | **24-46-23-W1-0400R.0810**<br>200 ESTERO BLVD #810<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-810 | 34 |
| VIEAU MARK R & SHERYL<br>4946 W PIKE LAKE RD | **24-46-23-W1-0400R.0811**<br>200 ESTERO BLVD #811 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 34 |

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| DULUTH MN 55811 | FORT MYERS BEACH FL 33931 | UNIT R-811 | |
| VIEAU MARK R + SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-0400R.0812**<br>200 ESTERO BLVD #812<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-812 | 34 |
| JO MAR FAMILY LLC<br>PO BOX 696<br>NEW BALTIMORE MI 48047 | **24-46-23-W1-0400R.0P01**<br>200 ESTERO BLVD #P01<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P01 | 34 |
| TRI BOELTER PROPERTIES LLC<br>105 MAPLE LANE<br>WINONA MN 55987 | **24-46-23-W1-0400R.0P02**<br>200 ESTERO BLVD #P02<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P02 | 34 |
| ASHTON VICTORIA M +<br>PO BOX 538<br>SANIBEL FL 33957 | **24-46-23-W1-0400R.0P03**<br>200 ESTERO BLVD #P03<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P03 | 34 |
| ZAKO VACATIONS INC<br>2358 LEEDS CROSSING<br>LONDON ON N6M 0E4<br>CANADA | **24-46-23-W1-0400R.0P04**<br>200 ESTERO BLVD #P04<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P04 | 34 |
| CECIL LUDVIK F & EVA<br>2900 NE 14TH STREET CSWY #1005<br>POMPANO BEACH FL 33062 | **24-46-23-W1-0400R.0P05**<br>200 ESTERO BLVD #P05<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P05 | 34 |
| 200-906 ESTERO BLVD LLC<br>DOUGLAS SAVAGE<br>12320 GLOBE ST<br>LIVONIA MI 48150 | **24-46-23-W1-0400R.0P06**<br>200 ESTERO BLVD #P06<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P06 | 34 |
| 200-907 ESTERO BOULEVARD LLC<br>DOUGLAS SAVAGE<br>12320 GLOBE ST<br>LIVONIA MI 48150 | **24-46-23-W1-0400R.0P07**<br>200 ESTERO BLVD #P07<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P07 | 34 |
| COLE HARLEY J & BRENDA V<br>PO BOX 101674<br>CAPE CORAL FL 33910 | **24-46-23-W1-0400R.0P08**<br>200 ESTERO BLVD #P08<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P08 | 34 |
| PARADOWSKI KATHLEEN<br>4521 E LAKE RD<br>WILSON NY 14172 | **24-46-23-W1-0400R.0P09**<br>200 ESTERO BLVD #P09<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P09 | 34 |
| SWIFT KAREN B TR<br>3939 CRAYTON RD<br>NAPLES FL 34103 | **24-46-23-W1-0400R.0P10**<br>200 ESTERO BLVD #P10<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P10 | 34 |
| MAIN REAL ESTATE + CAPITAL LLC<br>1314 CAPE CORAL PKWY E #208<br>CAPE CORAL FL 33904 | **24-46-23-W1-0400R.0P11**<br>200 ESTERO BLVD #P11<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P11 | 34 |
| SWIFT KAREN B TR<br>3939 CRAYTON RD<br>NAPLES FL 34103 | **24-46-23-W1-0400R.0P12**<br>200 ESTERO BLVD #P12<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P12 | 34 |
| PALMA VICTOR J & KAREN L<br>101 N MARION CT APT 234<br>PUNTA GORDA FL 33950 | **24-46-23-W1-0400R.0P13**<br>200 ESTERO BLVD #P13<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P13 | 34 |
| BRUNETTI ROBERT G TR<br>2532 ESTERO BLVD #303<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0400R.0P14**<br>200 ESTERO BLVD #P14<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT R-P14 | 34 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.00E1**<br>200 ESTERO BLVD #E1<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-E1 | 35 |
| JABO LLC<br>8015 W KENTON CIR STE 220<br>HUNTERSVILLE NC 28078 | **24-46-23-W1-040CU.00E2**<br>200 ESTERO BLVD #E2<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-E2 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201 | **24-46-23-W1-040CU.00E3**<br>200 ESTERO BLVD #E3 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 35 |

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| CORNELIUS NC 28031 | FORT MYERS BEACH FL 33931 | UNIT CU-E3 | |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0101**<br>200 ESTERO BLVD #C101<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-101 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0102**<br>200 ESTERO BLVD #CU102<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-102 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0103**<br>200 ESTERO BLVD #CU103<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-103 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0104**<br>200 ESTERO BLVD #CU104<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-104 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0105**<br>200 ESTERO BLVD #CU105<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-105 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0106**<br>200 ESTERO BLVD #CU106<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-106 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0107**<br>200 ESTERO BLVD #CU107<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-107 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0108**<br>200 ESTERO BLVD #CU108<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-108 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0109**<br>200 ESTERO BLVD #CU109<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-109 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0110**<br>200 ESTERO BLVD #CU110<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-110 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0111**<br>200 ESTERO BLVD #CU111<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-111 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0201**<br>200 ESTERO BLVD #CU201<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-201 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0202**<br>200 ESTERO BLVD #CU202<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-202 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0203**<br>200 ESTERO BLVD #CU203<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-203 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0204**<br>200 ESTERO BLVD #CU204<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-204 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0205**<br>200 ESTERO BLVD #CU205<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-205 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0301**<br>200 ESTERO BLVD #CU301<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-301 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0302**<br>200 ESTERO BLVD #CU302<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-302 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201 | **24-46-23-W1-040CU.0303**<br>200 ESTERO BLVD #CU303 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 35 |

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| CORNELIUS NC 28031 | FORT MYERS BEACH FL 33931 | UNIT CU-303 | |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0304**<br>200 ESTERO BLVD #CU304<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-304 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0305**<br>200 ESTERO BLVD #CU305<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-305 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0306**<br>200 ESTERO BLVD #CU306<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-306 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0307**<br>200 ESTERO BLVD #CU307<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-307 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0308**<br>200 ESTERO BLVD #CU308<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-308 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0309**<br>200 ESTERO BLVD #CU309<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-309 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0401**<br>200 ESTERO BLVD #CU401<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-401 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0402**<br>200 ESTERO BLVD #CU402<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-402 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0403**<br>200 ESTERO BLVD #CU403<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-403 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0404**<br>200 ESTERO BLVD #CU404<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-404 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0405**<br>200 ESTERO BLVD #CU405<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-405 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0406**<br>200 ESTERO BLVD #CU406<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-406 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0407**<br>200 ESTERO BLVD #CU407<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-407 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0408**<br>200 ESTERO BLVD #CU408<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-408 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0409**<br>200 ESTERO BLVD #CU409<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-409 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0501**<br>200 ESTERO BLVD #CU501<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-501 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0502**<br>200 ESTERO BLVD #CU502<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-502 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0503**<br>200 ESTERO BLVD #CU503<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-503 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201 | **24-46-23-W1-040CU.0504**<br>200 ESTERO BLVD #CU504 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 35 |

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| CORNELIUS NC 28031 | FORT MYERS BEACH FL 33931 | UNIT CU-504 | |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0601**<br>200 ESTERO BLVD #CU601<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-601 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0602**<br>200 ESTERO BLVD #CU602<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-602 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0603**<br>200 ESTERO BLVD #CU603<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-603 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0604**<br>200 ESTERO BLVD #CU604<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-604 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0701**<br>200 ESTERO BLVD #CU701<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-701 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0702**<br>200 ESTERO BLVD #CU702<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-702 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0703**<br>200 ESTERO BLVD #CU703<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-703 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0704**<br>200 ESTERO BLVD #CU704<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-704 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0801**<br>200 ESTERO BLVD #CU801<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-801 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0802**<br>200 ESTERO BLVD #CU802<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-802 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0803**<br>200 ESTERO BLVD #CU803<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-803 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0804**<br>200 ESTERO BLVD #CU804<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-804 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G01**<br>200 ESTERO BLVD #CUG01<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G01 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G02**<br>200 ESTERO BLVD #G02<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G02 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G03**<br>200 ESTERO BLVD #G03<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G03 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G04**<br>200 ESTERO BLVD #G04<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G04 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G05**<br>200 ESTERO BLVD #G05<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G05 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G06**<br>200 ESTERO BLVD #G06<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G06 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201 | **24-46-23-W1-040CU.0G07**<br>200 ESTERO BLVD #G07 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 35 |

