



Fort Myers Beach Local Planning Agency

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Agenda

Tuesday, April 30, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. April 9, 2024 LPA minutes

V. PUBLIC COMMENT

VI. PUBLIC HEARINGS

A. DCI 20230197, 841 Estero Blvd.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 841 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-0050B.0010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

B. SEZ20240069, 830 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING / APPROVING WITH CONDITIONS / DENYING SPECIAL EXCEPTION SEZ20240069 TO ALLOW FOR THE REPLACEMENT/REPAIR OF A SUN DECK, POOL PATIO, RETAINING WALL, AND FENCE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 830 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

- C. SEZ 20230226, 275/322, 200 & the Common Element of 192 Estero Blvd.
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.
- D. VAR20240088, 614 Estero Blvd.
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20240088, A REQUEST FOR TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED STREET SETBACK BY 17 FEET 6 INCHES FROM THE REQUIRED 25 FEET, AND TO REDUCE THE REAR SETBACK BY 12 FEET 1 INCH FROM THE REQUIRED 20 FEET, IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 614 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE
- E. VAR20240084, 6140 COURT ST
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240084, REQUESTING A VARIANCE FROM LDC 34-1174(b). TO ALLOW A PICKLEBALL COURT, CLOSER TO STREET THAN THE PRINCIPAL BUILDING IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6140 COURT STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- F. Ordinance 24-10 to specifically re-hear the Property Rights Element and to hear the Capital Improvement Element
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN IN ITS ENTIRETY, PURSUANT TO 163.3184 (3), FLORIDA STATUTES; PROVIDING FOR ADOPTION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN 2040, INCLUDING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP, THE COMMUNITY DESIGN ELEMENT, THE TRANSPORTATION ELEMENT, THE HOUSING ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE UTILITIES ELEMENT, THE CONSERVATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE RECREATION, & OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE PROPERTY RIGHTS ELEMENT;

INCLUSIVE OF ALL ASSOCIATED TABLES, EXHIBITS AND MAPS; AUTHORIZING FINDINGS AND ADMINISTRATIVE ACTIONS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR 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

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes

Tuesday, April 9, 2024

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member McLean, LPA Member Plummer, LPA Member Sudduth (virtually) and LPA Member Vanasse.

Excused: LPA Member Eckmann

LPA Member Plummer moved to permit LPA Member Sudduth to participate virtually due to extenuating circumstances, seconded by LPA Member Boan. The motion carried unanimously.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. LPA - March 12, 2024

LPA Member Plummer moved to approve the minutes, seconded by LPA Member Boan.

The motion carried unanimously, with LPA Member Eckmann excused.

B. LPA Special Meeting - March 14, 2024

LPA Member Plummer moved to approve the minutes, seconded by LPA Member Boan.

The motion carried unanimously, with LPA Member Eckmann excused.

V. PUBLIC COMMENT

No public comment.

VI. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures. Town Clerk Baker confirmed that the agenda items were properly noticed. LPA Member Sudduth revealed that he had a conflict of interest with item A. He will submit Form 8b to the town clerk and it will be attached to the minutes. Town Clerk Baker swore in those providing testimony.

A. SEZ20240024, 6614 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING / APPROVING WITH CONDITIONS / DENYING SPECIAL EXCEPTION SEZ20240024 TO ALLOW RECONSTRUCTION OF A WOODEN LANDSCAPE WALL IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 6614 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. No ex parte communications were disclosed.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated in the yellow sheet. Staff recommended approval with conditions.

Dave Nusbaum, President of Island Winds Condominiums, stated that board members were obligated to repair all common areas. He noted that the wall was destroyed by Ian and acted as a buffer between the raised property and the beach. A coastal engineering firm was hired and FDEP (Florida Department of Environmental Protection) issued a field permit on May 15, 2023. The town staff informed Mr. Nusbaum that they had to request a special exception to rebuild the wall.

No public comment.

LPA Member Vanasse moved to approve the request with the conditions as stated in the packet, seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote, with LPA Member Sudduth recused and LPA Member Eckmann excused.

B. VAR20240050- 590 Carlos Cir

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240050, REQUESTING TWO VARIANCES FROM LDC TABLE 34-3 A VARIANCE OF 16-FEET FROM THE REQUIRED 25-FOOT STREET SETBACK, AND A VARIANCE OF 5- FEET FROM THE REQUIRED 20-FOOT REAR SETBACK LOCATED AT 590 CARLOS CIR; 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 were disclosed.

Senior Planner Smalley read the background of the request as stated on the yellow sheet. The staff recommended approval with conditions.

LPA Member Plummer questioned the previous footprint of the home. Senior Planner Smalley replied that he did not receive that information.

Fred Drovdic, Architect, represented the applicant and noted that previous setbacks were 11 feet in the front, 7 feet in the rear and 5 feet on one side.

The presentation included an Introduction, Location Map, Pre-lan Property Overview, Variance Requests, Site Plan and Variance Criteria.

Senior Planner Smalley noted that the 16-foot variance was to the edge of the deck.

No public comment.

LPA Member Vanasse moved to approve the requests with conditions, seconded by LPA Member McLean.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

C. Ordinance 24-08 Amending Downtown Building Stories

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SECTIONS 34-675 BUILDING SIZE TO 1) CHANGE BUILDING HEIGHT FROM 2 STORIES TO 3 STORIES FOR PROPERTIES THAT FRONT ON TIMES SQUARE AND BAYFRONT PEDESTRIAN PLAZAS, THE NORTH SIDE OF FIRST STREET, THE SOUTH SIDE OF ESTERO BOULEVARD BETWEEN OLD SAN CARLOS BOULEVARD AND THE MAIN PEDESTRIAN CROSSING; AND 2) CHANGE BUILDING HEIGHT FROM 2 STORIES TO 3 STORIES FOR PROPERTIES THAT FRONT ON LAGOON STREET, CRESCENT STREET, FIRST, SECOND, THIRD AND FIFTH STREETS (EAST OF SKY BRIDGE ONLY); PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance.

Community Development Planner Sarah Propst reviewed the background of the ordinance as stated in the yellow sheet. Chair Cereceda questioned why stories were used instead of feet. LPA Member Vanasse agreed with doing away with stories, but after comments, it was decided to leave stories in.

Chair Cereceda moved to approve the ordinance, seconded by LPA Member McLean.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

- D. Moss Marina CPA20230152, 450 HARBOR COURT, 445 HARBOR COURT, 441 HARBOR COURT, 436 HARBOR COURT, 435 BONITA STREET, AND 438 BONITA STREET

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/ DENYING A COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR PROPERTIES LOCATED AT 450 HARBOR COURT, 445 HARBOR COURT, 441 HARBOR COURT, 436 HARBOR COURT, 435 BONITA STREET, AND 438 BONITA STREET FORT MYERS BEACH FROM MARINA (3.53 ACRES) AND MIXED RESIDENTIAL (1.00 ACRE) TO PEDESTRIAN COMMERCIAL; CONTAINING 4.53 ACRES GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000, 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040, 24-46-23-W3-0030A.0110, PORTIONS OF HARBOR COURT AND BONITA STREET RIGHT-OF-WAY; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She indicated that the applicant applied for a CPD (Commercial Planned Development), which was not before them today. Several letters of objection were received and were in the packet. All LPA members disclosed ex parte communications with neighbors, owners, residents, familiarity with the property and previous presentations.

Attorney Jenna Persons-Mulika from Strayhorn, Persons-Mulika & Fisher represented the applicant and distributed a copy of the presentation.

She explained that the presentation did not include specific project details, but a question regarding the long-term redevelopment vision was presented. She added that the request was to change the future land use of seven parcels, not eight.

Slides included Request Statement and Team Members.

Applicant Ben Freeland noted they were discussing future land use and the town's vision. He described his background in the community and the different businesses he was involved with. He noted that he took over the business in 2020 and explained the benefits of opening access to the bay and future possibilities with a mixed-use designation. He brought up transportation options, additional parking opportunities and water taxis.

Engineer James Ink continued the presentation and noted that this was step one. Slides included Planning, Hurricane Ian, Planning with Existing and Proposed FLU Maps, Planning with Objectives, Planning with Policies, Planning and Additional Criteria, Engineering, Staff Report Commentary and Neighborhood Compatibility and Summary. Mr. Ink described expanding public access to the bayside and noted the plan was on the website. Attorney Persons-Mulika stated they could not legally present the CPD before requesting a future land use change.

LPA Member Plummer echoed Chair Cereceda's concerns about a clean slate and putting the cart before the horse without knowing what was to come. LPA Member Vanasse asked staff to explain whether the proper process was to amend the comp plan and then go to zoning for details. He noted that it was a common practice to have a future land use map that allowed for more capacity than what actually got built. The fact that there was more capacity on the future land use map was not a given that it would be developed. He referred to Old San Carlos Blvd. and asked whether they were close to meeting the 2.5 FAR (Floor Area Ratio) today. He thought they should look at things from an opportunity standpoint, not a fear standpoint. Chair Cereceda commented that she was not fearful but wanted a link between the map amendment and the Freeland family's CPD. Mr. Freeland stated that the CPD was not married to a future land use change. He wanted to be a part of the downtown district even if the CPD was denied because he had to rebuild the marina regardless. He felt they should not be linked.

Chair Cereceda summarized that he desired to be in pedestrian commercial to expand the property's uses. She suggested the idea of changing the future land use designation of the parcels because if the parcels were sold, the town would not be able to help craft what the picture would look like. Mr. Freeland asked whether she thought the bayfront property would be of value to the downtown and commercial pedestrian district regardless of who owned it.

Planner Propst felt this was the right process, but it would be nice to see all components together. She stated that the town council could look at the CPA and CPD simultaneously but could not approve the CPD before the CPA. LPA Member Vanasse questioned whether other jurisdictions had more capacity from the standpoint of maximum allowable intensity and density afforded through the future land use map than what was on the ground.

Planner Propst replied positively.

LPA Member Sudduth thought it made sense to have the capability for those parcels and the next stage had quite a bit of teeth. He felt they still had a limit with the future land use. LPA Member McLean struggled with the increase in FAR and questioned whether they were approaching 2.5 in FAR. Chair Cereceda stated they were only talking about the potential, not a CPD. Public comment:

Chris Mosteiro, resident, commented that the neighbors adjacent to the property would be affected. Before Ian, the neighborhood was pleasant, but now, he feels like he is living in a marina. He described loud construction noises all day and the owners did not respond to his multiple emails. He read portions from the LDC (Land Development Code) regarding marina use and indicated this project could be a Trojan horse.

Katie Burkey, attorney with Becker-Poliakoff, represented Magnum FMB 1 LLC. Their property was 72 feet away from the property across the canal. Max Forgey, certified land planner, stated that the LPA did not have to approve this. He discussed compatibility and negatively impacting the neighborhood. He noted the applicant could do plenty under the current zoning and intensifying the use would be detrimental to the community. He

referred to the comprehensive plan while making his points and noted they could not call it pedestrian commercial because there were no pedestrian facilities. He commented that he found eight findings of fact and urged them to deny.

Tom Slaughter, urban planner from Cape Coral, stated that this project was Moss Marina's master plan and left out the subdivision. He suggested the LPA focus on the needs of the neighborhood.

John Samuelson, resident, questioned how Old San Carlos Blvd. could handle the increase in traffic because the project would change the island's demographics. He asked about ingress and egress and noted there was only one way in. He stated they were going from a boating community to a resort community. He did not think they would not have access to the bay with the project.

Leah Gregg, resident, questioned the use of three residential streets for all delivery trucks and stated that her street was less than 16 feet wide and most trucks were almost 9 feet. She described the amount of traffic from large trucks that would constantly go up and down the streets. They should not be allowed to use residential streets as their private delivery entrance. She noted it was a safety hazard and inconvenient and would ruin the neighborhood.

Rebecca Link, resident, thought the plans were beautiful, but she was petrified because they lived on a barrier island. She questioned their ROI (Return on Investment) and how much they would rely on the community. She commented that she did not want to live in the middle of Disneyland. She discussed how hard it was to get to the town because of the traffic and what it would become.

Bill Veach, resident, stated there was nothing small about the ramifications and this was only one of a dozen comparable properties. He said they needed to stick to the comp plan to rebuild the island safely without getting sued. He discussed the increase in uses compared to what they have versus what they want. He added that once the LPA granted the request, the town could not get it back. It had huge ramifications and would affect redevelopment forever. The neighborhood will see years of construction equipment and then a constant stream of delivery trucks. He questioned how FEMA would look at the town allowing additional densities in a flood hazard area with a two-lane road for evacuation.

Jean Guzzi, resident, was horrified with the project and thought it should not go through. She loved the marina but did not want a 400-unit development because the beach was already jammed. She asked that the LPA deny the request.

Public comment closed.

Attorney Persons-Mulika thanked the public for their feedback and noted they were addressing the CPD. She stated the staff was still reviewing the CPD and if the future land use is not changed, it will not move forward. She noted that the future land use change had to come first legally and could not be conditioned. She discussed the CPD process and noted there were numerous levels of review with protections. She asked for a favorable recommendation.

LPA Member Boan noted that the existing pedestrian commercial was added after the marina and was a more recent acquisition. He did not think it needed to be used to bootstrap the other request. He thought the LPA agreed that the marina designation was important and should be kept in the revised plan.

Chair Cereceda could not support the request because the whole incorporation and comp plan was about the people in the middle who live on the island. That neighborhood was one of the oldest on the island and she could not escape the commercial intrusion into residential neighborhoods because it was so important. She addressed maintaining the small-town character and protecting people from commercial intrusion.

LPA Member Sudduth clarified that the future land use could not be approved subject to the CPD. He noted that the town still had control over what was developed in the area. Chair Cereceda agreed but commented that the neighborhoods would be commercial at a high intensity and would destroy the neighborhood. LPA Member Plummer stated the marina took over seven more parcels and the project would intrude on the neighborhood. She felt it would create a precedent.

LPA Member Vanasse was concerned about finances and how quickly the town could redevelop. He stated that projects could be molded and adjusted with safeguards and saw an opportunity. He thought the application was complete, sufficient and demonstrated compliance with the requirements of the comp plan. He advocated for a comprehensive vision for the town. He supported the request.

LPA Member McLean respected the comp plan as it existed and he was not anti-development, but had to weigh the benefits to the neighborhood, residents and community as a whole. Chair Cereceda agreed that it was not just that neighborhood that would be affected. She felt it would be irresponsible to make a change that would impact a neighborhood without knowing how to be able to mitigate it or what it was going to be. LPA Member Vanasse said they had the opportunity to guide the project with rezoning.

LPA Member Plummer noted it was hard to go all in without seeing the whole picture.

LPA Member Vanasse moved to recommend approval for the petition, seconded by LPA Member Sudduth.

The motion was denied, 4-2, by roll call vote, with Chair Cereceda and LPA Members Plummer, McLean and Boan dissenting and LPA Member Eckmann excused.

Chair Cereceda moved to deny the request, finding that it was not in the public interest, seconded by LPA Member Plummer.

The motion carried, 4-2, by roll call vote, with LPA Members Vanasse and Sudduth dissenting and LPA Member Eckmann excused.

E. Comprehensive Plan Update

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING AMENDMENTS TO THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN FUTURE LAND USE, HOUSING, COMMUNITY DESIGN, COASTAL MANAGEMENT, CONSERVATION, HISTORIC PRESERVATION, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENT ELEMENTS, TO UPDATE DATA AND ANALYSIS AND THE GOALS, OBJECTIVES, AND POLICIES RELATED TO THE REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Propst indicated that some of the items requested were not done, but she has since received them. She noted they received an email regarding Bowditch Park and commented that the town could encourage Lee County to add parking. LPA Member Boan suggested they consider keeping the language in the 1999 plan. LPA members McLean, Plummer, Sudduth and Vanasse agreed. LPA Member Vanasse indicated that FAR was not well-defined in certain districts and should be clarified. Planner Propst agreed that it made a lot of sense. She questioned whether there was an interest in allowing hotels or restaurants in neighborhoods. LPA Member Vanasse liked the opportunity to open it up on Estero Blvd. because neighborhood restaurants were appealing. Planner Propst commented that they were talking about adding mixed residential deep into neighborhoods. LPA Member Boan remarked that he did not support adding restaurants in neighborhoods, especially since many roads were dead ends.

Chair Cereceda read the title of the ordinance.

Public comment:

Jim Ink, resident, noticed that pedestrian commercial and boulevard did not list FARs. He agreed that all future land uses should have density and FAR. He thought bringing mixed-use and residential to the marina district was interesting.

Public comment closed.

Chair Cereceda moved to forward the updates for the comprehensive plan to the town council with the staff's recommendations, seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

F. Ordinance 24-04, Emergency Temporary Uses

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND RESTATING ORDINANCE 23-05 TO PERMIT A TEMPORARY USES IN CERTAIN ZONING DISTRICTS IN RESPONSE TO, AND AS A PART OF THE TOWN'S RECOVERY EFFORTS FOLLOWING A NATURAL DISASTER OR OTHER EMERGENCY SITUATION: 1) BY A GOVERNMENTAL ENTITY FOR THE BENEFIT OF THE PUBLIC; 2) FOR RESIDENTIAL MANUFACTURED HOMES, MOBILE HOMES, MOTOR HOMES, RECREATIONAL VEHICLES OR OTHER TEMPORARY DWELLINGS FOR RESIDENTIAL PURPOSES; AND 3) FOR MOVEABLE COMMERCIAL STRUCTURES FOR THE DELIVERY AND SALE OF NEEDED GOODS AND SERVICES TO THE PUBLIC; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS, SEVERABILITY, SUNSETTING OF THIS ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. LPA Member Vanasse discussed allowing food trucks to operate in empty lots temporarily but did not want to open it up for anybody anywhere. LPA members McLean and Sudduth agreed that the intent was to support vendors operating in the town before Ian and allowing anyone to operate a food truck would negate the original intent. Planner Propst suggested that they look at the commercial uses language on page 4. She stated that a process allowed a mobile vendor to set up in an area that did not have a restaurant on the property before Ian. Senior Planner Smalley confirmed that a site plan sketch with setbacks was required for commercial uses. LPA Member Plummer felt they should consider adding a miscellaneous category to give people an opportunity for those who were trying to get back to a brick-and-mortar building. It would be hard to rebuild with a mobile truck on the property. She supported the six-month review process. Town Attorney Stuparich stated the ordinance was written to go away after 18 months. She asked whether they wanted the ordinance in the code in case of another disaster. She did not think there was a downside to making it permanent. LPA Member McLean supported having something that allows clarity in the event of another disaster. He added that public, private and government partnerships were crucial. LPA Member Boan supported putting it into the code. After discussing the application, it was decided to change it to reflect a temporary emergency.