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| CORNELIUS NC 28031 | FORT MYERS BEACH FL 33931 | UNIT CU-G07 | |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G08**<br>200 ESTERO BLVD #G08<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G08 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G09**<br>200 ESTERO BLVD #G09<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G09 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G10**<br>200 ESTERO BLVD #G10<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G10 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G11**<br>200 ESTERO BLVD #G11<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G11 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0G12**<br>200 ESTERO BLVD #G12<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-G12 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M01**<br>200 ESTERO BLVD #M01<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M01 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M02**<br>200 ESTERO BLVD #M02<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M02 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M03**<br>200 ESTERO BLVD #M03<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M03 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M04**<br>200 ESTERO BLVD #M04<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M04 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M05**<br>200 ESTERO BLVD #M05<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M05 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M06**<br>200 ESTERO BLVD #M06<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M06 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M07**<br>200 ESTERO BLVD #M07<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M07 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M08**<br>200 ESTERO BLVD #M08<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M08 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M09**<br>200 ESTERO BLVD #M09<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M09 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0M10**<br>200 ESTERO BLVD #M10<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-M10 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0P01**<br>200 ESTERO BLVD #P01<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-P01 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0P02**<br>200 ESTERO BLVD #P02<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-P02 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.0P03**<br>200 ESTERO BLVD #P03<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-P03 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201 | **24-46-23-W1-040CU.0P04**<br>200 ESTERO BLVD #P04 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100 | 35 |

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| CORNELIUS NC 28031 | FORT MYERS BEACH FL 33931 | UNIT CU-P04 | |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.1001**<br>200 ESTERO BLVD #1001<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-1001 | 35 |
| JABO LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-040CU.1002**<br>200 ESTERO BLVD #1002<br>FORT MYERS BEACH FL 33931 | WHITE SAND VILLAS<br>DESC IN OR 4203 PG 2100<br>UNIT CU-1002 | 35 |
| ROOT LARRY W & JANE E<br>1559 WESLEY CHAPEL RD<br>MITCHELL IN 47446 | **24-46-23-W1-0410R.0101**<br>190 ESTERO BLVD #101<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 101 | 36 |
| PINK SHELL PROPERTY HOLDINGS L<br>14791 LAGUNA DR<br>FORT MYERS FL 33908 | **24-46-23-W1-0410R.0201**<br>190 ESTERO BLVD #201<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 201 | 36 |
| KRUGER KATHLEEN & RYAN D<br>2519 SUTHERLAND CT<br>CAPE CORAL FL 33991 | **24-46-23-W1-0410R.0202**<br>190 ESTERO BLVD #202<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 202 | 36 |
| JOHNSON CHRISTOPHER G &<br>469 CAMBRIDGE WAY<br>BOLINGBROOK IL 60440 | **24-46-23-W1-0410R.0203**<br>190 ESTERO BLVD #203<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 203 | 36 |
| MCKEE FAMILY PROPERTIES LLC<br>7 E DOW ST<br>TIPP CITY OH 45371 | **24-46-23-W1-0410R.0204**<br>190 ESTERO BLVD #204<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 204 | 36 |
| PETH NICK A<br>PO BOX 580<br>WAYNESVILLE OH 45068 | **24-46-23-W1-0410R.0205**<br>190 ESTERO BLVD #205<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 205 | 36 |
| HEALING SPACES 2 LLC<br>1635 CONCORDIA ST<br>WAYZATA MN 55391 | **24-46-23-W1-0410R.0206**<br>190 ESTERO BLVD #206<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 206 | 36 |
| DENMAR PROPERTIES LLC<br>1502 ST CHARLES ST<br>WAUWATOSA WI 53213 | **24-46-23-W1-0410R.0207**<br>190 ESTERO BLVD #207<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 207 | 36 |
| VOLPE JAMES M<br>3319 MANSION WAY<br>COLUMBUS OH 43221 | **24-46-23-W1-0410R.0301**<br>190 ESTERO BLVD #301<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 301 | 36 |
| LANDAU ANGELA +<br>2020 SE 27TH TER<br>CAPE CORAL FL 33904 | **24-46-23-W1-0410R.0302**<br>190 ESTERO BLVD #302<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 302 | 36 |
| HOSTETTER KURT & LORI<br>4198 BAY BEACH LN #164<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0410R.0303**<br>190 ESTERO BLVD #303<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 303 | 36 |
| MERTZ SUSAN SMOOT<br>1252 CALOOSA DR<br>FORT MYERS FL 33901 | **24-46-23-W1-0410R.0304**<br>190 ESTERO BLVD #304<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 304 | 36 |
| 5CS LLC<br>PAUL CHAMBRE<br>780 CAL COVE DR<br>FORT MYERS FL 33919 | **24-46-23-W1-0410R.0305**<br>190 ESTERO BLVD #305<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 305 | 36 |
| KIRSCH VINCENT J<br>3932 LEFORT RD<br>STRYKERSVILLE NY 14145 | **24-46-23-W1-0410R.0306**<br>190 ESTERO BLVD #306<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 306 | 36 |
| BALA PROPERTIES LLC<br>8355 CHESAPEAKE DR<br>NORTH RIDGEVILLE OH 44039 | **24-46-23-W1-0410R.0307**<br>190 ESTERO BLVD #307<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 307 | 36 |
| HOSTETTER KURT & LORI<br>4198 BAY BEACH LN #164<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0410R.0401**<br>190 ESTERO BLVD #401<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 401 | 36 |

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|---|---|---|---|
| VIEAU MARK R & SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-0410R.0402**<br>190 ESTERO BLVD #402<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 402 | 36 |
| VIEAU MARK R & SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-0410R.0403**<br>190 ESTERO BLVD #403<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 403 | 36 |
| ALLEN NICK JOHN &<br>113-198 SPRINGBANK DR<br>LONDON ON N6J 1G1<br>CANADA | **24-46-23-W1-0410R.0404**<br>190 ESTERO BLVD #404<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 404 | 36 |
| VIEAU MARK R & SHERYL L<br>4946 W PIKE LAKE RD<br>DULUTH MN 55811 | **24-46-23-W1-0410R.0405**<br>190 ESTERO BLVD #405<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 405 | 36 |
| CHICAGO TITLE TIMESHARE LAND T<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-0410R.0406**<br>190 ESTERO BLVD #406<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 406 | 36 |
| KANDA RIDGE LLC<br>500 LINDEN OAKS #130<br>ROCHESTER NY 14625 | **24-46-23-W1-0410R.0407**<br>190 ESTERO BLVD #407<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 407 | 36 |
| 501 CAPTIVA VILLAS LLC<br>120 N GLENHURST<br>BLOOMFIELD HILLS MI 48301 | **24-46-23-W1-0410R.0501**<br>190 ESTERO BLVD #501<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 501 | 36 |
| LANDAU ANGELA +<br>2020 SE 27TH TER<br>CAPE CORAL FL 33904 | **24-46-23-W1-0410R.0502**<br>190 ESTERO BLVD #502<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 502 | 36 |
| SCHAULS WILLIAM R + VALETTA TR<br>412A LEE ST<br>DURAND WI 54736 | **24-46-23-W1-0410R.0503**<br>190 ESTERO BLVD #503<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 503 | 36 |
| TRIEGLAFF MARK<br>915 EDDY CT<br>WHEATON IL 60187 | **24-46-23-W1-0410R.0504**<br>190 ESTERO BLVD #504<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 504 | 36 |
| AMM VILLA SERVICES INC<br>MICHAEL MOHR<br>IM VOGELSANG 25B<br>VALLENDAR 56179<br>GERMANY | **24-46-23-W1-0410R.0505**<br>190 ESTERO BLVD #505<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 505 | 36 |
| DANGELO LAURA M & ROBERT V TR<br>21213 EQUESTRIAN TRAIL<br>NORTHVILLE MI 48167 | **24-46-23-W1-0410R.0506**<br>190 ESTERO BLVD #506<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 506 | 36 |
| LOFFRENO CHRISTIAN<br>17916 GREY HERON CT<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0410R.0507**<br>190 ESTERO BLVD #507<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 507 | 36 |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0410R.0601**<br>190 ESTERO BLVD #601<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 601 | 36 |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0410R.0602**<br>190 ESTERO BLVD #602<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 602 | 36 |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0410R.0603**<br>190 ESTERO BLVD #603<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 603 | 36 |
| BYRNE WILLIAM M & DEBORAH L<br>14505 MORNINGSIDE RD<br>ORLAND PARK IL 60462 | **24-46-23-W1-0410R.0604**<br>190 ESTERO BLVD #604<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 604 | 36 |

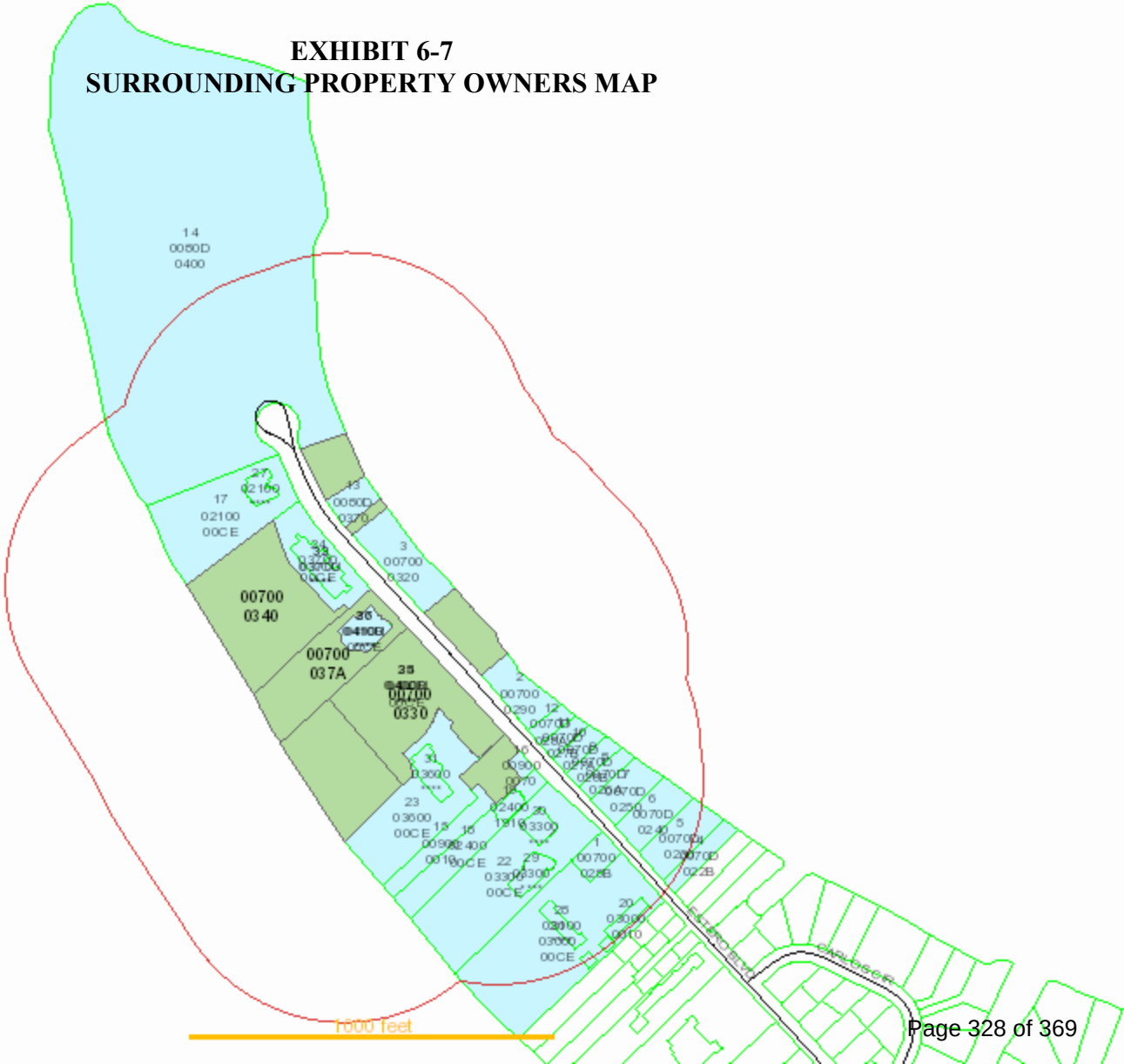
| | | | |
|---|---|---|---|
| WITT JASON A + KATHLEEN M<br>45897 DENISE DR<br>PLYMOUTH MI 48170 | **24-46-23-W1-0410R.0605**<br>190 ESTERO BLVD #605<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 605 | 36 |
| DANGELO LAURA M & ROBERT V TR<br>21213 EQUESTRIAN TRAIL<br>NORTHVILLE MI 48167 | **24-46-23-W1-0410R.0606**<br>190 ESTERO BLVD #606<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 606 | 36 |
| WENTWORTH JEFFREY R<br>3630 E LOWER SPRINGBORO RD<br>WAYNESVILLE OH 45068 | **24-46-23-W1-0410R.0607**<br>190 ESTERO BLVD #607<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 607 | 36 |
| SOLLAZZO LUIGINA A & PAUL J<br>21 WESTBROOK CT<br>BRIDGEWATER NJ 08807 | **24-46-23-W1-0410R.0701**<br>190 ESTERO BLVD #701<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 701 | 36 |
| CAMPBELL FAMILY LTD PTNRSHP 1<br>21557 SHOREVISTA LN<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0410R.0702**<br>190 ESTERO BLVD #702<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 702 | 36 |
| SCHMITT DANIEL R & SUSAN L<br>15410 CATALPA COVE LN<br>FORT MYERS FL 33908 | **24-46-23-W1-0410R.0703**<br>190 ESTERO BLVD #703<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 703 | 36 |
| GIPEAN INC<br>PO BOX 4366<br>LAKE CHARLES LA 70606 | **24-46-23-W1-0410R.0704**<br>190 ESTERO BLVD #704<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 704 | 36 |
| LOFFRENO CHRISTIAN P<br>17916 GREY HERON CT<br>FORT MYERS BEACH FL 33931 | **24-46-23-W1-0410R.0705**<br>190 ESTERO BLVD #705<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 705 | 36 |
| S & L CAMPBELL FAMILY LIMITED<br>20927 EDGEWATER DR<br>NOBLESVILLE IN 46062 | **24-46-23-W1-0410R.0706**<br>190 ESTERO BLVD #706<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 706 | 36 |
| COLVIN TIMOTHY JAY +<br>15429 TAYLOR TRACE DR<br>CARMEL IN 46033 | **24-46-23-W1-0410R.0707**<br>190 ESTERO BLVD #707<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>RES UNIT 707 | 36 |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0101**<br>190 ESTERO BLVD #CO101<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 101 | 37 |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0201**<br>190 ESTERO BLVD #CO201<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 201 | 37 |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0301**<br>190 ESTERO BLVD #CO301<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 301 | 37 |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR #201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0401**<br>190 ESTERO BLVD #CO401<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 401 | 37 |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0501**<br>190 ESTERO BLVD #CO501<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 501 | 37 |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0601**<br>190 ESTERO BLVD #CO601<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 601 | 37 |
| CAPTIVA VILLAS DEVELOPMENT LLC | **24-46-23-W1-041CU.0701**<br>190 ESTERO BLVD #CO701<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT 701 | 37 |

| | | | |
|---|---|---|---|
| 19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | | | |
| CAPTIVA VILLAS DEVELOPMENT LLC<br>19354 WATERMARK DR STE 201<br>CORNELIUS NC 28031 | **24-46-23-W1-041CU.0G01**<br>190 ESTERO BLVD #G01<br>FORT MYERS BEACH FL 33931 | CAPTIVA VILLAS<br>AS DESC IN INST #2006-478367<br>COM UNIT G01 | 37 |

# EXHIBIT 6-7

# SURROUNDING PROPERTY OWNERS MAP

**EXHIBIT 6-7**
**SURROUNDING PROPERTY OWNERS MAP**



# EXHIBIT 6-8

# SURROUNDING PROPERTY OWNER MAILING LABELS

# EXHIBIT 6-8
# SURROUNDING PROPERTY OWNERS MAILING LABELS

WINDWARD PASSAGE RESORT CONDO
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