No public comment.

LPA Member Boan moved to approve the ordinance, seconded by LPA Member McLean.

The motion carried unanimously by roll call vote.

G. Ordinance 24-06, Draft Expedited Variance Review

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR VARIANCES AND EXTENSIONS, EXCEPT IF THE DECISION BY THE LPA IS NOT UNANIMOUS OR IF THE TOWN CLERK RECEIVES A REQUEST BY ANYONE FOR AN ADDITIONAL HEARING BEFORE THE TOWN COUNCIL WITHIN 10 DAYS AFTER THE LPA DECISION; A PUBLIC HEARING BEFORE THE TOWN COUNCIL IS REQUIRED FOR VARIANCES OR EXTENSIONS IF THE DECISION BY THE LPA IS NOT UNANIMOUS OR IF ANYONE REQUESTS SUCH HEARING WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich explained the intent of the proposal and noted the town council requested adding extensions of permits. Town Attorney Stuparich clarified some of the language. She indicated that a paragraph informing residents they have 10 days to oppose would be added to the notices sent to residents. Senior Planner Smalley questioned whether everybody at the LPA accounted for anyone missing or recused. Town Attorney Stuparich suggested adding language specifying a quorum.

No public comment.

LPA Member Vanasse moved to approve the ordinance with Senior Planner Smalley's change about a quorum, 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 Plummer questioned when the sidewalks on Estero would be fixed. She requested an excused absence from the next meeting.

Chair Cereceda felt they needed to review the mobile vendor ordinances.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XI. ITEMS FOR NEXT MONTHS AGENDA

No specific items.

XII. ADJOURNMENT

LPA Member Plummer moved to adjourn the meeting.

The meeting was adjourned at 1:07 p.m.

DRAFT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Sudduth Donald Eugene	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Local Planning Agency
MAILING ADDRESS 6612 Estero Blvd APT 703	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY Fort Myers Beach	COUNTY Lee
DATE ON WHICH VOTE OCCURRED April 9, 2024	NAME OF POLITICAL SUBDIVISION: Town of Fort Myers Beach
	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Donald Eugene Sudduth, hereby disclose that on April 9, 20 24 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am an owner and elected Board Member (Vice President) of the applicant, Island Winds Condominium Association.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 9, 2024

Date Filed

Donald E Sudduth

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-1487**

1. Request:

Meeting Date: April 30, 2024

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 841 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-0050B.0010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The convenience store use is an allowed use in the Downtown zoning district, however, this request contains several deviations from the code therefore a CPD is being requested. The LPA hears rezoning requests and recommends action to the Town Council.

What the action accomplishes:

Approval of the CPD allows the redevelopment of the site, with a convenience store.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The applicant for 841 Estero Blvd, is requesting a rezoning from Downtown zoning to Commercial Planned Development for the redevelopment of a 3,500 square foot convenience store. The proposed development will have an entrance on Estero Blvd, an entrance on Lagoon Street, and a dumpster enclosure accessed directly from Lagoon Street. The site previously contained a 7-Eleven convenience store approximately 1,950 square feet in size.

Attachments:

1. Ordinance 24-XX (2) 7-11 ns edits
2. LPA staff report
3. Exhibit A MCP
4. Exhibit B Schedule of Uses and List of Deviations
5. Exhibit C LPA and TC Postcards
6. Exhibit D Application

Financial Impact:

unknown

6. Alternative Action

Recommend denial

7. Staff Recommendations:

Approve with conditions

8. Recommended Approval:

Date: April 23, 2024

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: April 26, 2024

Date: April 26, 2024

ORDINANCE 24-05

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE THE PROPERTY LOCATED AT 841 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-0050B.0010 FORT MYERS BEACH, FROM THE DOWNTOWN ZONING DISTRICT TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR A CONVENIENCE STORE; PROVIDING FOR OTHER 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, The Neighborhood Company, is the authorized agent for 7-Eleven, Inc, who is the owner of property located at 841 Estero Blvd., generally identified as STRAP numbers 24-46-23-W3-0050B.0010 in the Town of Fort Myers Beach; and

WHEREAS, The Neighborhood Company filed applications to rezone the property from the Downtown Zoning District to Commercial Planned Development (CPD), together with a Master Concept Plan (MCP), which includes deviations from the Land Development Code (LDC) to develop a convenience store; and

WHEREAS, a copy of the proposed MCP is attached as Exhibit A and a copy of the schedule of uses, conditions of approval, and needed deviations included in the CPD request is attached as Exhibit B; and

WHEREAS, the property is a single parcel located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 30, 2024 and at the April 30, 2024 public hearing, the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by LDC Section 34-85; and

WHEREAS, at the April 30, 2024 public hearing the LPA found that the request is consistent/ inconsistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/approval with conditions/ denial of the rezoning request by a vote of ____ to ____; and

WHEREAS, on May 20, 2024 the Town Council held a first reading of the proposed

Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by LDC Section 34-85; and

WHEREAS, the Town Council voted to approve scheduling a second reading of the proposed Ordinance, and a public hearing for adoption on June 3, 2024, which was noticed by publication 10 days prior to the Town Council public hearing on the ____ day of _____, 2024; and

WHEREAS, a Business Impact Estimate was also prepared and published on the Town's website as required by Florida law on the ____ day of _____, 2024; and

WHEREAS, at the June 3, 2024 public hearing, the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by LDC Section 34- 85; and

WHEREAS, the Town Council finds that this request to rezone the property from the Downtown Zoning District to CPD together with the MCP, which includes the following deviations to the LDC in order to develop a convenience store, since it is a unique development and does not set precedent for future development or rezoning requests:

Deviation #1

Deviation 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 connecting to Estero Boulevard and Lagoon Street.

Deviation #2

Deviation from the driveway separation requirements of LDC Section 10-285 along Estero Boulevard and Lagoon Street. The deviation would allow driveway separations along Estero Boulevard to be a minimum of approximately 80 feet and a minimum of approximately 60 feet along Lagoon Street.

Deviation #3

Deviation from parking lot location requirements of LDC Section 34-706(a) to allow a parking lot to be located primarily fronting Estero Blvd.

Deviation #4

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 maximum 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.

WHEREAS, the Town Council considered all relevant factors and made the following findings in support of its decision on the rezoning request in accordance with LDC 34-85:

- a. Minor ambiguities were resolved through the deviation process.
- b. The previous development on the subject property was destroyed by Hurricane Ian and adoption of the rezoning with deviations ameliorates longstanding design issues on the site due to the lot's odd shape and orientation.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- d. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- g. Urban services are available and adequate to serve the proposed use.
- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place 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.
- k. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

; and

WHEREAS, the Town Council made the following findings before its final decision on the eight requested deviations from "by-right" requirements of the LDC Section 34-216:

- a. Each item enhances the achievement of the objectives of the planned development; and
- b. The general intent of this chapter to protect the public health, safety and welfare will be preserved and promoted; and
- c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
- d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

WHEREAS, the Town Council finds that this application to approve Ordinance 24-02 which is, consistent/ not consistent with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to deny/ approve/ approve with conditions the Application.

NOW, THEREFORE, IT IS HEREBY ORDAINED 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 request to approve Town of Fort Myers Beach's Ordinance **24-05** and the conditions of approval for the CPD, **does/ does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **DENY/ APPROVE/ APPROVE WITH CONDITIONS** the requested application.

Section 3. Town Ordinance **24-05** is hereby adopted with the MCP and schedule of uses and conditions of approval for the CPD as set forth in Exhibits A and B, attached hereto and incorporated herein by this reference.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization by the Town Manager without further process.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE 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:

DULY PASSED AND ADOPTED on this ____ day of June 2024.

Dan Allers, Mayor	_____
Jim Atterholt, Vice-Mayor	_____
John R. King, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____

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, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2024.

Attachments:

A – Master Concept Plan (MCP)

B – Schedule of Uses, Conditions of Approval and Deviation



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Commercial Planned Development

CASE NUMBER: DCI Rezoning, 20230197

CASE NAME: 841 Estero Blvd, rezone the property from Downtown Zoning to Commercial Planned Development for the redevelopment of a convenience store.

LPA

HEARING DATE: April 30, 2024, at 9 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/ Southland Corporation

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: 841 Estero Blvd

STRAP #: 24-46-23-W3-0050B.0010

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North: Residential Conservation/ Single Family

South: Community Facility /Lynn Hall Memorial Park

East: Downtown zoning / Commercial

West: Downtown zoning/ single-family

II. BACKGROUND AND ANALYSIS

Background:

The Neighborhood Company, applicant for 841 Estero Blvd, is requesting a rezoning from Downtown zoning to Commercial Planned Development for the redevelopment of a 3,500 square foot retail/ convenience store with no fuel pumps and a FAR of 0.35 F. The proposed development will have an entrance on Estero Blvd and one point of egress from Lagoon St with a separate access to a dumpster enclosure at the east of the property. The site previously contained a 7-Eleven convenience store with no fueling locations.

The Downtown zoning district permits convenience store use by right as a small-scale retail store. However, the Applicant would need to request several variances for the proposed plan and therefore the applicant is requesting to rezone the property to CPD. Four deviations are requested from the land development code requirements.

Analysis:

A convenience store has been located at 841 Estero Blvd for many years. The previous convenience store was approximately 1,950 square feet in size and appears to have provided ten compliant parking spaces for the use, with no fueling location. 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 requirements.

The property has the Future Land Use designation of Pedestrian Commercial which allows a maximum of 2.5 FAR. The proposed convenience store is 3,500 square feet with 0.35 FAR and will provide eight parking spaces with no fuel pumps. The code requires four parking spaces per 1,000 square feet of retail, which would require 14 parking spaces. The applicant is proposing bike racks, which decreases the number of required spaces by one. With the reduction of one parking space, the Applicant is requesting a deviation for reduction in parking spaces by five spaces. 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.

Four deviations from the Land Development Code are requested. Those are listed below and include the applicant's justification as well as a staff comment.

Requested Deviations:

- 1) 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 connecting to Estero Boulevard and Lagoon Street.

Applicant Justification: In order to redevelop the property with the desired commercial convenience store use, the site design must take into consideration that a portion of the property is located within the VE flood zone (El 13) along with being designed to meet the intent of the design standards of the town. The prior site configuration provided for existing access points (driveways) both onto Estero Boulevard (Primary Street) and Lagoon Street (Secondary Street), it is necessary to continue to allow access points from Estero Boulevard and Lagoon Street so that vehicular flow can be maintained without requiring vehicles to back out onto any street right-of-way. Convenience stores rely heavily on customer vehicular traffic and truck deliveries, which require appropriately designed and safe traffic movement. The design has been improved to enhance functionality and safety by reducing the need for vehicles having to back directly onto Estero Boulevard, thus providing reasonable access to the property and while improving the functionality of the site. The granting of this deviation does not negatively impact the health, safety, and welfare of the community.

Staff Comment: With the proposed layout and the small size of the site an entrance on both roads will allow for fewer conflicts with entering and exiting traffic. The proposed deviation, therefore, seems appropriate in this instance due to the corner location and the small size of the parcel.

2) Relief from the driveway separation requirements of LDC Section 10-285 along Estero Boulevard and Lagoon Street. The deviation would allow driveway separations along Estero Boulevard to be a minimum of approximately 80 feet and a minimum of approximately 60 feet along Lagoon Street.

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 configuration of the subject property and the need to manage vehicular traffic and create pedestrian connectivity to the site, the proposed site layout as detailed on the Master Concept Plan requires both accessways from Estero Boulevard and Lagoon Street Circle to remain. The two accessways were non-conforming in terms of their location and overall width. Both accessways, pursuant to requested Deviation #1, will be reduced in width. This will improve safe traffic circulation to and from the adjacent roadways. As detailed on the MCP, the proposed configuration decreases the width of the accessways, allows for direct pedestrian access from the Estero Boulevard sidewalk system and will increase the distance separation on Lagoon Street from all surrounding street intersections and accessways, 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. The granting of this deviation does not negatively impact the health, safety and welfare of the community.

Staff Comment: The subject property is a corner lot. LDC Section 10-285 requires a driveway separation of 250 feet for major streets like Estero Blvd and 125 feet for local streets like Lagoon Street. The site is approximately 100 feet wide and 113 feet deep, therefore, making it impossible to comply with the requirement of LDC Section 10-285. The proposed deviation seems appropriate in this instance as the Applicant is proposing to use the existing accessways and willing to reduce the width of the curb cuts to achieve accessways with higher compliance to the Town's code.

3) Relief from parking lot location requirements of LDC Section 34-706(a) to allow a parking lot to be located primarily fronting Estero Blvd.

Applicant Justification: Due to the devastation caused by Hurricane Ian and the need to redevelop the property to bring back the desired commercial convenience store use to the Town, reconfiguration of the site is necessary. The site is located within the Downtown zoning district, on the corner of Estero Blvd. and Lagoon Street and adjacent to property owned by others. LDC Sec. 34-953 states that request for a rezoning to Commercial Planned Development (CPD) zoning district requires that the building placement, size, design, and all other property development regulations, such as parking, shall be the same as for the CB zoning district, which means that off-street parking lots shall be placed in side or rear yards. The redeveloped site design must consider that a portion of the property is located within the Zone VE (El 13) while meeting the intent of the off-street parking and building placement design location standards desired by the town. The proposed configuration positions the off-street parking relatively in the same location as it was prior to Hurricane Ian but with an improved layout. With these site constraints, context of convenience store use, and redevelopment opportunities based on impacts of Hurricane Ian, the ability to locate the parking lot out of the front and side yard of the building is not feasible.

As evidenced through the previously existing site layout, the reconfiguration of the parking layout, and the addition of bicycle parking as indicated on the proposed MCP, the granting of this deviation to allow the off street parking lot to be located on the Estero Boulevard side of the property addresses the unique site configuration limitations, and does not negatively impact the health, safety and welfare of the community.

Staff Comment: As mentioned earlier, the subject property is a corner lot and the Applicant plans to use the existing accessways for the convenience store, which would only be possible if the parking is in the front along Estero Blvd. Being in Downtown zoning district, several neighboring properties have parking facing Estero and Town's staff does not anticipate any adverse impacts with approval of this deviation.

4) 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 maximum 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.

Applicant Justification: Parking requirements for a convenience store are a minimum of 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 by 5 spaces for a total of 9 spaces.

However, LDC Sec. 34-953 states that requests for a rezoning to a Commercial Planned Development (CPD) zoning district requires 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 Downtown “park-once” district by seeking a reduction in the number of off-street vehicle spaces from 14 to 8. Due to the configuration and constraints 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 as shown on the MCP. 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 at least 1 bicycle rack 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. Thus, providing the bicycle rack further supports and allows for the overall required parking to be 8 vehicle spaces.

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.

Staff Comment: Town’s LDC requires 14 parking spaces for the proposed 3,500 square feet convenience store. The applicant is proposing at least one, four-space bike racks, which reduces the number of required spaces by one. With this reduction, the Applicant is requesting a deviation of five parking spaces to allow 8 parking spaces including one ADA parking for the store.

The proposed use has existed in this location with ten parking spaces

previously and the Town's staff anticipates no adverse impacts with approval of the requested deviation due to its compatibility with neighboring properties in the Downtown zoning district.

Neighborhood Compatibility:

The previously existing residential and commercial properties in the area were destroyed by Hurricane Ian. This convenience store use has been in existence in this area for many years 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.

Staff response: No errors or ambiguities exist.

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

Staff response: The previous structure was destroyed by Hurricane Ian and redevelopment of the site makes the requests appropriate.

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

Staff response: 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.

Staff response: The proposed development is in compliance with the intensity of the district. The use is permitted use by right in Downtown zoning. The proposed site development will be more compliant with the site development requirements than the previous development. Additionally, the new structure will be 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.

Staff response: The proposed development will meet performance standards set forth 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.

Staff response: The urban services exist in this location.

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

Staff response: 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.

Staff response: The proposed use has been in existence in this location for many years. It is not anticipated to have any detrimental impact 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.

Staff response: This use in this location will not place an 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.

Staff response: The proposed use and requested deviations for the CPD comply with the Comprehensive Plan.

(2) This chapter.

Staff response: The proposed use complies with this chapter except in regard to the deviations.

(3) Any other applicable town ordinances or codes.

Staff response: 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.

a. The proposed use or mix of uses is appropriate at the subject location;

Staff response: A convenience store is permitted use by right in Downtown zoning district. The proposed use has existed in this location without creating a nuisance.

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

Staff response: 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;

Staff response: 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.

Staff response: Not applicable.

2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category.

Staff response: Not applicable.

3. Policy 4-C-4 on building heights taller than the standard height limit.

Staff response: The proposed structure will be a single-story building.

4. Policy 4-C-8 on density transfers.

Staff response: Not applicable.

5. Policy 4-E-1 on pre-disaster build back.

Staff response: Not applicable.

6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.

Staff response: The proposed development has a similar use to the previous development and as reflected in the traffic study, no adverse impact on traffic is anticipated.

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

Staff response: The requested deviations allow the development of the site and are primarily due to the site being a corner lot.

b. The general intent of this chapter to protect the public health, safety and welfare will be preserved and promoted; and

Staff response: The proposed deviations preserve public health.

c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and

Staff response: The deviations are not a detriment to the public interest.

d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

Staff response: The deviations are consistent with the comprehensive plan.