BLAUM BRIAN C TR
220 EMERSON PL #201
DAVENPORT IA 52801

MCCHESNEY KEVIN E TR
417 ESTERO BLVD
FORT MYERS BEACH FL 33931

SILVER KING VENTURES LLC
353 CLIFTON AVE
KINGSTON NY 12401

385 ESTERO BLVD LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

DAVIS JAMES & KIMBERLY
327 ESTERO BLVD
FORT MYERS BEACH FL 33931

COOPER FMB LLC
PO BOX 501
HOWELL MI 48844

HOLSEM JACK
505 JACKSON ST
GRANDVILLE MI 49418

EDWARDS PAUL G L/E
315 ESTERO BLVD
FORT MYERS BEACH FL 33931

JABO LLC
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAMINSKIY AT 131 ESTERO LLC
12463 RANCHO BERNARDO RD #237
SAN DIEGO CA 92128

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

ZENG GORDAN G & ZHU DONGHE +
145 LAWRENCE DR
SHORT HILLS NJ 07078

JAMES F BRYANT TRUST +
27 FOREST BAY LN
CICERO IN 46034

PINK SHELL VACATION VILLAS
SUITOR MIDDLETON COX & ASSOC
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

PINK SHELL BEACH CLUB CONDO
275 ESTERI BLVD
FORT MYERS BEACH FL 33931

PINK SHELL BEACH CLUB
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

WINDWARD PASSAGE RESORT
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

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WINDWARD PASSAGE RESORT
418 ESTERO BLVD
FORT MYERS BEACH FL 33931

ESTERO ISLAND BEACH VILLAS
CONDO PHASES 1 + 2
250 ESTERO BLVD
FORT MYERS BEACH FL 33931

WHITE SAND VILLAS CONDO ASSN
200 ESTERO BLVD
FORT MYERS BEACH FL 33931

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

BAGGOT HOLLY S & ANDREW P
6644 N CHICKAHAUK TRL
MIDDLETON WI 53562

BURNS ROBERT &
5965 BAKER CT
FORT MYERS FL 33919

UNKNOWN HEIRS OF
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

HARRIS ELSIE KAY +
1043 HEATHER HILLS LN
LEXINGTON KY 40511

STIGEN REED A & VICKI L
711 NORTHRIDGE WAY
WEST FARGO ND 58078

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

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ISLAND SHORES CONDO
394 ESTERO BLVD
FORT MYERS BEACH FL 33931

SANIBEL VIEW VILLAS CONDO ASOC

CAPTIVA VILLAS
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

100 ESTERO BLVD LLC
844 TENACITY DR
LONGMONT CO 80504

WALTERS CHRISTINE
224 CARRANZA RD
TABERNACLE NJ 08088

STEDER PATRICIA B +
9820 STERLING DR
CUTLER BAY FL 33157

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

A&H 100 ESTERO FMB LLC
6644 N CHICKAHAUK TRAIL
MIDDLETON WI 53562

ALMAGUER SUZANNE DAVIS
5541 NW 49TH TER
COCONUT CREEK FL 33073

SCHOLZ W W & ANGELA L
105 BENTLEY DR
LATHAM NY 12110



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CASSIDY RICHARD +
65-25 160TH ST #20B
FRESH MEADOWS NY 11365

CICCONE NATALE +
1239 CEDAR RD
SOUTHPORT CT 06890

RYFFEL-KRAGH AMY
23939 WINBERLY OAK
SAN ANTONIO TX 78261

RYREAL FLORIDA LLC
MARY K HERMAN
27 STANTON LN
STAMFORD CT 06902

SCHULTE WAYNE D &
PO BOX 268
ELLSWORTH WI 54011

REGGIE 535 LLC
2353 GREENWOOD RD
NORTHBROOK IL 60062

MERVIN + MELISSA LARSON TRUST
4 FIRST ST
EXCELSIOR MN 55331

AGUIRRE PENNY J TR
8424 40TH AVE N
NEW HOPE MN 55427

SEARENITY WPR LLC
RAYMOND HUNT
7N982 CLOVERFIELD DR
SAINT CHARLES IL 60175

SCHERER DEBRA E TR
18215 LANSFORD PATH
LAKEVILLE MN 55044

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OUDERSLUYS CAROL S TR
7117 PELICAN BAY BLVD #1901
NAPLES FL 34108

MCGINNITY MARTHA TR
440 CARROLLWOOD DR
TARRYTOWN NY 10591

SHEPKA ELYSE +
1642 S FOUNTAINHEAD RD
FORT MYERS FL 33919

FLANAGAN MICHAEL P & ANNA L TR
18104 BLUE HERON POINTE DR
NORTHVILLE MI 48168

SCROGGIE PHYLLIS T TR
PO BOX 61596
FORT MYERS FL 33906

PINK SHELL PROPERTIES LLC
MOIRA FAHEY-ULLRICH
94 LOWER LOCH VISTA DR
WILLIAMS BAY WI 53191

CMME PROPERTIES LLC
9523 CLAYCHIN CT
BURKE VA 22015

TL 5109 LLC
180 WASHINGTON ST
GOLDEN CO 80403

FRITZ LAURA L TR
814 W MOUNT PLEASANT RD
EVANSVILLE IN 47711

BORNEMAN DAVID C & DINA E
394 ESTERO BLVD #102
FORT MYERS BEACH FL 33931



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FIGURA MICHAEL A & CAROL A
394 ESTERO BLVD # 103
FORT MYERS BEACH FL 33931

YORDY MICHAEL E TR
26700 BROADWAY RD
MORTON IL 61550

LOVELESS ENTERPRISES INC
210 SPRINGFIELD RD
GILLESPIE IL 62033

KING MICHAEL G
PO BOX 3001
DUBLIN OH 43016

ARENS ROBERT W TR
11431 LONGWATER CHASE CT
FORT MYERS FL 33908

KRINKIE JODETTE M & BRUCE J TR
6881 BLACKDUCK DR
LINO LAKES MN 55014

BARNHART DAVID W
PO BOX 14536
MINNEAPOLIS MN 55414

BENES ANDREW C TR
1127 HIGHLAND POINTE DR
SAINT LOUIS MO 63131

GERMAN PATRICIA A TR
394 ESTERO BLVD #503
FORT MYERS BEACH FL 33931

LLOYD JOHN D & STEPHANIE J TR
15725 OREGON AVE
PRIOR LAKE MN 55372

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ROBINSON CAROL L TR +
105 CROSSBOW TRAILS
LAWRENCEBURG IN 47025

ROHRBACHER MICHAEL &
394 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

DANGELO JANE M TR
394 ESTERO BLVD #204
FORT MYERS BEACH FL 33931

DIFFLEY CHRISTOPHER P &
394 ESTERO BLVD # 302
FORT MYERS BEACH FL 33931

MAREK CHARLES B JR +
4021 BAY DR
MIDDLE RIVER MD 21220

CATHERINE G SCHOLZ 2007 TRUST
5 FIDDLEHEAD LN
WAYLAND MA 01778

MIDDLESWARTH DAVID B TR
500 MEADOW LN
MIDDLEBURG PA 17842

BENES ANDREW C & JENNIFER J
1127 HIGHLAND POINTE DR
SAINT LOUIS MO 63131

CAPENIGRO ANTHONY T &
22W160 PINEGROVE CT
GLEN ELLYN IL 60137

LLOYD JOHN D & STEPHANIE J TR
15275 OREGON AVE
PRIOR LAKE MN 55372



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MIDDLESWARTH DAVID B
500 MEADOW LN
MIDDLEBURG PA 17842

SIEVERTSEN DOLORES C TR
15492 LEONARD RD
SPRING LAKE MI 49456

EASTON MELODEE M TR
24523 W PELLINORE DR
JOLIET IL 60404

HENSLEY DANIEL L & SHERYL L/E
PO BOX 547
MOUND MN 55364

WELLS GWENDOLYN M +
4021 BAY DR
MIDDLE RIVER MD 21220

LIOTTA SAVATORE & CONCETTA
6 OAK BROOK CLUB DR APT J101
OAK BROOK IL 60523

COVERT ROBERT & LOUISE B TR
9403 GIBSON DR
POWELL OH 43065

CALUSA LLC
22774 CITATION RD
FRANKFORT IL 60423

WIESSING CAROL S TR
2403 LOWELL AVE
SPRINGFIELD IL 62704

MCSPEDON TRUST
750 RUSHMORE AVE
MAMARONECK NY 10543

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MILLIRON GRANT E TR
2384 STATE ROUTE 39 NW
MANSFIELD OH 44903

EASTON FAMILY LLC
24523 WEST PELLINORE DR
JOLIET IL 60404

ENGELSMAN JAMES + RHONDA TR
1184 64TH AVE
ZEELAND MI 49464

STOOPS JEFFREY E +
3808 CLAYBROOK CT
BARGERSVILLE IN 46106

ANGELA M ROCHE TRUST +
2243 RE PINE LN SW
ROCHESTER MN 55902

STUTZ SHARON A TR
47790 STATE ROUTE 162
WELLINGTON OH 44090

DEMARY JULE A +
930 VILLAGE BROOK WAY
COLUMBUS OH 43235

MCK HOLDINGS (2018) LIMITED
200140 SIDE RD 10 RR 1
SHALLOW LAKE ON N0H 2K0
CANADA

LANDISI ANNE MARIE T
392 ESTERO BLVD #605
FORT MYERS BEACH FL 33931

NUNN JOYCE M TR
392 ESTERO BLVD #607
FORT MYERS BEACH FL 33931



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BOERMAN DANIEL J +
2420 DAVEY RD
WOODRIDGE IL 60517