III. RECOMMENDATION

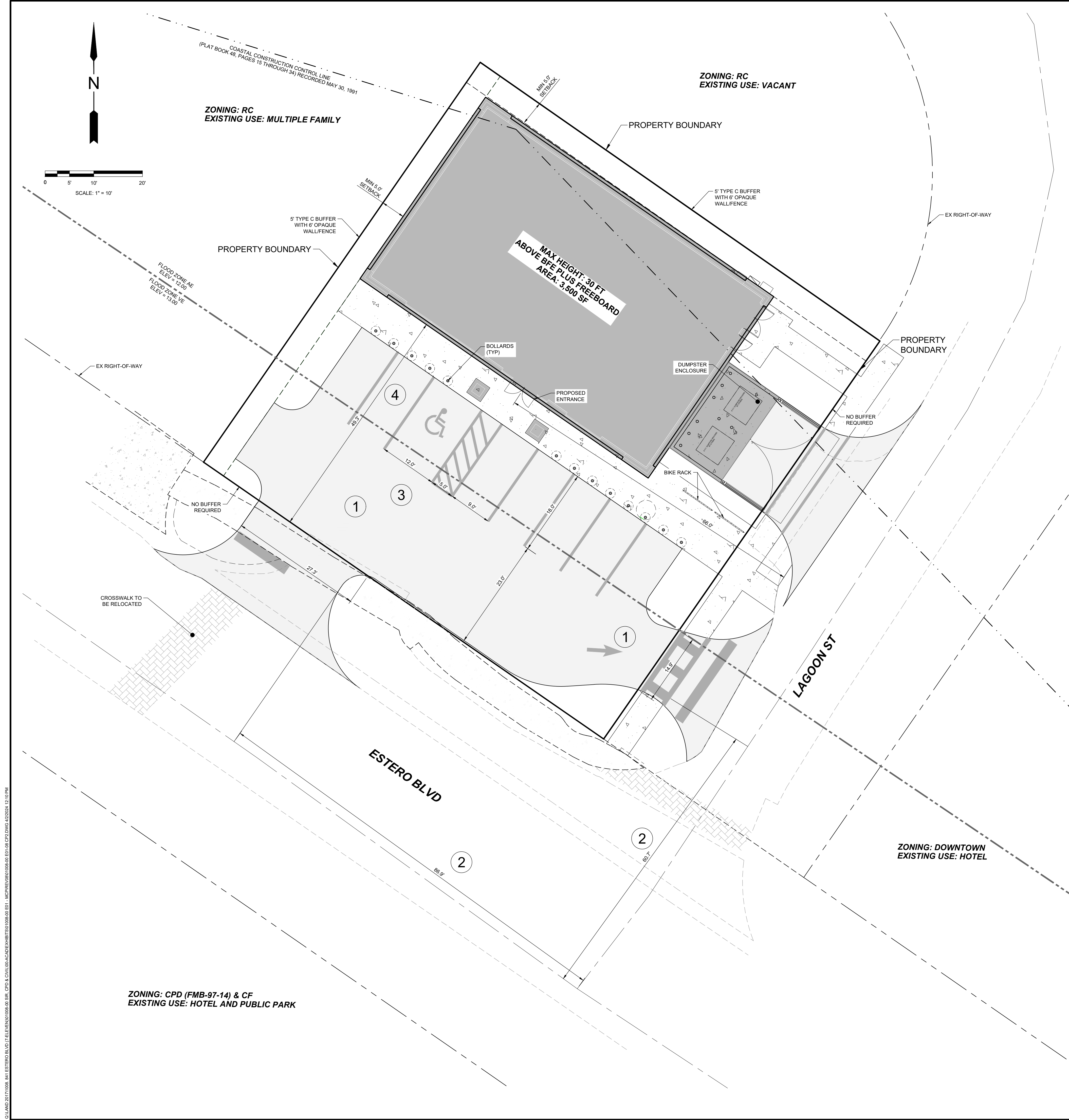
Staff finds that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends approval of DCI20230197 with the attached conditions.

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. 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 – Schedule of Uses and List of Deviations
- C – Postcards to Adjacent Properties
- D – Application



DEVELOPMENT STANDARDS TABLE	
	REQUIRED
BUILD TO LINE	
PRIMARY STREET (ESTERO BLVD)	0-50 FT
BUILDING FRONTAGE	
ALL STREETS	MINIMUM 50% OF LOT FRONTAGE
MINIMUM SETBACKS - PRIMARY AND ACCESSORY STRUCTURES	
SECONDARY STREET (LAGOON STREET)	20 FT
SIDE / REAR	5 FT
MINIMUM LOT DIMENSIONS	
LOT WIDTH	100 FT
LOT DEPTH	100 FT
LOT AREA	0.23 AC
MAXIMUM INTENSITY - FLOOR AREA RATIO (FAR)	
MAX FAR	0.35
MAX INTENSITY	3,500 SF
MAX BUILDING HEIGHT	
	30 FT ABOVE BASE FLOOD ELEVATION PLUS FREEBOARD

OPEN SPACE		
	MINIMUM REQUIRED	PROVIDED
PERCENTAGE	0%	17.00%
AREA	0 AC	0.039 AC

- GENERAL NOTES:**
- THE BUILDING SHALL BE A MAXIMUM OF 3,500 +/- SQUARE FEET.
 - PROJECT WILL BE DEVELOPED IN ONE PHASE.
 - WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
 - 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.
 - ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 34 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
 - 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.
 - ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12071C0554G, EFFECTIVE DATE: NOVEMBER 17, 2022, THE PROPERTY IS LOCATED IN FLOOD ZONES "AE-12" AND "VE-13"

- SCHEDULE OF USES:**
- COMMERCIAL
- RETAIL STORE, SMALL TO INCLUDE: CONVENIENCE STORES, NO FUEL PUMPS (OPEN 24 HOURS / 7 DAYS)

- DEVIATIONS:**
- 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 CONNECTING TO ESTERO BOULEVARD AND LAGOON STREET.
 - SEEKS RELIEF FROM THE DRIVEWAY SEPARATION REQUIREMENTS OF LDC SECTION 10-285 ALONG ESTERO BOULEVARD AND LAGOON STREET. THE DEVIATION WOULD ALLOW DRIVEWAY SEPARATIONS ALONG ESTERO BOULEVARD TO BE A MINIMUM OF APPROXIMATELY 80 FEET AND A MINIMUM OF APPROXIMATELY 60 FEET ALONG LAGOON STREET.
 - SEEKS RELIEF FROM PARKING LOT LOCATION REQUIREMENTS OF LDC SECTION 34-706(A) THE DEVIATION WOULD ALLOW A PARKING LOT TO BE LOCATED PRIMARILY FRONTING ESTERO BLVD.
 - SEEKS RELIEF FROM LDC SECTION 34-2020(D)(2)J.1. WHICH REQUIRES A MINIMUM OF FOUR SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA OR 14 PARKING SPACES FOR THE PROPOSED MAXIMUM 3,500 SQUARE FEET OF CONVENIENCE STORE TOTAL FLOOR AREA. THE DEVIATION WOULD ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED PARKING SPACES TO 7 PARKING SPACES.

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

7-ELEVEN STORE #24173: 841 ESTERO BLVD

MASTER CONCEPT PLAN

REVISIONS			
#	DATE		
BRANDON M. FREY, P.E. FL LICENSE NO. 86651 FL COA # 29226		PROJECT #:	01008-00
SHEET:			1

Exhibit B Schedule of Uses, Conditions, and List of Deviations

Schedule of Use

Retail store, small to include:

Convenience stores, no fuel pumps (open 24 hours/7 days)

Conditions

- 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) All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131

List of Deviations

- 1) 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 connecting to Estero Boulevard and Lagoon Street.
- 2) Relief from the driveway separation requirements of LDC Section 10-285 along Estero Boulevard and Lagoon Street. The deviation would allow driveway separations along Estero Boulevard to be a minimum of approximately 80 feet and a minimum of approximately 60 feet along Lagoon Street.
- 3) Relief from parking lot location requirements of LDC Section 34-706(a) to allow a parking lot to be located primarily fronting Estero Blvd.
- 4) 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 maximum 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.



Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA April 30, 2024, and Town Council May 20, 2024

CASE: DCI20230197

ADDRESS: 841 Estero Blvd

APPLICANT: The Neighborhood Company

REQUEST: A request to rezone 841 Estero Blvd from Downtown to Commercial Planned Development (CPD) to allow the redevelopment of a 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/ Town Council** will review the application materials and hear testimony to make a **recommendation/decision**. 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

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

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

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

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

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

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

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



September 20, 2023

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

**Subject: 841 Estero Blvd. Commercial Planned Development (CPD) – Submittal #1
Rezone from Downtown to Commercial Planned Development**

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 841 Estero Blvd., Ft Myers Beach, FL 33931. The proposed request is to seek the following:

- Rezoning of the subject property to allow flexibility to redevelop the subject property and rebuild a convenience store.

Please find attached the following items 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:
 - a) 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



- b) Schedule of Deviations and Justifications;
- c) Master Concept Plan;
- d) Architectural Elevations & Renderings; and
- e) 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: 7-Eleven Inc.
Creighton Construction & Management
Elizabeth Fountain
Daniel Mumford
File: #230031.01.03



**841 Estero Blvd. (7-Eleven) Commercial Planned Development (CPD)
Planned Development Rezone**

Filing Fee

Town Fee Schedule 2022:

- 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: 841 Estero Blvd., Ft Myers Beach, FL 33931

STRAP Number: 24-46-23-W3-0050B.0010

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: 6 du/ac Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ 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

7-Eleven Inc

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

Grant Distel

Signature

Grant Distel

Typed or Printed Name

Sh. Director Development

Title

9/11/2023

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 11th day of September, 2023, by GRANT DISTEL, ☒ who is personally known to me OR ☐ who has produced _____ as identification.



Kelli J Frost

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-W3-0050B.0010

Property Address: 841 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: Island Shores

Book: 9 Page: 25 Unit: 2 Block: B Lot(s): 1-4

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 100.07 per Survey feet

Depth (please provide an average width if irregular in shape) 99.75 per Survey feet

Frontage on street: 100' Estero Blvd. & 99.57' Lagoon St. feet. Frontage on waterbody: N/A feet

Total land area: 0.23+/- AC or 10,000 SF+/- per Survey ☒ acres ☒ square feet

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

The site is south of the Matanzas Pass Bridge turn right onto Fifth Street,
continue onto Estero Blvd. and the location is on the north west corner of
Estero Blvd. and Lagoon St.

☒ 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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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



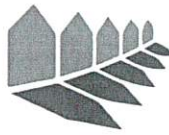
COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



THE NEIGHBORHOOD
COMPANY

I Grant Distel, as authorized member of 7-Eleven, Inc. owner of property located at 841 Estero Blvd., Fort Myers Beach, FL, identified by STRAP Number 24-46-23-W3-0050B.0010, 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 23 day of SEPT, 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)



Notary Public, State of FLORIDA

Print Name: Kelli J Frost

My Commission Expires: 2-26-24



The State of Texas

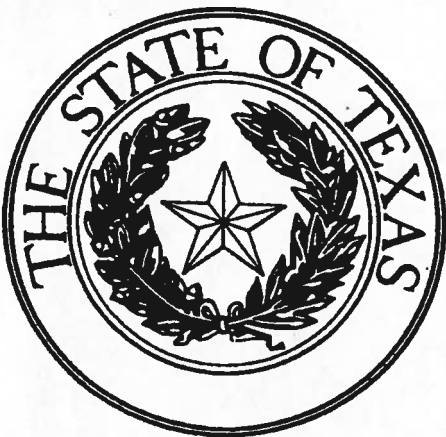
SECRETARY OF STATE

IT IS HEREBY CERTIFIED that the attached is/are true and correct copies of the following described document(s) on file in this office:

7-ELEVEN, INC.
FORMERLY: THE SOUTHLAND CORPORATION
CHARTER #179090-00

ARTICLES OF AMENDMENT

FILE DATE: APRIL 29, 1999
EFFECTIVE DATE: APRIL 30, 1999



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, on April 30, 1999.

Elton Bomer
Secretary of State

PH

**ARTICLES OF AMENDMENT
TO THE
SECOND RESTATED ARTICLES OF INCORPORATION OF
THE SOUTHLAND CORPORATION

In the Office of the
Secretary of State of Texas

APR 29 1999

Corporations Section

Pursuant to the provisions of the Texas Business Corporation Act, THE SOUTHLAND CORPORATION, a corporation organized under the laws of the State of Texas, hereby amends its Second Restated Articles of Incorporation (the "Articles of Incorporation") and for that purpose, submits the following statement:

ARTICLE ONE

The name of the corporation is The Southland Corporation.

ARTICLE TWO

Article One of the Articles of Incorporation is hereby amended and the full text of Article One, as amended, is as follows:

"The name of the Corporation is "7-Eleven, Inc."

ARTICLE THREE

The amendment to the Articles of Incorporation was adopted by a vote of the shareholders of the corporation on April 28, 1999.

ARTICLE FOUR

The number of shares of the corporation outstanding at the time of such adoption was 409,961,233; and the number of shares entitled to vote thereon was 409,941,168.

The designation and number of shares of each class or series entitled to vote thereon as a class or series were as follows:

Class or Series	Number of Shares Outstanding and Entitled to Vote
None	

ARTICLE FIVE

The number of shares voted for such amendment was 349,690,410 and the number of shares voted against such amendment was 159,879.

The number of shares of each class or series entitled to vote as a class or series voted for or against such amendment as follows:

Class or Series	Number of Shares Voted <u>For</u> <u>Against</u>
None	

ARTICLE SIX

The effective date of this amendment shall be April 30, 1999.

Dated the 28th day of April, 1999.
(to be effective April 30, 1999)

THE SOUTHLAND CORPORATION

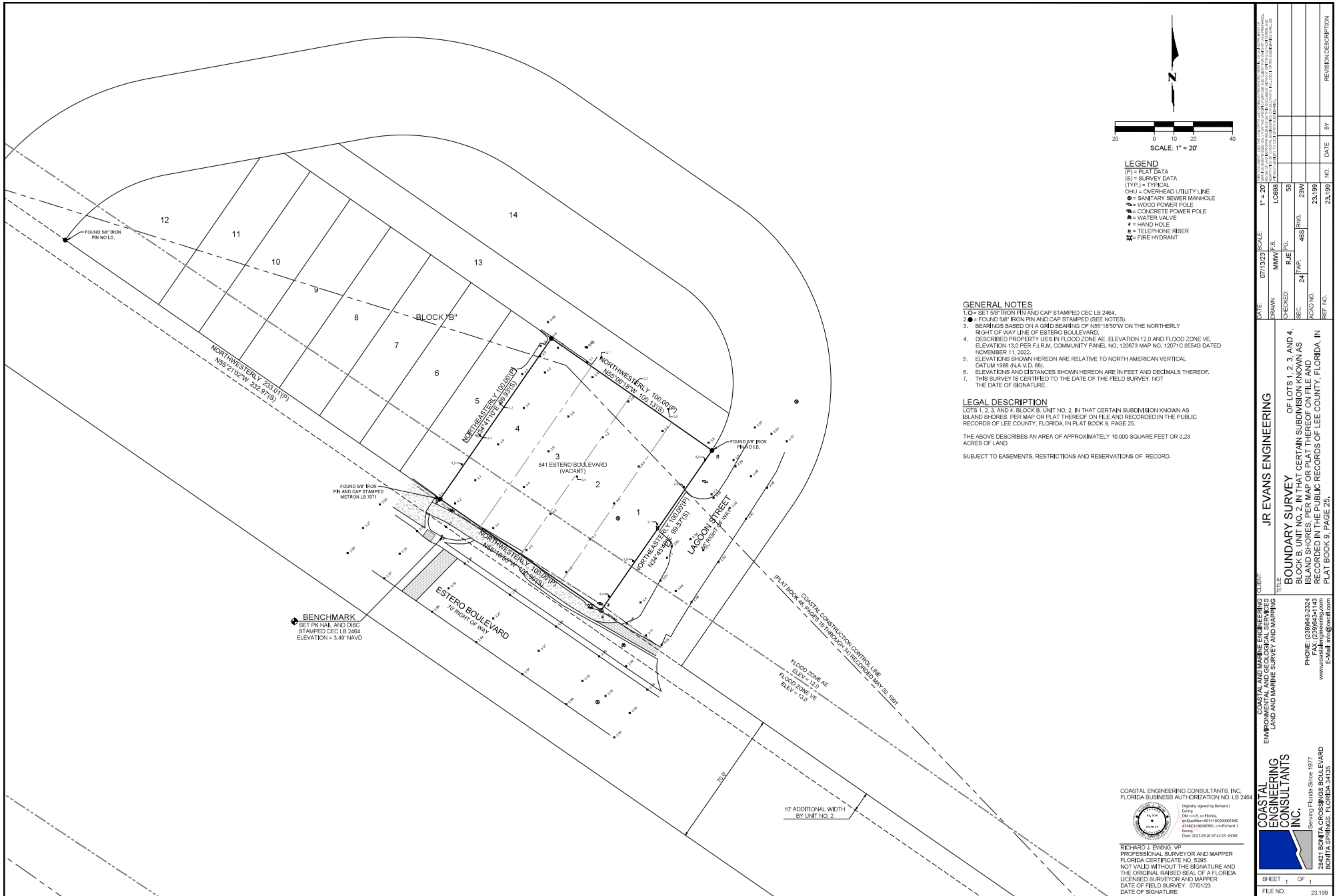
By: Bryan F. Smith, Jr.
Name and Title: Bryan F. Smith, Jr. - Senior Vice President



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

EXHIBIT 6-1: STRAP # & LEGAL DESCRIPTION

- STRAP #: 24-46-23-W3-0050B.0010
- Description: (Instr. No. 131475)
 - Lots 1, 2, 3, and 4, Block B, Unit No. 2, in that certain subdivision known as Island Shores, per map or plat thereof on file and recorded in the public records of Lee County, Florida, in Plat Book 9, Page 25.



GENERAL NOTES

1. 0 = SET 5/8" IRON PIN AND CAP STAMPED CEC LB 2464.

2. 8 = FOUND 5/8" IRON PIN AND CAP STAMPED (SEE NOTES).

3. BEARINGS BASED ON A GRID BEARING OF N55°18'50"W ON THE NORTHERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD.

4. DESCRIBED PROPERTY LIES IN FLOOD ZONE AE, ELEVATION 12.0 AND FLOOD ZONE VE, ELEVATION 13.0 PER F.L.R.M. COMMUNITY PANEL NO. 120673 MAP NO. 12071C 0554G DATED NOVEMBER 11, 2022.

5. ELEVATIONS SHOWN HEREON ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM 1988 (N.A.V.D. 88).

6. ELEVATIONS AND DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

7. THIS SURVEY IS CERTIFIED TO THE DATE OF THE FIELD SURVEY, NOT THE DATE OF SIGNATURE.

LEGAL DESCRIPTION

LOTS 1, 2, 3, AND 4, BLOCK B, UNIT NO. 2, IN THAT CERTAIN SUBDIVISION KNOWN AS ISLAND SHORES, PER MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA IN PLAT BOOK 9, PAGE 25.

THE ABOVE DESCRIBES AN AREA OF APPROXIMATELY 10,000 SQUARE FEET OR 0.23 ACRES OF LAND.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

Digitally signed by Richard J. Ewing
DN: cn=RJE, o=Florida
c=US, email=Richard.J.Ewing@ceci.com
Date: 2023.09.26 07:42:25 -0400

RICHARD J. EWING, VP
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6298
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
DATE OF FIELD SURVEY: 07/01/23
DATE OF SIGNATURE:

DATE	07/13/23	SCALE	1" = 20'	DRAWN	MMW/B	CHECKED	LCB88	DATE	07/13/23	SCALE	1" = 20'	DRAWN	MMW/B	CHECKED	LCB88
REV.	24	REV.	24	REV.	24	REV.	24	REV.	24	REV.	24	REV.	24	REV.	24
NO.	23,199	NO.	23,199	NO.	23,199	NO.	23,199	NO.	23,199	NO.	23,199	NO.	23,199	NO.	23,199
BY		BY		BY		BY		BY		BY		BY		BY	
DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	



FORT MYERS
BEACH

GULF OF
MEXICO

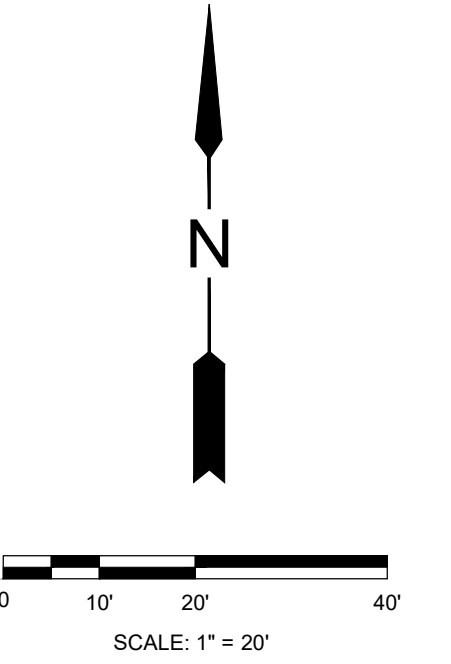
PROJECT LOCATION (N.T.S)



LAGOON STREET

ESTERO BOULEVARD

PROJECT LOCATION





THE NEIGHBORHOOD COMPANY

841 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD) Planned Development Rezone

500' Property Owner List

Buffer: 500 List Size: 76

FolioId	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry
10127392	SOUTHLAND CORPORATION	CORPORATE TAX DEPT	2711 N HASKELL AVE		DALLAS	TX	75204	
10127266	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902	
10127267	RICHARD JOHN W TR		237 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
10127317	CASEY KATHLEEN M +		32917 PEACH TREE LN		LEWES	DE	19958	
10127322	TOMAILO FRANKLIN L &		934 THIRD ST		FORT MYERS BEACH	FL	33931	
10127323	932 THIRD STREET LLC		932 THIRD ST		FORT MYERS BEACH	FL	33931	
10127325	DUDDY BRIAN PATRICK TR		14 STETSON PL		DUXBURY	MA	2332	
10127326	VANSOLKEMA TIMOTHY		7360 ROYAL RIDGE DR SE		CALEDONIA	MI	49316	
10127327	VANSOLKEMA TIMOTHY		7360 ROYAL RIDGE DR SE		CALEDONIA	MI	49316	
10127328	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931	
10127329	KOSTER RODNEY A & THERESE A		880 THIRD ST		FORT MYERS BEACH	FL	33931	
10127330	TAMIA SA		949 STRATFORD DR		ENCINITAS	CA	92024	
10127331	WOODSON MARK T + KAREN K		820 THIRD ST		FORT MYERS BEACH	FL	33931	
10127332	KADO KELLY +		2560 ESTERO BLVD #6A		FORT MYERS BEACH	FL	33931	
10127333	SCHMELING ROBERT W +		1621 SE 84TH CT		VANCOUVER	WA	98664	
10127334	SWING THOMAS J TR		2560 TURF PARADISE DR		STOW	OH	44224	
10127335	SCHROEDER KURT & GERALDINE		405 HARBOR CT		FORT MYERS BEACH	FL	33931	
10127341	KOSTER RODNEY A & THERESE A		880 THIRD ST		FORT MYERS BEACH	FL	33931	
10127347	GRIFFIS LLC		9051 E CHICAGO RD		JEROME	MI	49249	
10127349	FIRST CENTRAL INVESTMENT CORP	LAWRENCE A YAX	830 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10127350	DULLARD ROBERT TR		PO BOX 2695		FORT MYERS BEACH	FL	33931	
10127352	ETCHISON CAROLYN +		200 GREEN RD		ALPHARETTA	GA	30004	
10127353	CAMMICK PETER & VIVIAN		1270 PLAYMOOR DR		PALM HARBOR	FL	34683	
10127354	MAGNUM FMB 2 LLC		725 MATANZAS CT		FORT MYERS BEACH	FL	33931	
10588379	RICHARD JOHN W TR		237 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
10127371	BAHAN SUZANNE E +		169 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
10127372	MAY SUZANNE E		PO BOX 61176		FORT MYERS	FL	33906	
10127373	JENKINS CARROLL ANNE		3063 NORFOLK CR 23 RR6		TILLSONBURG	ON	N4G 4G9 CANADA	
10127374	151 OLD SAN CARLOS LLC		17840 SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
10127375	BENSON BRADFORD J II TR		938 DEEP LAGOON LN		FORT MYERS	FL	33919	
10127376	HOLIDAY COURT MOTEL LLC		PO BOX 1118		LABELLE	FL	33975	
10127378	HOLBROOK LESLIE E		3658 COUNTY RD 31		GALION	OH	44833	
10127379	PURTELL JAMES F TR		60 STONEY BEACH RD		OSHKOSH	WI	54902	
10127380	BOYD TODD & JULIE		1206 HAIGHT LN		SARNIA	ON	N7S 2M5 CANADA	
10127381	DULLARD ROBERT TR +		PO BOX 2695		FT MYERS BCH	FL	33932	
10127382	BLOCD AHL LEASING LLC		3538 TIMBER RIDGE TRL		CEDAR RAPIDS	IA	52411	
10127383	ISLAND GEM LLC		8044 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10127384	J&J SNA PROPERTIES LLC		470 OAKRIDGE AVE		NORTH ATTLEBORO	MA	2760	

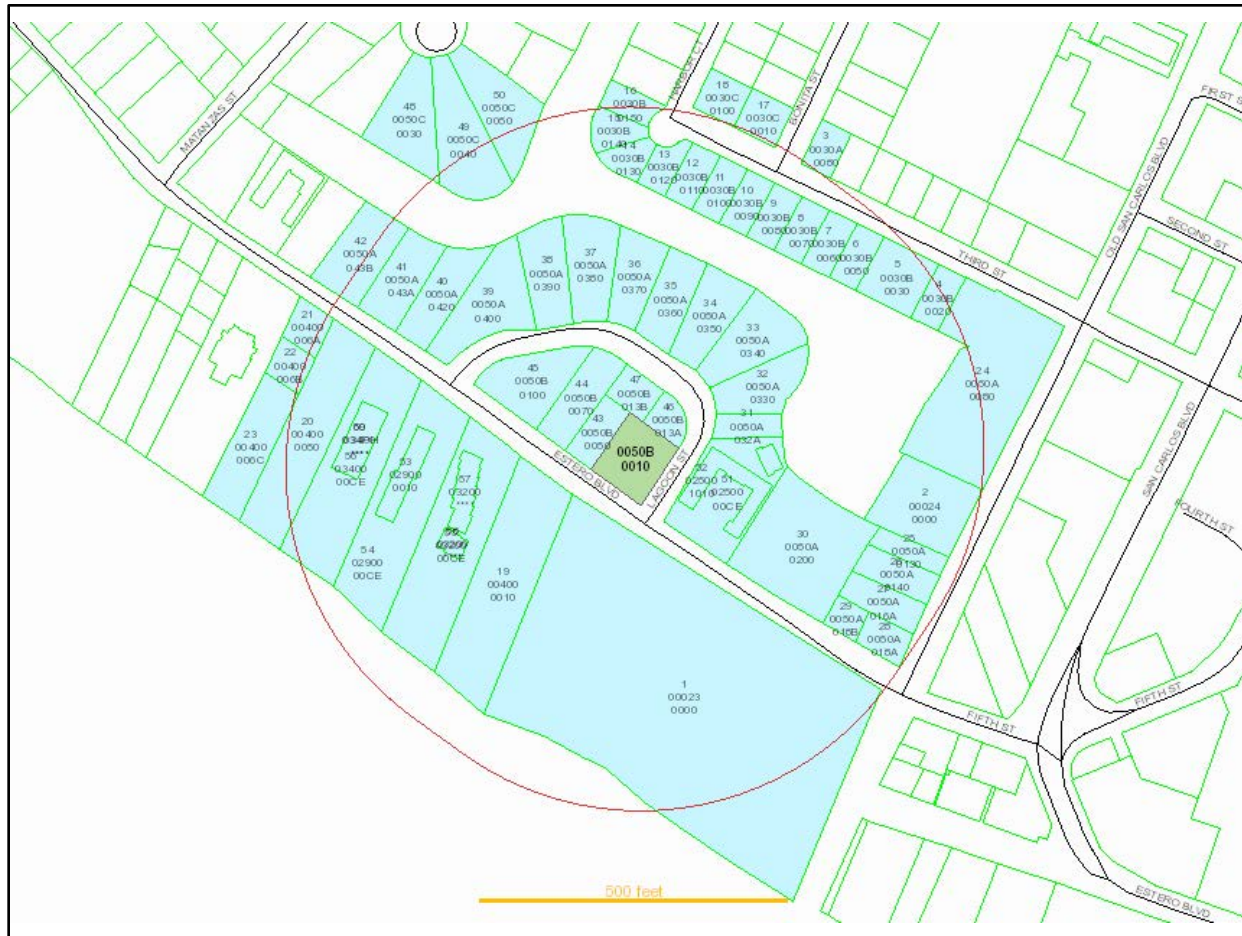


10127385 PAINE FREDERICK L & NANCY K		819 LAGOON ST	FORT MYERS BEACH	FL	33931
10127386 TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10127387 EDGEWATER INN LLC		1440 BRICKELL BAY DR	MIAMI	FL	33131
10127388 PAYNE DONNA L		501 WILLIN WAY	MOUNT STERLING	KY	40353
10127389 SAVINO STEPHEN JR & LORI		58 HIGH VALLEY DR	CANTON	CT	6019
10127394 COURTNEY S MARK & DEBORAH S TR		83 CRANBERRY RD	GROVE CITY	PA	16127
10127395 PAINE FRED		823 LAGOON ST	FORT MYERS BEACH	FL	33931
10127396 PAINE FREDERICK L &		12 BELKNAP SHORES	SUPERIOR	WI	54880
10127397 ARTRIP BARBARA K TR		3225 E RIVERSIDE DR UNIT 57E	FORT MYERS	FL	33916
10127398 SCHWARTZ DEREK & KRISTEN		3329 ROSA AVE	NEW SMYRNA BEACH	FL	32168
10127402 BEBO PROPERTIES I LLC		1065 TONKAWA RD	ORONO	MN	55356
10127403 VANFOSSEN TERRI D		724 MATANZAS CT	FORT MYERS BEACH	FL	33931
10127404 CROW FMB FAMILY TRUST		2705 ODAWA TRL	MUSKEGON	MI	49444
10462842 SAND CASTLE BEACH CLUB CONDO		905 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10127438 SAND CASTLE BEACH CLUB CONDO A		905 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10127447 ROYAL BEACH CLUB CONDO ASSN		PO BOX 3427	NORTH FORT MYERS	FL	33918
10462843 ROYAL BEACH CLUB CONDO		800 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10462844 ROYAL BEACH CLUB CONDO PH II		800 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10462845 BEL-AIR BEACH CLUB CONDO		780 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10127449 BEARCAT MOUNTAIN PROPERTIES LL		1510 INDIAN HILL LANE	BALLWIN	MO	63021
10127450 BELL MORGAN & JOSH +		11510 MAGNOLIA DR	FORT WAYNE	IN	46814
10127451 MANGAS JOHN M & ANN J +		8847 N STONE MILL RD	SYLVANIA	OH	43560
10127452 ROLLER JONATHAN L & LAURA J +		6711 MACINTOSH LANE	NORTH TONAWANDA	NY	14120
10127453 CALLA LILY REAL ESTATE LLC		4192 MORRIS PARK DR	MCFARLAND	WI	53558
10127454 CHURCHILL ROBYN A TR		15071 TEAKWOOD DR	MONROE	MI	48161
10127455 DIAMOND BAY MANAGEMENT GROUP L		3028 SPOOKY NOOK DR	MANHEIM	PA	17545
10127456 ARMIJO DANIEL G & JANET		17831 HASS RD	MOKENA	IL	60448
10127457 WALSH JANET M TR		2536 KENNELLY DR	WILLOUGHBY	OH	44094
10127458 DREAM MAKERS OCEAN ESTATES LLC		2998 HEARTHSTONE RD	ELLCOTT CITY	MD	21042
10127459 ROEGNER DONALD L & MARLYS A TR		4220 COVENTRY DR	KOKOMO	IN	46902
10127461 BEL-AIR BEACH CLUB ASSOC	RAL RESORT PROPERTY MGMT	17810 SAN CARLOS BLVD	FORT MYERS BEACH	FL	33931
10127462 SAWYER WILLIAM R & SONYA L		PO BOX 69	MILTON	VT	5468
10127463 WILLE BRIAN +		19752 REGAN RD	NEW LENOX	IL	60451
10127464 CANNY COLLEEN M TR		4536 GRAND AVE	WESTERN SPRINGS	IL	60558
10127465 DEALEY LARRY & JUDY		PO BOX 259	CONVOY	OH	45832
10127466 WATTS SHEILA A TR		17274 SAN CARLOS BLVD	FORT MYERS BEACH	FL	33931
10127467 RUPERT DONALD F JR &		329 BONNIEMERE RD	SHELBYVILLE	KY	40065
10127468 RYFINSKI WENDY K TR		780 ESTERO BLVD #PH4	FORT MYERS BEACH	FL	33931



THE NEIGHBORHOOD COMPANY

7-ELEVEN COMMERCIAL PLANNED DEVELOPMENT (CPD) 841 ESTERO BLVD. 500' SURROUNDING PROPERTY OWNERS MAP



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: 841 Estero Blvd Commercial Planned Development Rezone (7-Eleven)
Authorized Applicant: Kenrick S. Gallander, The Neighborhood Company
STRAP Number(s): 19-46-24-W4-0060B.0160

Current Property Status: Vacant
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 of Request	

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)



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

[illegible]

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.

[illegible]

E. Decision-making Compliance

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

[illegible]

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.

[illegible]



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.

[illegible]

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

Public Hearing Request Form
Supplement Form PH-D
Master Concept Plan
Traffic Impact Statement
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.



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

NARRATIVE

BACKGROUND & REQUEST

The subject property is located at 841 Estero Blvd., Fort Myers Beach, FL 33931, and consists of a single parcel (STRAP#: 24-46-23-W3-0050B.0010) totaling 10,000± sq. ft. (0.23± 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 and Authorized Representative/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 convenience store (7-Eleven) (See Figure 2). As a result of the hurricane, the property, existing structure and surrounding properties 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



Figure 2. Pre Hurricane Ian

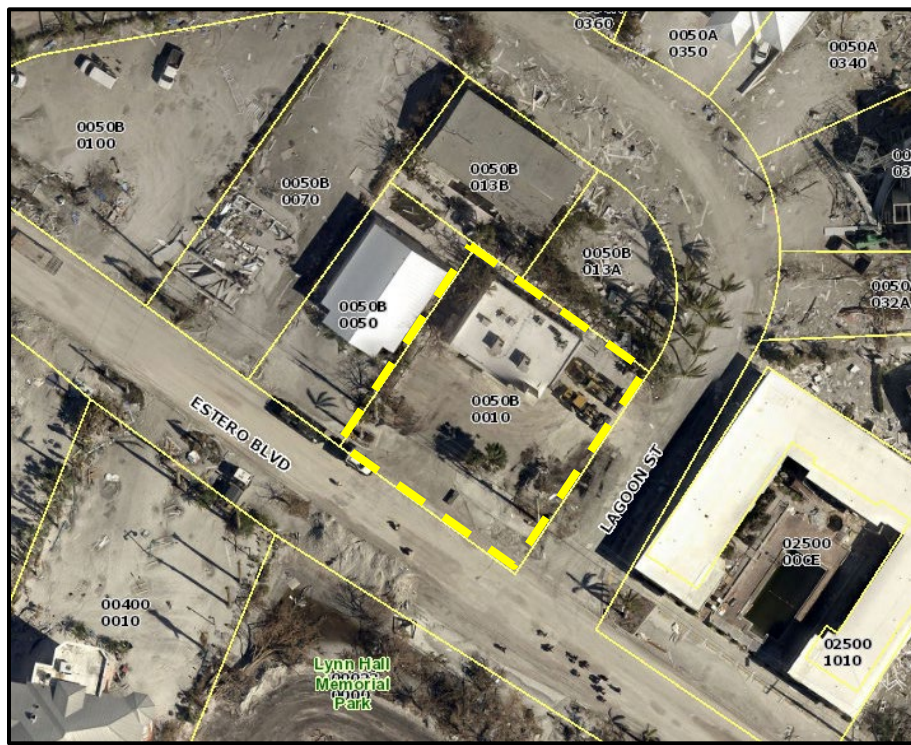


Figure 3. Post Hurricane Ian



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 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. 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.
- Maintain two (2) access points. One from Estero Boulevard and the other from Lagoon Street.
- Dumpster and enclosure with direct access from Lagoon Street.