JOHNSON GORDON R & HOPE Y TR
6409 DORON LN
EDINA MN 55439

HULL PETER H +
1982 AUTUMN BROOK TRL
HINCKLEY OH 44233

BASSEL ROBERT N &
9008 HACK RD
CLINTON MI 49236

ZASTROW TODD W & LYNN P
1051 N JAMEY LN
ADDISON IL 60101

MURRAY WILLIS OLTMAN TRUST +
36490 OLD MILL BRIDGE RD
FRANKFORD DE 19945

KOUMJIAN RICHARD H &
14220 ROYAL HARBOUR CT #511
FORT MYERS FL 33908

MALOCO LLC
36 SUFFOLK DR
SAINT CHARLES MO 63301

FAHY BRYAN
421 OCEAN BLVD #5N
HAMPTON NH 03842

WALZ JAMES E & MARGERY L
9250 BAYBERRY BEND APT 201
FORT MYERS FL 33908





MASSEY STEVEN MICHAEL &
1864 SUMMIT LANE
MENDOTA HEIGHTS MN 55118

FM BEACH LLC
4441 CORNWELL LN
WHITMORE LAKE MI 48189

ANDREW W PLACE TRUST +
1628 ROCK WOOD LN
MISHAWAKA IN 46545

SHAFFER RICHARD TR
PO BOX 3075
FORT MYERS BEACH FL 33932

SCHUBERT CHARLES B & AMY L
344 HAMBLETONIAN DR
OAK BROOK IL 60523

SEQUEIRA THOMAS M &
6960 NORVALE CIR W
GATES MILLS OH 44040

TOWNSEND TREASURE LLC
3516 YORK RD
OAK BROOK IL 60523

ODONELL WILLIAM M &
415 COLFAX AVE
CLARENDON HILLS IL 60514

WALZ PATRICIA M TR
20363 CARA AVE
CASSOPOLIS MI 49031

JAKOVY PROPERTIES LLC
1264 CANDLEWOOD CT
DOWNERS GROVE IL 60515

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J + L BOWEN LLC
1613 CAROLINA ORCHARDS BLVD
FORT MILL SC 29715

M LANE FARMS LLC
1456 E 1000 NORTH RD
TAYLORVILLE IL 62568

WENTWORTH JEFFREY R
3630 LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

CONNOLLY PAUL A &
5780 WILLOW LN N
SHOREVIEW MN 55126

SANDCASTLE BEACH PROPERTIES LL
11887 WILLIAMS COUNTY RD 15
MONTPELIER OH 43543

SCHUBERT CHARLES & AMY
344 HAMLETONIAN DR
OAK BROOK IL 60523

LAIRMORE BRANDON & BRANDI
7651 COLDSTREAM WOODS DR
CINCINNATI OH 45255

RUCKER JOHN T & LOUSIE
5792 ROYAL LYTHAM CT
DUBLIN OH 43017

KM INVESTMENTS LLC
1721 W BIKE ST
BREMEN IN 46506

SWEET SAMUEL & KATHLEEN A
1595 JOHN PAUL CT
OXFORD MI 48371

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PETH NICHOLAS A
1629 E STATE ROUTE 73
WAYNESVILLE OH 45068

CLENNON LAWRENCE
20641 W COUNTY RD
WILMINGTON IL 60481

ANDREWS BERNARD C TR
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

TOWNSEND DOUGLAS Y
2060 COMMERCE DR
SIDNEY OH 45365

DOAN BEVERLY CLARKE &
9737 WADSWORTH BLVD
WESTMINSTER CO 80021

LEVEE STUART E & CAROL A
9217 WILLOWCREST CT
FORT MYERS FL 33908

SEQUEIRA THOMAS M &
6960 NORVALE CIR W
GATES MILLS OH 44040

T JOY RENTALS LLC
211 W HIGH ST
BRYAN OH 43506

MANAGER LINK LLC
3404 ADAMS RD
OAK BROOK IL 60523

FINISH STRONG LLC
673 CADDE TRAIL
SCROGGINS TX 75480



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VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

DEUTSCH RANDALL P & KAREN M
1524 WATERFORD RD
NORTH AURORA IL 60542

PREMIUM PROPERTIES LP
440 W CAIRNS ST
ELLSWORTH WI 54011

KLB HOLDINGS LLC
6041 NORTH LINDBERG
HAZELWOOD MO 63042

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

SHEMROSKE JIM & LISA J +
13412 ROUND BARD RD
PLAINFIELD IL 60585

CLIFFORD DANIEL EUGENE &
1442 194TH AVE
BALSAM LAKE WI 54810

ATKINSON SUSAN MARY
8 FIELDWAY RD STE 614
TORONTO ON M8Z 0C3
CANADA

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

ZACHARIAS KENNETH R &
16 EDMUND ST
GREEN BAY WI 54302

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BROWN DAVID L TR
13 WARD LN
CINCINNATI OH 45246

LAYMAN JOSEPH E & MONICA B TR
140 ALLEN ST
WALWORTH WI 53184

JOSEPH N NAMOUR TRUST +
18340 CREEK DR
FORT MYERS FL 33908

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

MASON GEORGE E & ALICIA D L/E
3436 COUNTRYSIDE PATH
THE VILLAGES FL 32163

FICK RICHARD C & CAROLINE T
4311 WIMBLEDON DR
HARRISBURG PA 17112

TRIEGLAFF MARK A
915 EDDY CT
WHEATON IL 60187

ABDULLAH AFZAL
6136 EAGLE RIDGE CT
BETTENDORF IA 52722

FREEDOM LIBERTY PROPERTIES LLC
26072 N HILL AVE
WAUCONDA IL 60084

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231



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RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
BARRINGTON IL 60010

HART RANDALL D +
NEW YORK LIFE
153 S MAIN ST
COLUMBIANA OH 44408

BAER DENNIS L TR
1418 SAND CASTLE RD
SANIBEL FL 33957

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HEMBROUGH JOSHUA HOWARD &
505 EMILIE DR
LAFAYETTE IN 47906

FRANCIS1704 LLC
709 CAPE CORAL PKWY W
CAPE CORAL FL 33914

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

S & G PROPERTY MANAGEMENT LLC
3051 DANA POINTE DR
PINCKNEY MI 48169

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WIEDER FLORENCE + ROBERT TR
3614 KINGS CROWN BLVD
FORT MYERS FL 33908

DAVIS ALAN & JANET
2560 MATTHEW JOHN DR
DUBUQUE IA 52002

ZURI CAY LLC
1650 LILAC LANE SW
BYRON MN 55920

GOWDY WILLIAM G & JEAN B
12737 IVORY STONE LOOP
FORT MYERS FL 33913

OLESCYSKI JAIME ALLEN
109 MANIZAKS AVE
PUNTA GORDA FL 33983

CC SQUARED HOLDINGS INC
13923 LILY PAD CIRCLE
FORT MYERS FL 33907

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GOLOSOW LORRAINE &
33 FALCONWOOD COURT
FORT MYERS FL 33919

WHITE MARI TAKAYAMA
908 VILLAS DR #3
VENICE FL 34285

JASPER COM LLC
JAMES VOLPE
3319 MANSION WAY
COLUMBUS OH 43221



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CLASSE PROPERTIES LLC
4707 61ST ST
HOLLAND MI 49423

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

PINKERTON RICHARD A &
406 WAYNE ST
JOHNSTOWN PA 15905

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

832 LLC
832 HEATHWOOD DR
MARCO ISLAND FL 34145

CAMPBELL FAMILY LTD PTNRSHP I
1375 N 800 W
TIPTON IN 46072

DI-AN 2 LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HOFF LARRY F & ANGELA M
5665 SUGARWOOD DR
NEW ALBANY OH 43054

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PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

FERGUSON ROBERT P & ROSE M TR
16935 TIMBERLAKES DR
FORT MYERS FL 33908

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

MEES JUERGEN +
HUMMEL STRASSE 6
BERLIN 12623
GERMANY

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

H C J ASSOCIATES LLC
161 EGRET ST
FORT MYERS BEACH FL 33931

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GIRNYS DENNIS J TR
18243 DEEP PASSAGE LANE
FORT MYERS BEACH FL 33931



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PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

NELSON DOUGLAS G & MARY M
1424 11TH ST
ARGYLE TX 76226

PIZZANO JOSEPH V & MARIE J
22541 BAYCREST RIDGE DR
ESTERO FL 34135

JACKSON LAND CO LLC
126 S 7TH ST
MIAMISBURG OH 45342

GIBBONS GREGORY MICHAEL &
55 WOOD MANOR PL
THE WOODLANDS TX 77381

SIMONS LARRY A & DARLENE D
5364 MALALUKA CT
CAPE CORAL FL 33904

BEACH COAST PROPERTIES LLC
45 TRINITY CHAPEL RD
ASHEVILLE NC 28805





LA PALMA WEST LLC
6741 ORANGE DR
FORT LAUDERDALE FL 33314

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PANETTA RONALD J & NANCY I
26445 DOXTATOR ST
DEARBORN HEIGHTS MI 48127

MARSO ANN E
14575 WILDS VIEW NW
PRIOR LAKE MN 55372

SCHULTZ DOREEN C
4 MYERS PL
DELANCO NJ 08075

KIRKPATRICK CARLISLE III TR +
PO BOX 1944
CADIZ KY 42211

CLIFFORD DANIEL & SANDRA
1442 194TH AVE
BALSAM LAKE WI 54810

TALSMA TIMOTHY D TR
4851 QUINCY ST
HUDSONVILLE MI 49426

BEACH FAMILY TRADITIONS LLC
2875 DANA POINTE DR
PINCKNEY MI 48169

KARETA KENNETH C &
4138 RICH DR
WATERFORD MI 48329

SIMPKINS MATTHEW J
10275 RANGER HWY
MORENCI MI 49256

GOODIN PROPERTIES LLC
15228 FIDDLESTICKS BLVD
FORT MYERS FL 33912

RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
NORTH BARRINGTON IL 60010

BETZRUHEN LLC
2330 E PARIS AVE SE
GRAND RAPIDS MI 49546

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

VICKERY STEVEN B &
1509 E 77TH ST
INDIANAPOLIS IN 46240

SHEREN MICHAEL E TR
75 E OLD MILL TRL
ANTIOCH IL 60002

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908





GRAY JOHN R JR & JANE E
15537 FIDDLESTICKS BLVD
FORT MYERS FL 33912

DISILVESTRO LYNN M TR
733 N FORREST AVE
ARLINGTON HEIGHTS IL 60004

LALLY ROBERT J &
719 CRAWFORD AVE
SYRACUSE NY 13224

LEWIS RANDY & TERRY
3221 LINDEN CIR
PRIOR LAKE MN 55372

LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BOUNDS ROSEANNE H
3842 NW 22ND ST
CAPE CORAL FL 33993

BARAN JOSEPH W JR &
1102 PHILIPS ST
BADEN PA 15005

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

REVIS LINDA C +
43031 BOARDWALK LOOP
PUNTA GORDA FL 33982

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PELLA KATHLEEN G TR
1079 CALOOSAHATCHEE DR SW
MOORE HAVEN FL 33471

KAECHLE CLARENCE W
31775 EASTLADY
BEVERLY HILLS MI 48025

NAGARATHINAM S V & CHRITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

GROSSKOPF MARK R
1000 N WATER ST #950
MILWAUKEE WI 53202

IFG HOLDINGS LLC
4540 BARTHOLOMEW DR
PLEASANT HILL IA 50327

NAGARATHINIM S V & CHITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

200-601 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HAMMERNIK KEITH M TR
13640 W LINFELD CT
NEW BERLIN WI 53151

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CUSACK MICHAEL J &
15134 BROLIO LN
NAPLES FL 34110

200 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

BRUNER MICHAEL J & SUSAN L
PO BOX 447
HERSCHER IL 60941

RECK SCOTT A & MARYLEE A
7550 32ND AVE S
GRAND FORKS ND 58201

KLAVANS ALAN L + KAREN R TR
8113 KEY WEST DOVE ST
WINTER GARDEN FL 34787

BORKOWSKI DUANE E TR
694 SEABISCUIT DR
TROY MI 48084

GLOMERLOT PROPERTIES LLC
3075 DANA POINTE DR
PINCKNEY MI 48169

SCHANE JAMES R TR
PO BOX 5434
WOODRIDGE IL 60517

174 PASSAIC AVENUE LLC
25 SOUTH RD
MENDHAM NJ 07945

RIEDEL THOMAS R TR
5949 ASHFORD LN
NAPLES FL 34110



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LIOTTA VINCENZO S &
1000 MERRY LN
OAK BROOK IL 60523

PUORRO ANTHONY TR
50133 JOY LANE
EAST LIVERPOOL OH 43920

CAMPBELL FAMILY LTD PARTNERSHI
21557 SHORE VISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LIMITED PARTNE
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

MAIN REAL-ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E STE 208
CAPE CORAL FL 33904

LOFFRENO REAL ESTATE INC
2100 ESTERO BLVD
FORT MYERS BEACH FL 33931

DEUTSCH RANDALL P
1524 WATERFORD RD
NORTH AURORA IL 60542

DURR KENNETH C & DONNA M L/E
4830 WESTGATE RD
MINNETONKA MN 55345

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DANIEL W BENECKE TRUST +
PO BOX 24
RIDGEVILLE CORNERS OH 43555

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

CECIL LUDVIK FRANK & EVA
2900 NE 14TH ST CSWY UNIT 1005
POMPANO BEACH FL 33062

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

GORDEE BRADLEY TR
2685 MAPLE DR
MCFARLAND WI 53558

CECIL LUDVIK & EVA
2900 NE 14TH ST CSWY #1005
POMPANO BEACH FL 33062

CUATRO AMIGOS PROPERTIES LLC
2623 HARRISON WOODS RD
TERRE HAUTE IN 47805

TYSON FARRELL C II &
PO BOX 100181
CAPE CORAL FL 33910

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

MERSCHMAN GEORGE & LINDA TR
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712



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BRISTOL DAVID C
4149 MIDWAY RD
HERMANTOWN MN 55811

NAGARATHINAM SUNDARAM V &
3630 CASITAS DR
JACKSONVILLE FL 32224

VIEAU MARK R & SHERYL
4946 W PIKE LAKE RD
DULUTH MN 55811

JO MAR FAMILY LLC
PO BOX 696
NEW BALTIMORE MI 48047

ASHTON VICTORIA M +
PO BOX 538
SANIBEL FL 33957

CECIL LUDVIK F & EVA
2900 NE 14TH STREET CSWY #1005
POMPANO BEACH FL 33062

200-907 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

PARADOWSKI KATHLEEN
4521 E LAKE RD
WILSON NY 14172

MAIN REAL ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E #208
CAPE CORAL FL 33904

PALMA VICTOR J & KAREN L
101 N MARION CT APT 234
PUNTA GORDA FL 33950

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FERRY REALTY LLC
3 AJOOTIAN WAY UNIT D-10
MIDDLETON MA 01949

CASH DOUGLAS A
PO BOX 1317
BELOIT WI 53512

VIEAU MARK R + SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

TRI BOELTER PROPERTIES LLC
105 MAPLE LANE
WINONA MN 55987

ZAKO VACATIONS INC
2358 LEEDS CROSSING
LONDON ON N6M 0E4
CANADA

200-906 ESTERO BLVD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

COLE HARLEY J & BRENDA V
PO BOX 101674
CAPE CORAL FL 33910

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

BRUNETTI ROBERT G TR
2532 ESTERO BLVD #303
FORT MYERS BEACH FL 33931



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JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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CORNELIUS NC 28031

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JABO LLC
8015 W KENTON CIR STE 220
HUNTERSVILLE NC 28078

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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CORNELIUS NC 28031



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JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