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.

A 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 northwest corner of Estero Blvd. and Lagoon St., located across from Lynn Hall Memorial Park and approximately 500 feet northwest of "Times Square" on Estero Blvd. This area of the island provides visitors with opportunities for beach access, parking, shopping, dining, and lodging. 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 Times Square area.

The subject property is limited in size and presents numerous design challenges that would require multiple variances if developed under conventional zoning regulations. As such, the Commercial Planned Development provides for regulatory flexibility that allows for redevelopment opportunities. The proposed Master Concept Plan (MCP) reconfigures the prior 7-Eleven 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 situated at the southwestern corner of the property. This allows for a safer and more functional parking lot design while creating parking and improved traffic circulation to support the redevelopment of the prior convenient store use. Access will be limited to two access points - one along Estero Blvd and the one along Lagoon Street. This will allow for a logical circulation pattern and will provide safer ingress and egress movements. Pedestrians will be able to enter the establishment by sidewalk from Estero Blvd. without crossing through the parking lot as was previously designed. 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 Lagoon St., 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 beachgoers at Lynn Hall Memorial Park. 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, pedestrian connectivity, accessibility to the existing bus/trolley stop, enhanced landscaping and an enclosed dumpster pad. These improvements will create a more usable, inviting, visually attractive development and will ensure locational compatibility.



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

- Northeast: RC/Vacant
- Northwest: RC/Multiple family
- Southwest: CPD & CF/Estero Blvd. Right-of-way, Hotel and Public Park
- Southeast: Downtown/Lagoon St. Right-of-way and Hotel

For decades, the properties surrounding this site were developed with multi-family residential, hotel, and public park and will remain a mixture of uses as the island redevelops. Currently, the surrounding properties are in various stages of vacancy, under renovation, or being redeveloped due to the impacts of the hurricane.

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.): 0-5 FT
- Minimum Setbacks – Primary and Accessory Structures:
 - Secondary Street (Lagoon Street): 20 FT
 - Side/Rear: 0 - 5 FT

The development standards, inclusive of the build-to line and setbacks, ensure compatibility with adjacent uses and are appropriate for property located in very close proximity to the town's most intense commercial/tourism area, Times Square, and at the intersection of two roadways.

Development order approval will include code compliant landscaping throughout the property. Buffers are not required for all sides of the site as the property is located within the Downtown zoning district and adjacent to public rights-of-way on two sides. However, it is the intent of the developer to enhance landscaping on the property for a more aesthetically pleasing site. As shown on the MCP, type "C" buffers are proposed along portions of the northwest and northeast property boundaries and a min. 6 foot wall or fence along the remaining northeastern boundary. Landscaping is planned throughout the property and will be detailed as part of the development order approval specifically within the areas along Estero Blvd., Lagoon Street, and between a portion of the subject property and the multi-family structures to the northeast and northwest. Building edge plantings will also be provided along a portion of the building facing the northwest side of the building and landscaping within the right-of-way as permitted by the town. The dumpster enclosure, located on the northeast side of the property will be screened as required by LDC.

As stated in LDC Sec. 34-677(b) there are no minimum open space requirements in the Downtown zoning district. However, the developer intends to provide landscape areas within the site and as indicated on the enclosed MCP proposes to provide 10% open space for the redeveloped site.

The previously established convenience store use has a proven history of being compatible and complementary with the surrounding roadways, multi-family residences, lodging, nearby restaurants, and retail uses. The proposed development standards, enhanced buffering, and min. open space requirements outlined within the proposed CPD will continue to ensure the new convenience store is compatible.



**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

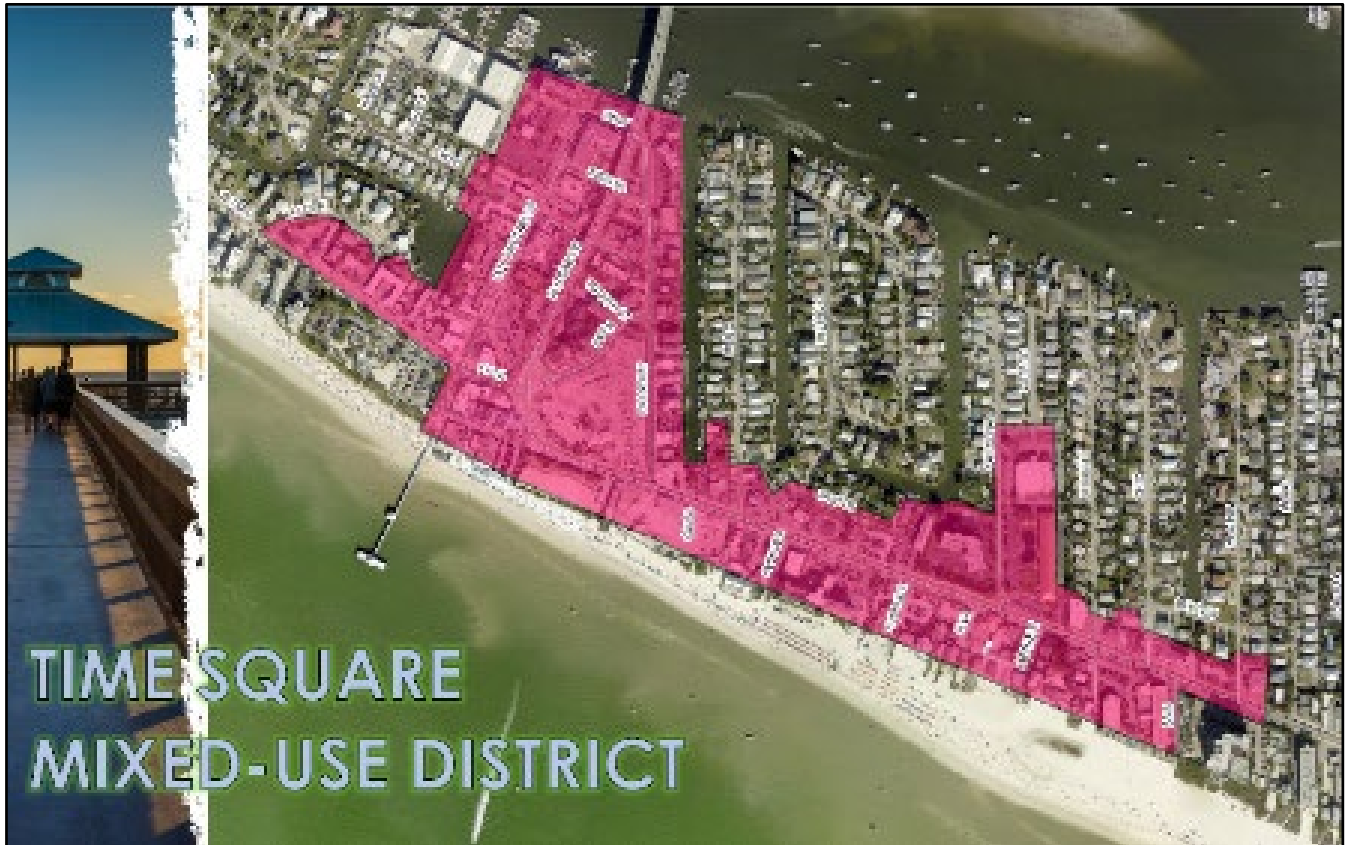


Figure 5. Proposed “Time Square Mixed-Use District” Boundary

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.



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 limited size of the site, 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 and allowed for foot traffic to access the site without having to walk through the parking lot and drive aisles.

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 on the northeast and northwest portions of the property. Additional enhancements to the site include landscaping, enhanced buffering, and potential mural artwork along Estero Blvd. 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 southwest wall. 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.



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 500 feet west 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 traveled Estero Blvd. and walkable area of the town.

The proposed site configuration will provide a primary façade along Lagoon St. catering to the motorist and improve vehicular access. A secondary facade closer to Estero Blvd. will provide pedestrians and cyclists with direct access to the site via a sidewalk rather than having to walk through the parking lot as the site was previously designed. 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, accessway/driveway width reductions, sidewalks, and an enclosed 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 are 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.



A 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, which 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 limited size 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 stop located on the property.

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.



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 elevations and renderings 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 Zone: 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 a mural on the principal side wall façade facing Estero Blvd (primary street) 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 Lagoon Street, an architectural “entry tower” with a hip roof is proposed. The “entry tower” roof and awnings consist of standing seam metal material, which is permitted under subsection (c).

Due to the proposed use, corner lot 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 Lagoon Street 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 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. The proposed CPD 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 and Lagoon Street), multi-family and vacant properties. Just beyond the roadways, are vacant or redeveloped commercially zoned lands and public parks with beach access, 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, more open space than normally required, and improved landscaping/buffering.
- 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 max. allowed intensity (FAR 1.4) prior to the natural disaster (Hurricane Ian). The proposed max FAR is 0.35, which is also well below the allowed FAR of 1.4.
 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 will not require roadway capacity improvements as a result of the additional 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 shows consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. Addressing the context 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.



**841 ESTERO BLVD 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 connecting to Estero Boulevard and Lagoon Street.

Justification: In order to redevelop the property with the desired commercial convenience store use, the site design must take into consideration that a portion of the property is located within the VE flood zone (EI 13) along with being designed to meet the intent of the design standards of the town. The prior site configuration provided for existing access points (driveways) both onto Estero Boulevard (Primary Street) and Lagoon Street (Secondary Street), it is necessary to continue to allow access points from Estero Boulevard and Lagoon Street so that vehicular flow can be maintained without requiring vehicles to back out onto any street right-of-way. Convenience stores rely heavily on customer vehicular traffic and truck deliveries, which require appropriately designed and safe traffic movement. The design has been improved to enhance functionality and safety by reducing the need for vehicles having to back directly onto Estero Boulevard, thus providing reasonable access to the property and while improving the functionality of the site. The granting of this deviation does not negatively impact the health, safety and welfare of the community.

DEVIATION #2 seeks relief from the driveway separation requirements of LDC Section 10-285 along Estero Boulevard and Lagoon Street. The deviation would allow driveway separations along Estero Boulevard to be a minimum of approximately 80 feet and a minimum of approximately 60 feet along Lagoon Street.

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 configuration of the subject property and the need to manage vehicular traffic and create pedestrian connectivity to the site, the proposed site layout as detailed on the Master Concept Plan requires both accessways from Estero Boulevard and Lagoon Street Circle to remain. The two accessways were non-conforming in terms of their location and overall width. Both accessways, pursuant to requested Deviation #1, will be reduced in width. This will improve safe traffic circulation to and from the adjacent roadways. As detailed on the MCP, the proposed configuration decreases the width of the accessways, allows for direct pedestrian access from the Estero Boulevard sidewalk system and will increase the distance separation on Lagoon Street from all surrounding street intersections and accessways, 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. The granting of this deviation does not negatively impact the health, safety and welfare of the community.



Deviation #3 seeks relief from parking lot location requirements of LDC Section 34-706(a) The deviation would allow a parking lot to be located primarily fronting Estero Blvd.

Justification: Due to the devastation caused by Hurricane Ian and the need to redevelop the property to bring back the desired commercial convenience store use to the Town, reconfiguration of the site is necessary. The site is located within the Downtown zoning district, on the corner of Estero Blvd. and Lagoon Street and adjacent to property owned by others. LDC Sec. 34-953 states that request for a rezoning to Commercial Planned Development (CPD) zoning district requires that the building placement, size, design, and all other property development regulations, such as parking, shall be the same as for the CB zoning district, which means that off-street parking lots shall be placed in side or rear yards. The redeveloped site design must consider that a portion of the property is located within the Zone VE (E1 13) while meeting the intent of the off-street parking and building placement design location standards desired by the town. The proposed configuration positions the off-street parking relatively in the same location as it was prior to Hurricane Ian but with an improved layout. With these site constraints, context of convenience store use, and redevelopment opportunities based on impacts of Hurricane Ian, the ability to locate the parking lot out of the front and side yard of the building is not feasible.

As evidenced through the previously existing site layout, the reconfiguration of the parking layout, and the addition of bicycle parking as indicated on the proposed MCP, the granting of this deviation to allow the off-street parking lot to be located on the Estero Boulevard side of the property addresses the unique site configuration limitations, and does not negatively impact the health, safety and welfare of the community.

Deviation #4 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 per 3,500 square feet of total floor area or 14 parking spaces for the proposed maximum 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.

Parking requirements for a convenience store are a minimum of 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 by 5 spaces for a total of 9 spaces.

However, LDC Sec. 34-953 states that requests for a rezoning to a Commercial Planned Development (CPD) zoning district requires 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 Downtown “park-once” district by seeking a reduction in the number of off-street vehicle spaces from 14 to 8. Due to the configuration and constraints



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 as shown on the MCP. 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 at least 1 bicycle rack 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. Thus, providing the bicycle rack further supports and allows for the overall required parking to be 8 vehicle spaces.

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.

TRAFFIC IMPACT STATEMENT

FOR

7-ELEVEN @ 841 ESTERO BLVD

(PROJECT NO. F2308.17)

**PREPARED BY:
TR Transportation Consultants, Inc.
2726 Oak Ridge Court, Suite 5034
Fort Myers, Florida 33901
239-278-3090**

August 31, 2023

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I. INTRODUCTION

TR Transportation Consultants, Inc. has prepared a traffic impact statement to fulfill requirements set forth by the Town of Fort Myers Beach for projects seeking approval for Development Order. The site is located at 841 Estero Boulevard in the Town of Fort Myers Beach, Florida. The site location is illustrated on **Figure 1**.

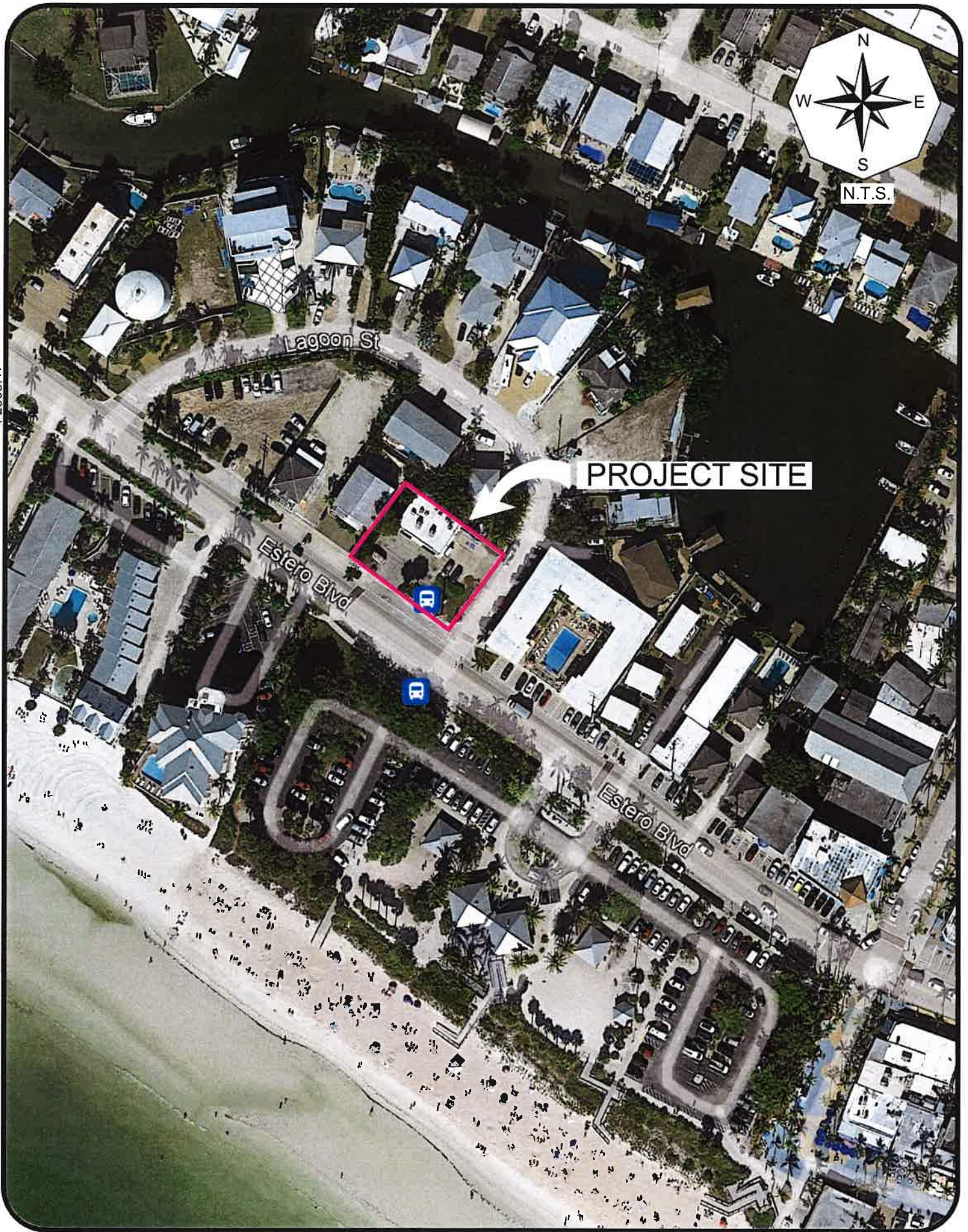
The site was previously occupied by an 1,800 square foot 7-Eleven convenience store which has been destroyed by hurricane Ian in late September of 2022. Upon approval of this local Development Order application, the subject site will be redeveloped with an approximate 3,109 square foot 7-Eleven convenience store. Access to the overall site will continue to be provided to Estero Boulevard and Lagoon Street via a single connection at each location.