JOHNSON CHRISTOPHER G &
469 CAMBRIDGE WAY
BOLINGBROOK IL 60440

PETH NICK A
PO BOX 580
WAYNESVILLE OH 45068

DENMAR PROPERTIES LLC
1502 ST CHARLES ST
WAUWATOSA WI 53213

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

MERTZ SUSAN SMOOT
1252 CALOOSA DR
FORT MYERS FL 33901

KIRSCH VINCENT J
3932 LEFORT RD
STRYKERSVILLE NY 14145

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

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ROOT LARRY W & JANE E
1559 WESLEY CHAPEL RD
MITCHELL IN 47446

KRUGER KATHLEEN & RYAN D
2519 SUTHERLAND CT
CAPE CORAL FL 33991

MCKEE FAMILY PROPERTIES LLC
7 E DOW ST
TIPP CITY OH 45371

HEALING SPACES 2 LLC
1635 CONCORDIA ST
WAYZATA MN 55391

VOLPE JAMES M
3319 MANSION WAY
COLUMBUS OH 43221

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

5CS LLC
PAUL CHAMBRE
780 CAL COVE DR
FORT MYERS FL 33919

BALA PROPERTIES LLC
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

ALLEN NICK JOHN &
113-198 SPRINGBANK DR
LONDON ON N6J 1G1
CANADA



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VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

KANDA RIDGE LLC
500 LINDEN OAKS #130
ROCHESTER NY 14625

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

TRIEGLAFF MARK
915 EDDY CT
WHEATON IL 60187

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

WITT JASON A + KATHLEEN M
45897 DENISE DR
PLYMOUTH MI 48170

WENTWORTH JEFFREY R
3630 E LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

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CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

501 CAPTIVA VILLAS LLC
120 N GLENHURST
BLOOMFIELD HILLS MI 48301

SCHAULS WILLIAM R + VALETTA TR
412A LEE ST
DURAND WI 54736

AMM VILLA SERVICES INC
MICHAEL MOHR
IM VOGELSANG 25B
VALLENDAR 56179
GERMANY

LOFFRENO CHRISTIAN
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BYRNE WILLIAM M & DEBORAH L
14505 MORNINGSIDE RD
ORLAND PARK IL 60462

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

SOLLAZZO LUIGINA A & PAUL J
21 WESTBROOK CT
BRIDGEWATER NJ 08807

SCHMITT DANIEL R & SUSAN L
15410 CATALPA COVE LN
FORT MYERS FL 33908



Page Break

PageBreak

GIPEAN INC
PO BOX 4366
LAKE CHARLES LA 70606

S & L CAMPBELL FAMILY LIMITED
20927 EDGEWATER DR
NOBLESVILLE IN 46062

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PageBreak

LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

COLVIN TIMOTHY JAY +
15429 TAYLOR TRACE DR
CARMEL IN 46033

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR #201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

# SUPPLEMENT PH-A
# SPECIAL EXCEPTION

Case# _____ Date Received: _____

# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### Supplement PH-A

### Additional Required Information for a Special Exception Application

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

| |
|---|
| **Project Name:** Pink Shell Special Exception |
| **Authorized Applicant:** Sarah Spector, Roetzel & Andress |
| **LEEPA STRAP Number(s):** 24-46-23-W1-00700.0340, |
| 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330 |

| |
|---|
| **Current Property Status:** Improved resort |
| **Current Zoning:** CPD, MPD, and EC |
| **Future Land Use Map (FLUM) Category:** Mixed Residential and Recreation |
| **Platted Overlay?** ☑ **yes** ☑ **no** **FLUM Density Range:** 6 du/acre |

**Requested Action:**

| |
|---|
| ☐ Use of premises in the EC (Environmentally Critical) zoning district for: |
| Pool fence with gates, pavers, six (6) chickee huts, and irrigation to support lawn and |
| landscaping |
| |
| ☐ Use of premises in the _____ zoning district for: |
| |
| |
| |



Town of Fort Myers Beach 2525 Estero Blvd. Fort Myers Beach, FL 33931
Phone 239 765-0202 Zoningpermits@fmbgov.com Fax 239 765-0909

Case# _____ Date Received: _____

PART I
Narrative Statements

A. **Request for:** (indicate the proposed use that requires a special exception)

| |
|---|
| special exception to allow for a pool fence with gates, pavers, six (6) chickee huts, |
| and irrigation to support lawn and landscaping |
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B. **Reasons for request:** (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

| **The property qualifies for a Special Exception because:** |
|---|
| Please see attached narrative. |
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| **Granting the requested Special Exception could impact surrounding properties as follows:** |
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| Please see attached narrative. |
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PART 2
Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

**Required Items**

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of $3800.00/$3300.00 for an amendment

**For New Communication Towers:**

a. Lee County Application for Communication Tower
b. Shared-Use Plan Agreement

**For Consumption of Alcoholic Beverages (COP) license approval:**

a. Notarized authorization from the Property Owner to apply for permit
b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

**For transit terminals:**

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

**For use of the EC zoning district:**

a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Case# _____ Date Received: _____

## Guide to Filing Supplement PH-A for Special Exceptions

**Case Number** will be inserted by Community Development staff.
**Project Name** must be the same as the name used on the Request for Public Hearing form.
**Authorized Applicant** must be the same as on the Request for Public Hearing form.
**STRAP numbers** must be the same as on the Request for Public Hearing form.
**Current status of property** must be the same as on the Request for Public Hearing form.
**Requested Action**: Indicate the nature of the request and include the current zoning of the property.

### Part 1 Narrative Statements:

**"Request for…"**
Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

**"The property qualifies for a special exception because…"**
Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.

- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

- Whether the request meets or exceeds all performance and locational standards for the proposed use.

- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses ad not cause damage, hazard, nuisance, or other detriment to persons or property.

- Whether a 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.

**"Granting the requested special exception could impact surrounding properties as follows…"**
Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

## Submittal Requirements Check List and Filing Guide

☐ **A completed Public Hearing Application Form.**

**A completed Supplemental form PH-A.**

☑ **Site Plan**. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

## Guide to Filing Supplement PH-A for Special Exceptions

**Case Number** will be inserted by Community Development staff.
**Project Name** must be the same as the name used on the Request for Public Hearing form.
**Authorized Applicant** must be the same as on the Request for Public Hearing form.
**STRAP numbers** must be the same as on the Request for Public Hearing form.
**Current status of property** must be the same as on the Request for Public Hearing form.
**Requested Action**: Indicate the nature of the request and include the current zoning of the property.

**Part 1 Narrative Statements: "Request for…"**

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

**"The property qualifies for a special exception because…"**

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- Whether the request will be compatible with existing or planned uses ad not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a 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.

**"Granting the requested special exception could impact surrounding properties as follows…"**

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

**EXPLANATORY NOTES**

***Please do not print, copy and submit these instructions***

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

**Explanatory Notes – Part I**

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

**Explanatory Notes – Part II**

Indicate the requested action.

**Explanatory Notes – Part III**

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

**Explanatory Notes – Part IV**

A. If the property owner is an individual or husband and wife, check the box and provide the information.

**Explanatory Notes – Part V**

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

**Explanatory Notes – Part VI**

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government

corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1

B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line. Exhibit 6-2
C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

**Explanatory Notes – Part IV & V**

The applicant must have either of the affidavits in Part V & VI, notarized, signed and submit, as applicable.

# SUPPLEMENT PH-A
# NARRATIVE

## SPECIAL EXCEPTION REQUEST SUPPLEMENT PH-A NARRATIVE

### A. REQUEST

(indicate the proposed use that requires a special exception)

This is a request for a special exception to allow for a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping waterward of the Coastal Construction Control Line (CCCL) in the Environmentally Critical (EC) zoning district.[1] The location of the CCCL is highlighted in yellow on the Site Plan included with this application, with the area to the west and waterward of the CCCL being the area at issue in this request. The items shown on the Site Plan in this area were in place prior to Hurricane Ian and, as such, the request is simply to replace the items that were destroyed by the storm.

### B. REASONS FOR REQUEST

(state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property that is the subject of this request has been given an EC zoning designation. While the purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach, Section 34-652(e) of the Town of Fort Myers Beach Land Development Code (the "LDC") does allow for the placement of certain improvements on properties with this designation. Specifically, Section 34-652(e)(4) of the LDC provides that the Town Council may approve the placement of certain *minor structures* within the EC zoning district.

The term "*minor structure*" is defined in Section 34-2 of the LDC as "a small, accessory structure that is considered expendable under design wind, wave, and storm forces and are of a size and design to have a minor impact on the beach and dune system. Minor structures do not include structures supported by or extensions of the principal structure." It is also defined in Section 6-333 of the LDC as follows:

> Minor structure includes, but is not limited to, pile-supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences,

[1] The four (4) cabanas shown waterward of the CCCL line towards the northern property line will not be permanent, but rather moveable, akin to a "temporary, movable structure on private property that does not alter the natural environment, landscape or obstruct pedestrian traffic," as described as a permitted use in Section 34-652(d) of the LDC. Similarly, the two tiki huts shown closest to the water are not included in this request because they, too, meet the definition of a permitted use because they are moveable and do not have the characteristics that would preclude the use.

> ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be characteristic of minor structures that they are considered expendable under design wind, wave, and storm forces.

The items that are the subject of this request (a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping) fit within the definition of *minor structure* and are either identical or akin to those items underlined in the quoted section above.

Town Council is given authority to allow for the placement of items on property with an EC zoning designation, including those that are the subject of this request, through the Special Exception process laid out in Section 34-88 of the LDC. Each of the criteria identified in Section 34-88 is set forth below with an analysis of applicability following each one.

1. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

Changed conditions do exist on the property that is the subject of this request. As noted above, all items for which a Special Exception is being sought were in place, in the same location, prior to Hurricane Ian. Additionally, a number of the requested items are shown on the approved Master Concept Plan (MCP). This request is simply to return the property to the condition it was in prior to the storm.

2. *The testimony of any applicant.*

The testimony of the applicant will be provided at the public hearings on the Special Exception request.

3. *The recommendation of staff and of the local planning agency.*

The recommendation of staff will be provided prior to the public hearings on the Special Exception request. The recommendation of the local planning agency will be provided in advance of the Town Council hearing on the request.

4. *The testimony of the public.*

The testimony of the public, if any, will be provided at the public hearings on the Special Exception request.

5. *Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.*

The property that is the subject of this request has been given a Recreational future land use designation. Policy 4-B-8 of the Future Land Use Element of the Town of Fort Myers Beach Comprehensive Plan provides the following relative to the Recreational designation:

> "RECREATION": applied to public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control line. Additional accretions of beach, whether by natural causes

> or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line). The maximum density of residential development here is 1 dwelling units per 20 acres, with all dwelling units to be constructed outside this category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.

The request does not propose any new residential development. Rather, it proposes the placement of minor structures that are accessory uses to support both the hotel resort uses on the adjacent Commercial Planned Development (CPD)- and Mixed Used Planned Development (MPD)-zoned property as well as the bathing beach use of the EC-zoned property. Accordingly, the request is consistent with the goals, objectives, policies, and intent of the Comprehensive Plan.

6. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

Pursuant to Section 34-652(e)(4) of the LDC, minor structures requiring a special exception must be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system. The items will be placed back in the same locations that they were prior to Hurricane Ian. These locations were chosen in part to minimize any adverse effects on the beach and dune system.

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The minor structures proposed to be added by this request will be placed in the same locations as they were previously located. There is no historical record of the previous minor structures having any impact on environmentally critical areas or natural resources and, as such, it is not anticipated that the proposed structures will have an impact on environmentally critical or natural resources.

8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The request is compatible with the existing and planned resort hotel and associated accessory uses on the adjacent property, including but not limited to the existing pools and hot tubs that are located wholly within the property zoned either CPD or MPD. As was the case with the previous structures in this location, there is no anticipated damage, hazard, nuisance, or other detriment to persons or property associated with the proposed location of the replacement structures.

9. *Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

As noted above, Section 34-652(e)(4) of the LDC provides that the Town Council may approve the placement of certain *minor structures* within the EC zoning district. The items that are the

subject of this request (a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping) fit within the definition of *minor structure*, as set forth in Section 34-2 of the LDC, and are either identical or akin to those items underlined in Section 6-333 quoted above. Accordingly, the requested uses will be in compliance with applicable general zoning provisions and supplemental regulations.

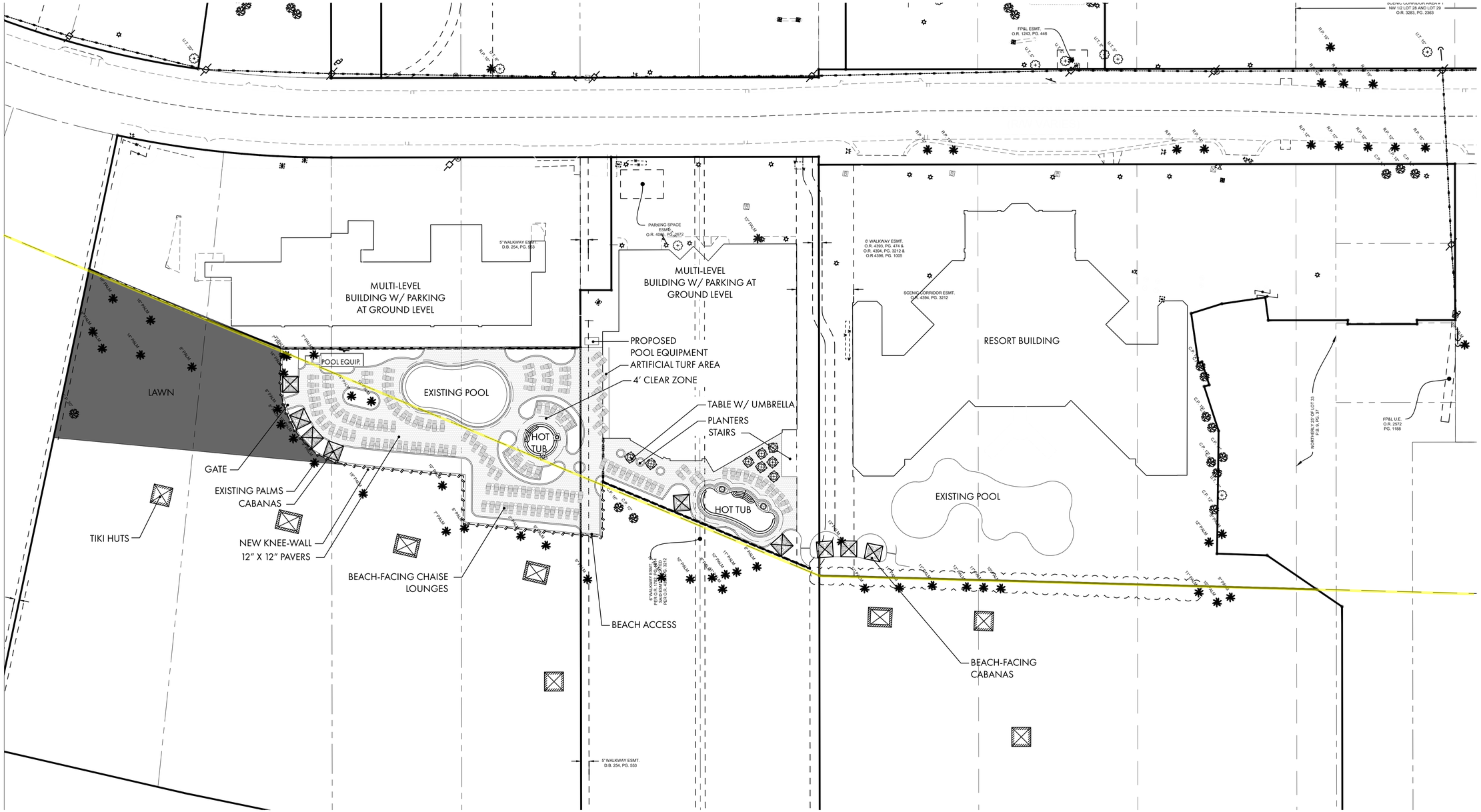
Given that the request meets the foregoing criteria, and that granting the special exception is not contrary to the public interest and the health, safety, comfort, convenience, and welfare of the citizens of the town, the LDC provides that the Town Council shall grant the special exception. We respectfully request that the Town Council do so.

## C. IMPACT ON SURROUNDING PROPERTIES

(explain how granting the requested Special Exception could impact surrounding properties)

The location of these items prior to Hurricane Ian had no reported impact on surrounding properties. Given that the items will be placed back in their original location, there is no anticipated impact on surrounding properties.

# SITE PLAN




TOTAL CHAIR COUNT: 170

Copyright RVi

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

# PINK SHELL RESORT • **POOL DECK CONCEPT**

Lee County, FL

October 16, 2023

# 23004319

0 30' 60'

SCALE: 1" = 30'-0"

For illustrative purposes only.
Subject to change without notice.