This report examines the impact of the redevelopment on the surrounding roadways. Trip generation and assignments to the site access driveways will be completed and analysis conducted to determine the impacts of the development on the surrounding streets.

II. EXISTING CONDITIONS

The subject site has been cleared but was previously occupied by an 1,800 square foot 7-Eleven convenience store. The overall site is bordered by Estero Boulevard to the south, Lagoon Street to the east, and residential uses to the north and west.

Estero Boulevard is an east/west two-lane Collector that borders the subject site to the south. Estero Boulevard has a posted speed limit of 25 mph and is under the jurisdiction of the Town of Fort Myers Beach west of San Carlos Boulevard.



III. PROPOSED REDEVELOPMENT

The site was previously occupied by an 1,800 square foot 7-Eleven convenience store which has been destroyed by hurricane Ian in late September of 2022. Upon approval of this local Development Order application, the subject site will be redeveloped with an approximate 3,109 square foot 7-Eleven convenience store. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

Table 1
Land Uses
7-Eleven @ 841 Estero Blvd

Land Use	Approved	Proposed
Convenience Store	1,800 Sq. Ft.	3,109 Sq. Ft.

Access to the overall site will continue to be provided to Estero Boulevard and Lagoon Street via a single connection at each location.

IV. TRIP GENERATION

The trip generation for the approved and proposed redevelopment was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 851 (Convenience Store) was utilized for the trip generation purposes. The equations utilized from this land use are contained in the Appendix of this report for reference.

Table 2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the previous development on site. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the redevelopment as currently proposed. The sites surveyed in the ITE report that formulate the trip generation for this use were based on sites typically located along major thoroughfares in larger metropolitan areas, and not in a beach community such as this site. This location has historically attracted a majority of the trips from the beach via foot traffic and the

adjacent neighborhood. Estero Boulevard has a low peak hour traffic volume compared to other major thoroughfares where these convenience stores are typically located. This site is not anticipated to generate the peak hour trip generation as estimated by the ITE data. However, to be conservative, a reduction in trips due to pedestrian traffic was not included in this analysis.

Table 2
Trip Generation – Approved
7-Eleven @ 841 Estero Blvd

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store (1,800 Sq. Ft.)	56	57	113	45	43	88	1,373

Table 3
Trip Generation – Proposed
7-Eleven @ 841 Estero Blvd

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store (3,109 Sq. Ft.)	97	97	194	78	75	153	2,370

Table 4 illustrates the trip change when comparing the trip generation of the previous use on the subject site to the trip generation of the proposed use (Table 2 vs Table 3). The trip change shown in Table 4 was utilized in the Level of Service Analysis conducted as part of this report.

Table 4
Trip Generation Comparison– Approved vs Proposed
Table 2 vs Table 3

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed	97	97	194	78	75	153	2,370
Approved	-56	-57	-113	-45	-43	-88	-1,373
Trip Change	+41	+40	+81	+33	+32	+65	+997

V. TRIP DISTRIBUTION

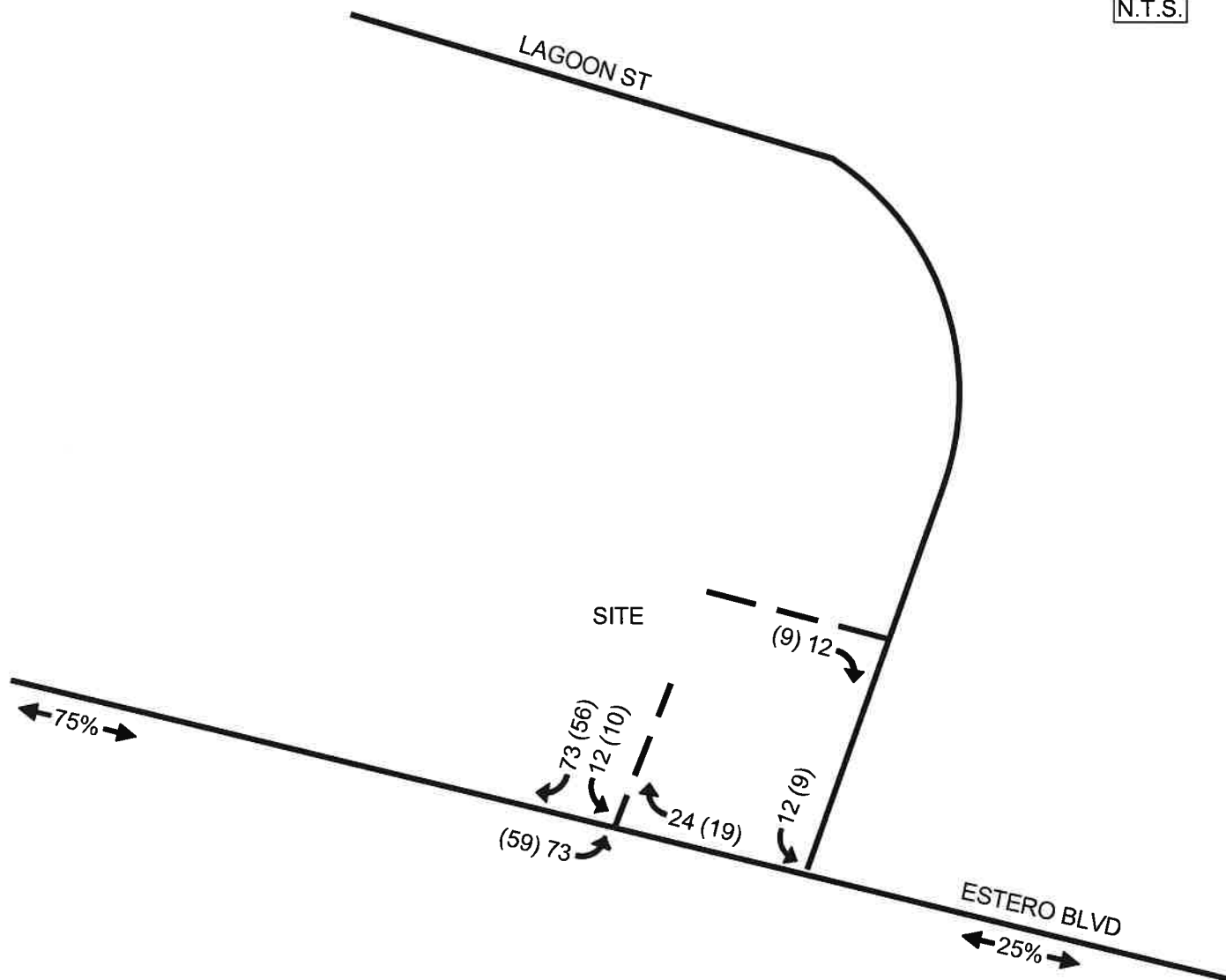
The trips the proposed redevelopment is anticipated to generate, as shown in Table 3, were then assigned to the surrounding roadway network. The trips were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure 2** illustrates the anticipated trip distribution. Also shown in Figure 2, is the site traffic assignment of the proposed development to the proposed site access drives.

Table 1A, contained in the Appendix, was created to illustrate the adopted Level of Service volumes on the adjacent segment of Estero Boulevard. This table indicates which roadway links will experience a significant impact as a result of the additional trips (Table 4) from the proposed development order application. Significant impact is defined as any roadway projected to experience greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes. The Level of Service Threshold volumes for all roadway links analyzed were obtained from the *Lee County Generalized Peak Hour Directional Volumes Table* provided by the Lee County Department of Transportation. Based on the information contained within Table 1A, none of the roadway links analyzed are anticipated to experience a significant impact as a result of the redeveloped 7-Eleven.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2025 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Due to lack of historical traffic data on the adjacent segment of Estero Boulevard, a typical annual growth rate of 2% compounded annually was assumed. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2025 without the development and year 2025 with the development.

F2308.17



LEGEND

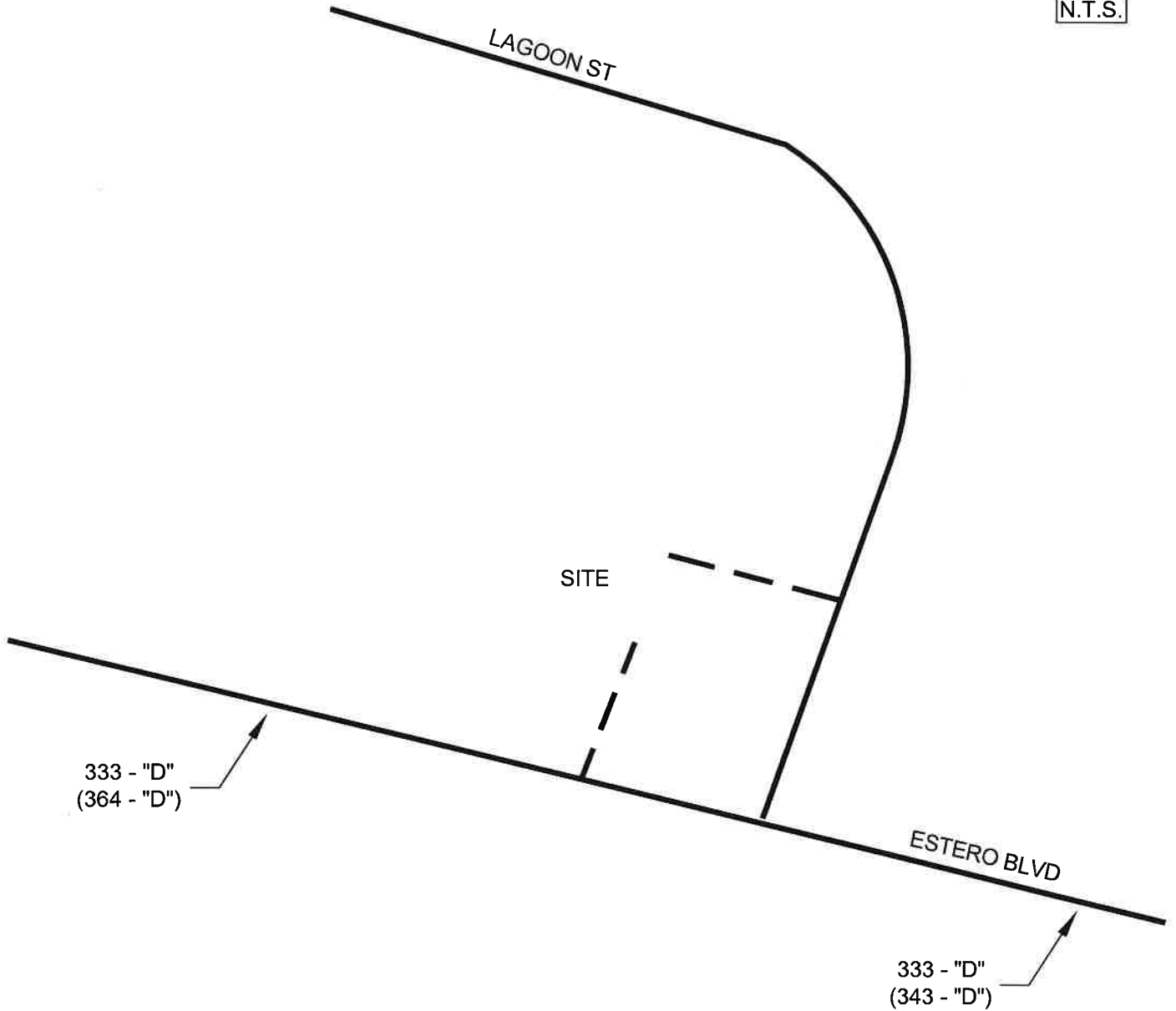
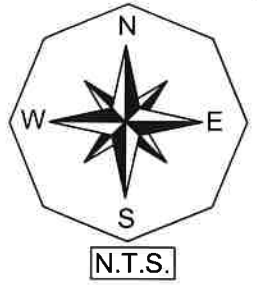
- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2025 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes for Estero Boulevard were obtained from the peak season peak hour traffic counts conducted at Old San Carlos Boulevard and Fifth Street/Estero Boulevard intersection by FDOT as part of the SR 865 Traffic Report. It should be noted that the base traffic volumes utilized in this analysis were collected prior to Hurricane Ian. It will be a number of years before this level of traffic volume is attained again due to the loss of residential and hotel units on the island due to hurricane.

Figure 3 indicates the year 2025 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday P.M. peak hour with the proposed redevelopment traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2025 traffic volumes to the Service Volume Tables, it was determined that Estero Boulevard adjacent to the site is projected to operate at an acceptable Level of Service "D" in 2025 both with and without the proposed redevelopment traffic added to this roadway. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed 7-Eleven redevelopment on the subject site.



LEGEND

XXX - "C" 2025 PEAK SEASON, PEAK HOUR,
PEAK DIRECTION BACKGROUND
TRAFFIC AND LEVEL OF SERVICE
DESIGNATION

(XXX -"C") 2025 PEAK SEASON, PEAK HOUR,
PEAK DIRECTION BACKGROUND
PLUS PROJECT TRAFFIC PEAK
HOUR PROJECT TRIPS AND LEVEL
OF SERVICE DESIGNATION

It should also be noted that FDOT has been recently released the construction project to begin improvements to San Carlos Boulevard from Buttonwood Drive to Estero Boulevard that will create two travel lanes southbound over Matanzas Pass Bridge as well as redesigning the intersection of San Carlos Boulevard and Estero Boulevard with a new signal. Based on discussion with FDOT, the construction for this improvement is anticipated to begin in April of 2024 and be completed by the end of year 2025.

VIII. TURN LANE ANALYSIS

A turn lane analysis was completed at the proposed site access drive on Estero Boulevard based upon the Lee County Turn Lane Policy (Lee County Administrative Code 11-4). The Lee County Administrative Code 11-4 is attached to the Appendix of this report for reference. Based upon the results of the turn lane analysis, no turn lanes will be warranted at this intersection as a result of the proposed 7-Eleven redevelopment of the subject site. A summary of the turn lane criteria is outlined below.

Right Turn Lane On Collector Street – Estero Boulevard

Posted speed limit of the collector street is equal to or greater than thirty-five (35) mph – Criteria Met – No, the posted speed limit is 25 mph.

Number of right turning movements from the collector street is equal to or greater than forty-five (45) during either the A.M. or P.M. peak hour of the collector street when the collector street AADT is less than 6,000 vpd, or equal to or greater than thirty (30) vph during either the A.M. or P.M. peak hour of the collector street or peak hour of the development when the collector street AADT is equal to or greater than 6,000 vpd– Criteria Met – No. See Figure 2.

Available Sight Distance for a right turning vehicle to be seen by through traffic traveling the same direction is less than the value shown in Table A-1 for the design speed of the collector street – Criteria Met – No.

Collector Street has been designated as a controlled access facility by the BOCC– Criteria Met – No.

Traffic Control of the intersecting street or access point connection is a signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year– Criteria Met – No.

It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users – Criteria Met – No.

At least two or more criteria need to be met to warrant a right turn lane. Since two or more criteria are not met, a separate westbound right turn lane is **NOT** warranted at proposed site access drive on Estero Boulevard.

Left Turn Lane On Collector Street – Estero Boulevard

Posted speed limit of the collector street is equal to or greater than thirty-five (35) mph – Criteria Met – No, the posted speed limit is 25 mph.

On a two-lane, two-way collector streets. Two-way peak season, peak hour through and right turn volume for either the peak hour of the roadway or the peak hour of development is greater than 500 and the left turn volume is greater than or equal to 20 vehicle for that same hour; or,

When the left turn volume for any hour is greater than 30, regardless of through and right turn volume– Criteria Met – Yes.

Available Sight Distance for left turning vehicles to observe approaching or for approaching moving in either direction to observe the left turning vehicle is less than the value shown in Table A-1 for the design speed limit, or posted speed plus 5 miles per hour if design speed is not available, of the collector street– Criteria Met – No.

Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years– Criteria Met – No.

The collector streets is intersecting an arterial street or collector street – Criteria Met – No.

Five or more crashes reported at the intersection in a 12-month period during the past three years that could have been mitigated by a left turn lane – Criteria Met – N/A.

It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users – Criteria Met – No.

At least two or more criteria need to be met to warrant a left turn lane. Since two or more criteria are not met, a separate eastbound left turn lane is **NOT** warranted at proposed site access drive on Estero Boulevard.

VII. CONCLUSION

The proposed Development Order application is for the redevelopment of the existing 7-Eleven convenience store located at 841 Estero Boulevard in the Town of Fort Myers Beach of Lee County, Florida. The results of the Level of Service Analysis conducted as part of this report indicate that Estero Boulevard adjacent to the site is projected to operate at an acceptable Level of Service “D” in 2025 both with and without the proposed redevelopment traffic added to this roadway. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed 7-Eleven redevelopment on the subject site.

It should also be noted that FDOT has been recently released the construction project to begin improvements to San Carlos Boulevard from Buttonwood Drive to Estero Boulevard that will create two travel lanes southbound over Matanzas Pass Bridge and redesigning the intersection of San Carlos Boulevard and Estero Boulevard with a new signal. Based on discussion with FDOT, the construction for this improvement is anticipated to begin in April of 2024 and be completed by the end of year 2025.

No turn lanes will be warranted at the proposed site access drives on Estero Boulevard and Lagoon Street pursuant to the criteria that is outlined in the Lee County Turn Lane Policy (Administrative Code 11-4).

APPENDIX

TABLES 1A & 2A

TABLE 1A
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
7-ELEVEN @ 841 ESTERO BLVD

AM PEAK HOUR PROJECT TRAFFIC =		81	VPH	IN=	41	OUT=	40			
PM PEAK HOUR PROJECT TRAFFIC =		65	VPH	IN=	33	OUT=	32			
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>% PROJECT TRAFFIC</u>	<u>PROJECT TRIPS</u>	<u>PROJ/ LOS C</u>
Estero Blvd	W. of Site	2LN	0	0	310	660	740	75%	31	9.9%
	E. of Site	2LN	0	0	310	660	740	25%	10	3.3%

* Level of Service Thresholdswere taken from the Lee County Generalized Peak Hour Directional Service Volumes table, dated April 2016.

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
7-ELEVEN @ 841 ESTERO BLVD

AM PEAK HOUR PROJECT TRAFFIC = 81 VPH		IN=	41	OUT=	40
PM PEAK HOUR PROJECT TRAFFIC = 65 VPH		IN=	33	OUT=	32
		2015	2025	2025	2025
		PK HR	PK HR	BCKGRND	BCKGRND
		ANNUAL	PK SEASON	PK SEASON	PK SEASON
		RATE	PEAK DIR. ¹	PEAK DIR.	PEAK DIR.
ROADWAY	W. of Site	2.00%	273	333	75%
	E. of Site	2.00%	273	333	25%
				AM PROJ	PM PROJ
				TRAFFIC	TRAFFIC
				364	358
				343	341

¹ 2015 Peak Hour volumes were obtained from the traffic count conducted at Old San Carlos Blvd and 5th Street intersection.

100TH HIGHEST HOUR LEVEL OF SERVICE

	2025	2025	2025
BCKGRND	BCKGRND	BCKGRND	BCKGRND
TRAFFIC	+ NEW AM	+ NEW PM	
LOS	PROJ LOS	PROJ LOS	PROJ LOS
Estero Blvd	D	D	D
W. of Site	D	D	D
E. of Site	D	D	D

**TRAFFIC DATA FROM
FDOT'S SR 865 TRAFFIC REPORT**

Project Traffic Report

Florida Department of Transportation

District One

SR 865 (San Carlos Boulevard)

From South of Estero Boulevard to CR 869 (Summerlin Road)

Lee County, Florida

Financial Project ID: 433726-1-22-01

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding (MOU) dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

December 2018

Project Traffic Report Certification

For

SR 865 (San Carlos Boulevard)

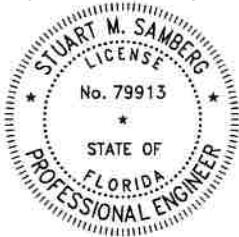
From South of Estero Boulevard to CR 869 (Summerlin Road)

Lee County, Florida

Financial Project ID: 433726-1-22-01

I, **Stuart M. Samberg (FL PE No. 79913)**, certify that the Project Traffic Report for **SR 865 (San Carlos Boulevard) from South of Estero Boulevard to CR 869 (Summerlin Road)** in Lee County, Florida has been prepared in accordance with **FDOT Project Traffic Forecasting Procedure Topic Number 525-030-120h (April 17, 2012)** and supplemental guidance as provided within the **FDOT Project Traffic Forecasting Handbook (2014 edition)**. All information as provided within this Project Traffic Report has been prepared using current information (available at the time of document preparation), transportation planning and traffic engineering practices and procedures.

The following duly authorized engineering business performed the engineering work represented by this report:



Rummel, Klepper & Kahl, LLP

402 S. Kentucky Avenue, Suite 400

Lakeland, Florida 33801

Telephone: (863) 682-4081

Florida Certificate of Authorization: 26879

Name: **Stuart M. Samberg, P.E.**

Signature: _____

Stuart M Samberg Date: 2018.12.14
13:09:14-05'00'

P.E. Number: 79913

Date: _____

December 14, 2018

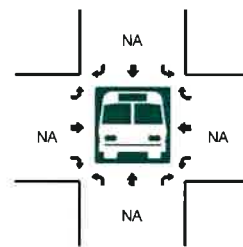
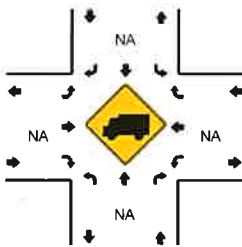
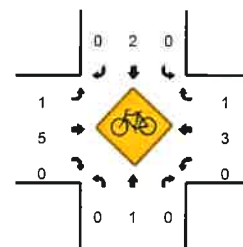
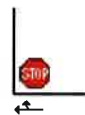
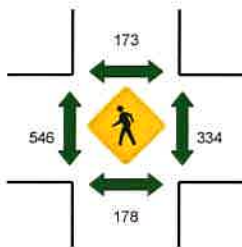
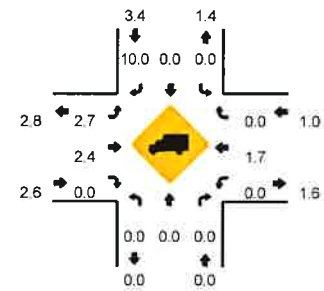
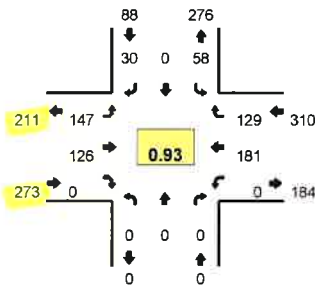
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Old San Carlos Blvd -- Fifth St
CITY/STATE: Fort Myers Beach, FL

QC JOB #: 13203528
DATE: Thu, Feb 26 2015

Peak-Hour: 3:30 PM -- 4:30 PM
Peak 15-Min: 4:15 PM -- 4:30 PM



15-Min Count Period Beginning At	Old San Carlos Blvd (Northbound)				Old San Carlos Blvd (Southbound)				Fifth St (Eastbound)				Fifth St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
3:00 PM	0	0	0	0	12	0	10	0	37	25	0	0	0	58	27	0	169	
3:15 PM	0	0	0	0	11	0	6	0	42	25	0	0	0	61	30	0	175	
3:30 PM	0	0	0	0	10	0	7	0	32	27	0	0	0	50	30	0	156	
3:45 PM	0	0	0	0	11	0	7	0	32	32	0	0	0	46	35	0	163	663
4:00 PM	0	0	0	0	24	0	10	0	36	30	0	0	0	47	25	0	172	666
4:15 PM	0	0	0	0	13	0	6	0	47	37	0	0	0	38	39	0	180	671
4:30 PM	0	0	0	0	9	0	5	0	31	18	0	0	0	44	26	0	133	648
4:45 PM	0	0	0	0	15	0	3	0	34	27	0	0	0	42	32	0	153	638
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	52	0	24	0	188	148	0	0	0	152	156	0	720	
Heavy Trucks	0	0	0	0	0	0	4	0	4	4	0	0	0	0	0	0	12	
Pedestrians	232				168				448				368				1216	
Bicycles	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Railroad																		
Stopped Buses																		

Comments: Needs back of queue studies for all approaches

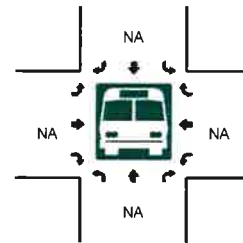
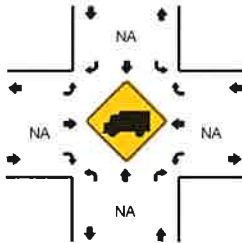
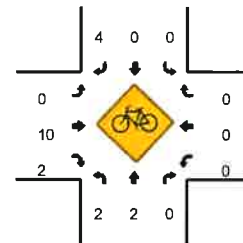
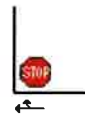
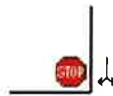
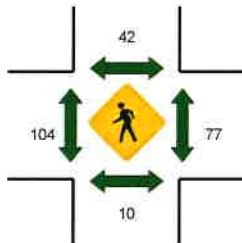
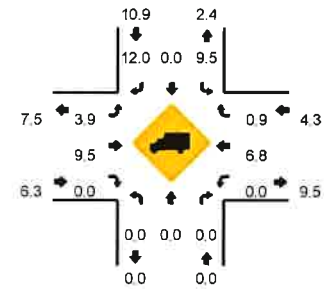
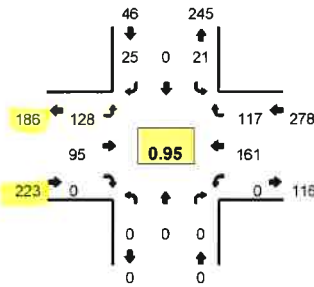
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Old San Carlos Blvd -- Fifth St
CITY/STATE: Fort Myers Beach, FL

QC JOB #: 13203527
DATE: Thu, Feb 26 2015

Peak-Hour: 8:45 AM -- 9:45 AM
Peak 15-Min: 8:45 AM -- 9:00 AM



15-Min Count Period Beginning At	Old San Carlos Blvd (Northbound)				Old San Carlos Blvd (Southbound)				Fifth St (Eastbound)				Fifth St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
8:00 AM	0	0	0	0	4	0	4	0	14	19	0	0	0	28	14	0	83	
8:15 AM	0	0	0	0	2	0	3	0	20	10	0	0	0	50	27	0	112	
8:30 AM	0	0	0	0	7	0	7	0	18	15	0	0	0	38	23	0	108	
8:45 AM	0	0	0	0	4	0	3	0	22	28	0	0	0	54	33	0	144	447
9:00 AM	0	0	0	0	7	0	14	0	38	19	0	0	0	29	27	0	134	498
9:15 AM	0	0	0	0	2	0	3	0	36	28	0	0	0	36	28	0	133	519
9:30 AM	0	0	0	0	8	0	5	0	32	20	0	0	0	42	29	0	136	547
9:45 AM	0	0	0	0	7	0	3	0	29	25	0	0	0	31	29	0	124	527
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	16	0	12	0	88	112	0	0	0	216	132	0	576	
Heavy Trucks	0	0	0	0	0	0	4	0	4	12	0	0	0	8	0	0	28	
Pedestrians	0	20	0	0	0	72	0	0	0	112	0	0	0	64	0	0	268	
Bicycles	0	0	0	0	0	0	1	0	0	4	0	0	0	0	0	0	5	
Railroad																		
Stopped Buses																		

Comments: Needs back of queue studies for all approaches

Report generated on 5/25/2015 5:29 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

**LEE COUNTY PEAK HOUR
GENERALIZED LEVEL OF SERVICE
TABLE**

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600
Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.						

LEE COUNTY TURN LANE POLICY
ADMINISTRATIVE CODE 11-4

Administrative Code Board of County Commissioners

CATEGORY: Transportation and Traffic Management

CODE NUMBER: AC-11-4

TITLE:
TURN LANE POLICY

ADOPTED: 10/19/88

AMENDED: 10/16/91 3/24/98, 08/17/21

ORIGINATING DEPARTMENT:
TRANSPORTATION

PURPOSE/SCOPE:

GENERAL

I. SCOPE

Deceleration, left turn, and right turn lanes are desirable for the safe execution of speed change maneuvers and for storage and protection of left and right turning vehicles. These additional lanes for exit or entrance maneuvers shall be provided in accordance with County Design Standards herein. The pavement width and cross slopes of such lanes shall meet minimum requirements; however, special designs may be allowed when deemed necessary by the Director of the Department of Transportation for County maintained facilities and the Manager of the Department of Community Development's Development Services Division for privately-maintained facilities. Shoulders and recovery areas should be provided in accordance with the same requirements for other travel lanes; wherever possible.

It should be realized that deceleration, left turn, and right turn lanes constitute an integral part of the geometric design of streets and highways and shall be included in the design for all new and replacement construction projects. Deceleration, left turn, and right turn lanes may need to be installed at an existing intersection or access point to improve the existing or outdated design, if and when a traffic analysis shows that the travel time or safety is being degraded by the proposed project traffic, or the turning movements at the intersection are being created by the proposed project's traffic. This Policy addresses the warrants and design features for both cases.

II. POLICY AND PROCEDURE

Deceleration, left turn, and right turn lanes shall be provided at all intersections and/or access points on county-maintained and privately-maintained facilities as required by this policy. Deceleration, left turn, and right turn lane requirements shall not apply to a single family residence, a duplex residence, or two (2) family residence. When an existing development increases trip generation by expanding facilities or by change in use, a one-time deviation may be granted whereby only the increased trip generation is considered in determining if the warrants for requiring deceleration, left and right turn lanes are satisfied providing such deviation does not create a new or increased existing hazard which is detrimental to the health, safety and welfare of the traveling public.

This policy shall not be used to deny access to county maintained facilities for property which otherwise has the right of access; and for which it is not possible to provide deceleration, left and right turn lanes without acquiring additional Right-of-way (ROW) beyond the limits of the subject property. Nothing in this policy shall be construed to place an obligation upon the County to permit left turn lanes into or out of any development via either any existing or proposed street or access point driveway from any street or highway facility where the Director of the Department of Transportation or the Manager of the Division of Development Services (hereinafter referred to as the "Directors") has determined it is not in the best interests of the health, safety and general welfare of the traveling public to allow such left turning movement.

III. DEFINITIONS

1. Deceleration Lane(s)

The primary function of a deceleration lane is to provide a safe travel path and sufficient distance for exiting vehicles to decelerate from the operating speed on the through lanes of a roadway prior to exiting from the facility.

2. Turn Lane(s)

a. Left Turn

The primary function of a left turn lane is to provide a protected area separated from the flow of through traffic in the same direction where left turning vehicles can slow to a stop and wait until a suitable gap occurs or is provided in the opposing flow of traffic to allow the turning maneuver to be safely completed. A secondary function is to eliminate the delay and congestion that would affect the through traffic movement in the same direction while the left turning vehicles slowed down and waited for a safe and adequate gap in the opposing flow of traffic to complete the turning maneuver.

b. Right Turn

The primary purpose of a right turn storage lane is to provide a protected area separated from the flow of through traffic in the same direction where right turning vehicles can slow to turning speed or stop and wait until the turning maneuver can be safely completed. A secondary purpose is to eliminate the delay and congestion that would occur for through traffic moving in the same direction while turning vehicles slowed down and completed the right turn movement.

3. Design Speed

The design speed is the speed noted on the roadway construction plans, or if plans are not available, it is the posted speed limit plus five miles per hour.

4. Two-way peak season volume

Two-way peak season peak hour volumes to be derived from the AADT estimates in the most recent Lee County Traffic Count Report or if County counts are not available, from developer's counts adjusted using the peak season and peak hour factors from an appropriate nearby permanent count station or combination of count stations. The volumes should also be adjusted to the appropriate horizon year per the TIS requirements.

5. FDOT Design Manual (FDM)

The latest version of the Florida Department of Transportation Design Manual.

IV. WARRANTS

The need for deceleration and turn lanes are generally determined by the following factors:

1. Street classification of any particular street or road as identified in the adopted County Administrative Code entitled "County Road Functional Classification Map and List".
2. Posted Roadway Speed
3. Number of Turning Movements during the Peak Hour of both the development and the adjacent roadway
4. Opposing and same direction peak hour through volumes.
5. Intersection and/or Stopping Sight Distance
6. Access Control

7. Crash history

Turn lane warrant reviews shall be required by developers at all project site access points, all intersections interior to planned developments open to public traffic, and all access points at the boundaries of planned developments at time of project plan review. Warrant reviews at all intersections interior to planned developments and all access points at the boundaries of planned developments must include all cumulative approved development traffic associated with the planned development.

LEFT TURN DECELERATION AND LEFT TURN LANES

A deceleration and left turn lane will be required when any two (2) or more of the following warrants are satisfied:

A. Arterial Street

1. Posted speed limit of the arterial street is equal to or greater than thirty-five (35) mph.
2. Estimated traffic volume:
 - a. Two-way peak season, peak hour through and right turn volume on the facility for either the peak hour of the roadway or the peak hour of the development is equal to or greater than 1000 vehicles and the left turn volume is greater than or equal to 10 vehicles; or
 - b. Two-way peak season, peak hour through and right turn volume on the facility for either the peak hour of the roadway or the peak hour of the development is between 500 and 1000 vehicles and the left turn volume is greater than or equal to 15 vehicles; or
 - c. When the left turn volume for any hour is greater than 20 trips regardless of through and right turn volumes on the facility.
3. Available Sight Distance for left turning vehicles to observe approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-1 for the design speed, or posted speed limit plus 5 miles per hour if the design speed is not available, of the arterial street.
4. The arterial street has been designated as a controlled access facility by the BOCC.
5. The arterial street intersection is an arterial street or collector street.
6. Traffic Control of the intersecting street or access point connection is by a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years.
7. Five or more crashes reported at the intersection in a 12-month period during the past three years that could have been mitigated by a left turn lane.
8. It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users.

Table A-1				
Stopping Sight Distance for Approach to Stops				
Design Speed (mph)	< or = 30	40	50	> or = 60
Required sight distance (ft)	200	310	430	570

B. Collector Street

1. Posted speed limit of the collector street is equal to or greater than thirty-five (35) mph.
2. Number of Left Turning Movements
 - a. On multi-lane collector facilities the number of left turning vehicles from the collector roadway is equal to or greater than twenty (20) during either the A.M. or P.M. peak hour of the collector street or the peak hour of the development.
 - b. On two-lane two way collector streets:

- i. Two-way peak season, peak hour through and right turn volume for either the peak hour of the roadway or the peak hour of the development is equal to or greater than 500 vehicles and the left turn volume is equal to or greater than 20 vehicles for that same hour; or
 - ii. When the left turn volume for any hour is greater than 30 vehicles regardless of through and right turn volume.
- 3. Available Sight Distance for left turning vehicles to observe approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-I for the design speed, or posted speed limit plus 5 miles per hour if the design speed is not available, of the collector street.
- 4. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years.
- 5. The collector street is intersecting an arterial or collector street.
- 6. Five or more crashes reported at the intersection in a 12-month period during the past three years that could have been mitigated by a left turn lane.
- 7. It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users.

C. Local Streets

- 1. Posted speed limit on the local street is equal to or greater than thirty (30) mph and the peak hour left turning movement is sixty (60) or more.
- 2. Number of Left Turning Movements
 - a. On multi-lane facilities the number of left turning vehicles exceeds one hundred (100) during the peak hour of the local street.
 - b. On two-lane, two way facilities the number of left turning vehicles from the local street exceeds sixty (60) during the peak hour of the local street and the opposing through plus right turn traffic volume exceeds five hundred (500) vehicles during either the A.M. or P.M. peak hour of the local street.
- 3. Available Sight Distance for left turning approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-I for the posted speed limit of the local street.
- 4. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years.
- 5. It is determined by the Lee County Department of Transportation that a turn lane is required for health, safety, and welfare of the road users.

D. Intersecting Streets

Separate left turn lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied:

- 1. Intersecting Street/Connection to Arterial Streets
 - a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty-five (35) mph.
 - b. When the Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than thirty (30) vehicles during either A.M. or P.M. peak hour of the arterial street.
 - c. The arterial street which is being entered has been designated as a controlled access facility by the BOCC.

- d. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.
 - e. It is determined by the Lee County Department of Transportation or the Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.
2. Intersecting Street/Connection to Collector Street
- a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty five (35) mph.
 - b. Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than sixty (60) vehicles during either the A.M. or P.M. peak hour of the collector street.
 - c. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.
 - d. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.
3. Intersecting Street/Connection to Local Street
- a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.
 - b. Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than ninety (90) vehicles during either the A.M. or P.M. peak period of the local street.
 - c. Traffic Control of the intersecting street or access point connection is a traffic signal.
 - d. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

DECELERATION AND RIGHT TURN LANES

A deceleration and right turn lane will be required when any two (2) or more of the following warrants are satisfied:

A. Arterial Street

- 1. Posted speed limit of the arterial street is equal to or greater than thirty-five (35) mph.
- 2. Number of right turning movements from the arterial street is equal to or greater than thirty (30) during either the A.M. or P.M. peak hour of the arterial street or the peak hour of the development when the arterial street AADT is less than 6,000 vpd or equal to or greater than twenty (20) vph during either the A.M. or P.M. peak hour of the arterial street or peak hour of the development when the arterial street AADT is equal to or greater than 6,000 vpd.
- 3. Available Sight Distance of a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the design speed of the arterial street.
- 4. Arterial Street has been designated as a controlled access facility by the BOCC.
- 5. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.
- 6. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

B. Collector Street

- 1. Posted speed limit of the collector street is equal to or greater than thirty-five (35) mph.

2. Number of right turning movements from the collector street is equal to or greater than forty-five (45) during either the A.M. or P.M. peak hour of the collector street when the collector street AADT is less than 6,000 vpd or equal to or greater than thirty (30) vph during either the A.M. or P.M. peak hour of the collector street or peak hour of the development when the collector street AADT is equal to or greater than 6,000 vpd.
 3. Available Sight Distance for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the design speed of the collector street.
 4. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.
 5. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.
- C. Local Street
1. Posted speed limit of the local street is equal to or greater than thirty (30) mph.
 2. Number of right turning movements from the local street is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the local street.
 3. Available Sight Distance for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the design speed of the local street.
 4. Traffic Control of the intersecting street or access point connection is a traffic signal.
 5. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.
- D. Separate Right Turn Lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied.
1. Intersecting Street/Connection to Arterial Street
 - a. Posted Speed Limit of the intersecting street or access point connection is equal to or greater than forty five (45) mph.
 - b. Number of right turning vehicles from the intersecting street or access point connection is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the arterial street.
 - c. Arterial street which is being entered has been designated as a controlled access facility by the BOCC.
 - d. Traffic control of the intersecting street or access point connection is by a traffic signal.
 - e. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.
 2. Intersecting Street/Connection to Collector Street
 - a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty five (35) mph.
 - b. Number of right turning movements from the intersecting street or access point connection is equal to or greater than ninety (90) during either the A.M. or P.M. peak hour of the collector street.
 - c. Traffic control of the intersecting street or access point connection is by a traffic signal.
 - d. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

3. Intersecting Street/Connection to Local Street

- a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.
- b. Number of right turning movements from the intersecting street or access point connection is equal to or greater than one hundred and twenty (120) during either the A.M. or P.M. peak hour of the local street.
- c. Traffic control of the intersecting street or access point connection is a traffic signal.

V. DESIGN

- I. Deceleration lanes consist of two distinct sections. The transition section is the distance needed for vehicles to achieve transfer from the through lane to the turn lane. The deceleration section is the distance needed to slow to a stop.

FDOT has tabulated standards for these distances, but those apply to typical rural highways. Under county urbanized conditions drivers begin deceleration immediately upon entry into the transition section and arrive at the deceleration section at lower speeds than the posted speed. Under urbanized conditions AASHTO recommends a deceleration rate of 10 ft. per sec. per sec. The table below represents a set of calculated County standards which differ from the FDOT standards except for those roads with a posted speed of 45 mph or above. County standards shall be used on County roads, except controlled access roadways which will utilize the FDOT standards. FDOT will specify requirements on State Highways. FDOT standards are found in the Florida Design Manual.

<u>Design Speed (mph)</u>	<u>Transition Distance (ft)</u>	<u>Deceleration Distance (ft)</u>	<u>Total Distance (ft)</u>
30	75	50	125
35	80	75	155
40	85	100	185
45	See FDM Section 212	See FDM Section 212	See FDM Section 212
50		See FDM Section 212	
55		See FDM Section 212	

The initial 50 feet (100 feet for a dual turn lane) of the transition length shall consist of pavement taper and the remaining length shall be the full width of the deceleration lane (see Figures FB-1 and FB-2).

II. DESIGN OF LEFT AND RIGHT TURN LANES

Where left and right turn lanes are required, storage lanes shall be used in conjunction with deceleration lanes and their lengths shall be added to the required transition and deceleration length.

A. For calculating the storage requirements for unsignalized intersections:

- a. For left turn lanes use the number of vehicles that will arrive in two minutes during the design peak hour:

$$N = \frac{V}{30} * L$$

Where:

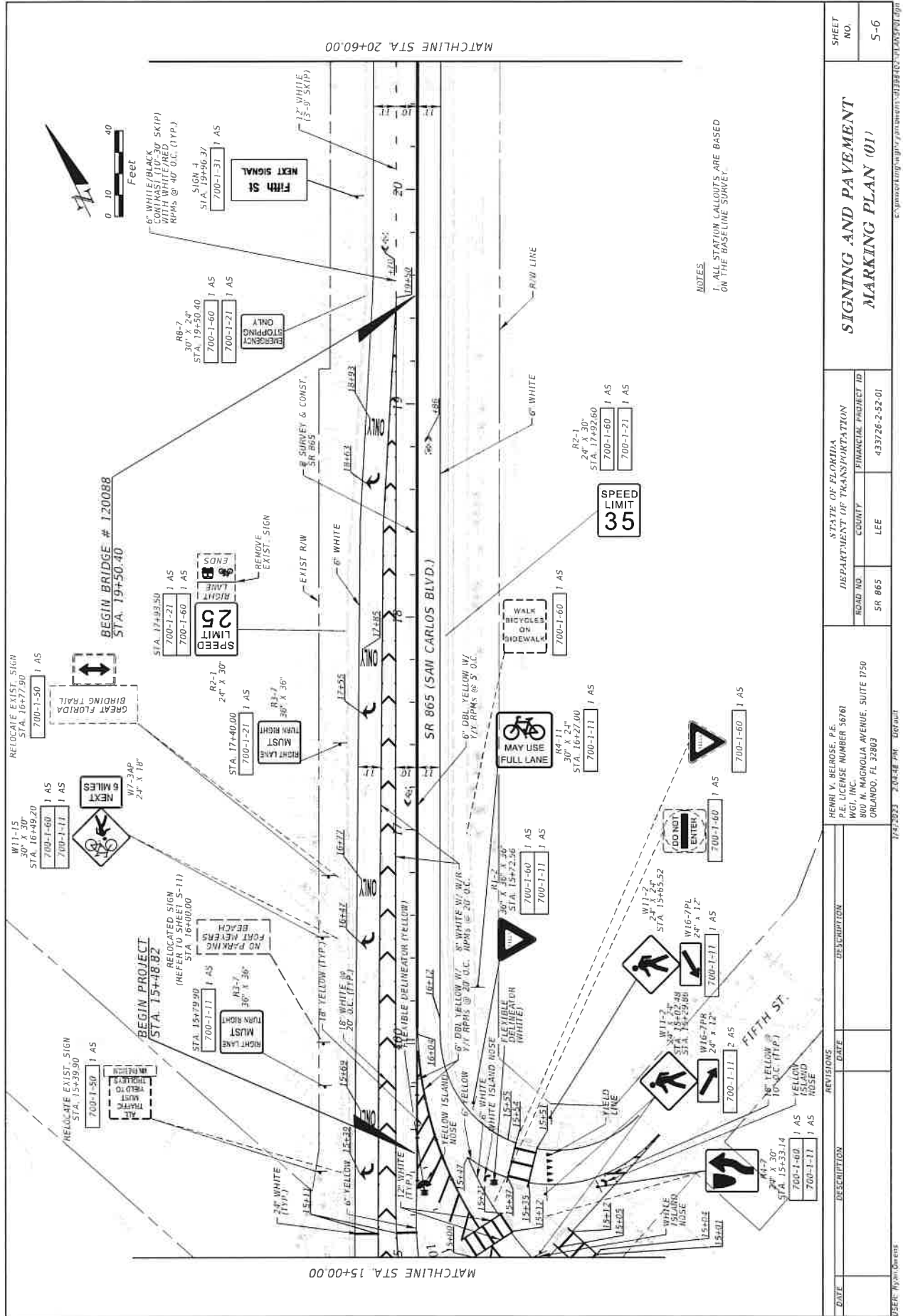
N= length of storage required (round to the next full vehicle length)

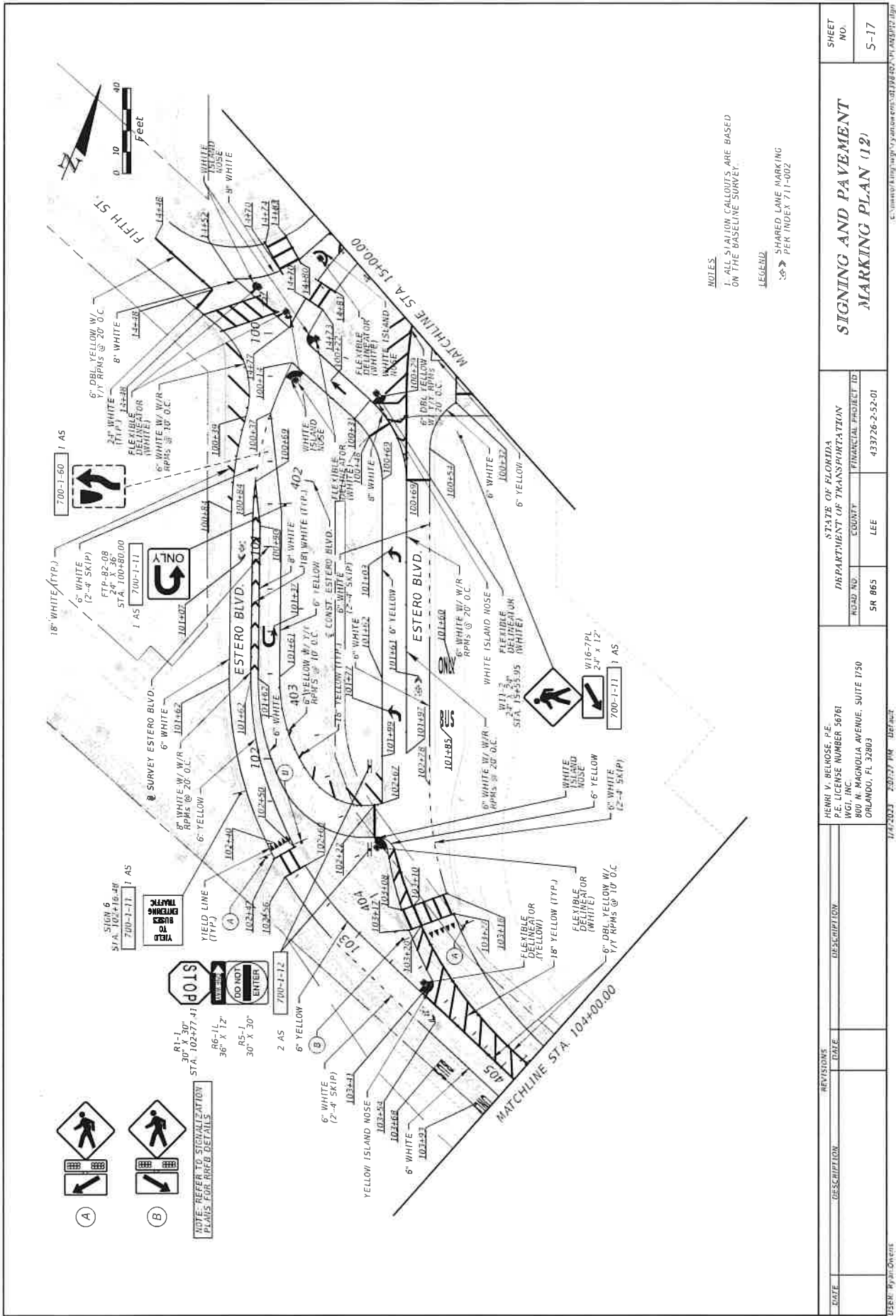
V = Number of turning vehicles during the peak hour of generator in the design year

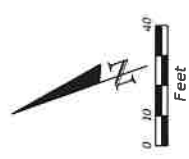
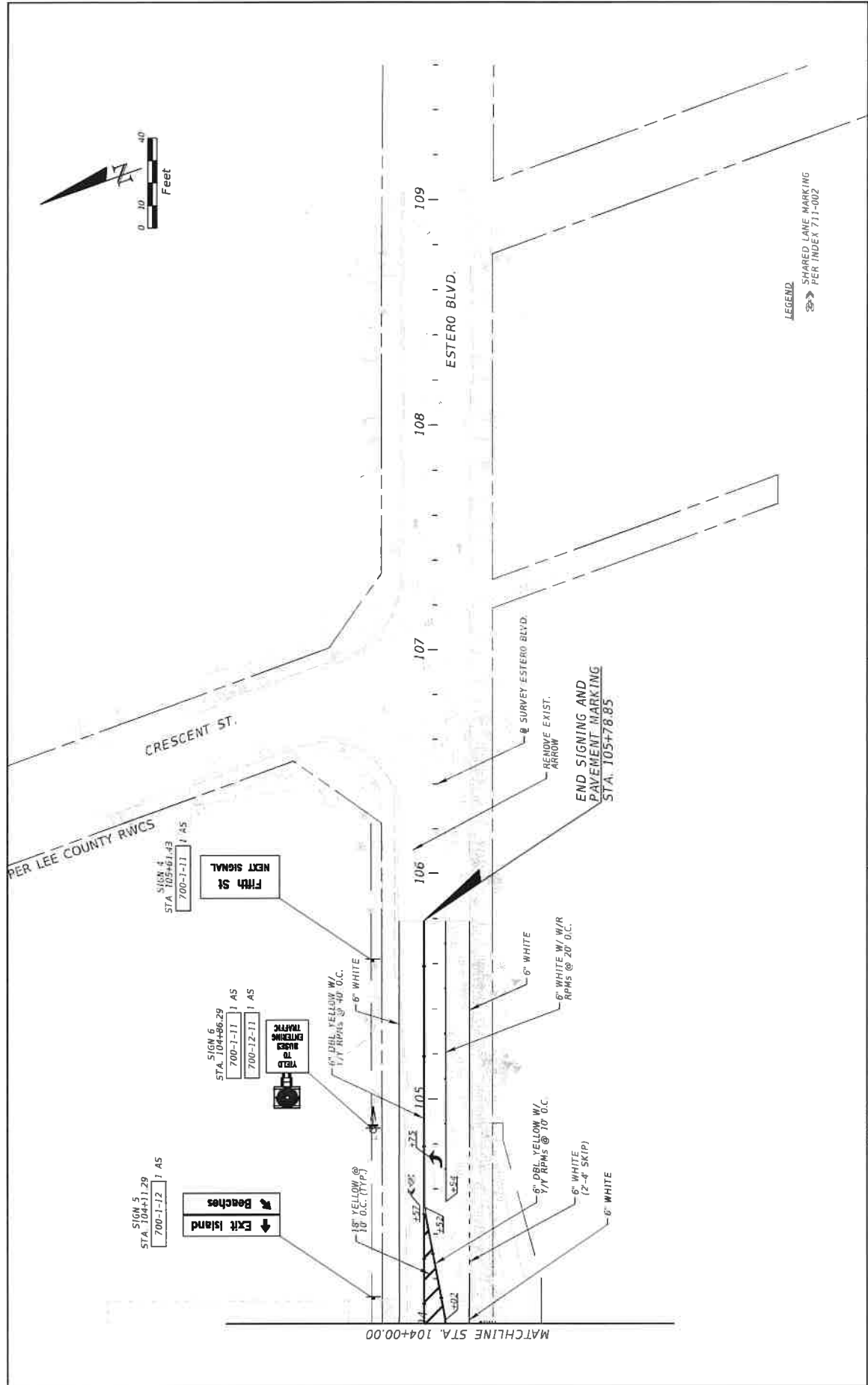
L = length of vehicle, including headway (use 25 feet as a minimum). A longer average vehicle length may be required if the vehicle mix includes a large number of trucks or buses.

- b. For right turn lane storage length, use the number of vehicles that will arrive in one minute during the design peak hour:

**FDOT PLANS FOR ESTERO BLVD @
SAN CARLOS BLVD**







LEGEND
 SHARED LANE MARKING
 PER INDEX 711-002

DATE		DESCRIPTION	REVISIONS		DESCRIPTION	HENRI V. BELINSE, P.E. P.E. LICENSE NUMBER 56761 WGI, INC. 800 N. MAGNOLIA AVENUE, SUITE 1750 ORLANDO, FL 32803				STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION				SIGNING AND PAVEMENT MARKING PLAN (13)		SHEET NO.
			DATE			ROAD NO.	COUNTY	FINANCIAL PROJECT ID								
						SR 865	LEE	433726-2-52-01						5-18		

TRIP GENERATION EQUATIONS

Convenience Store (851)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 8

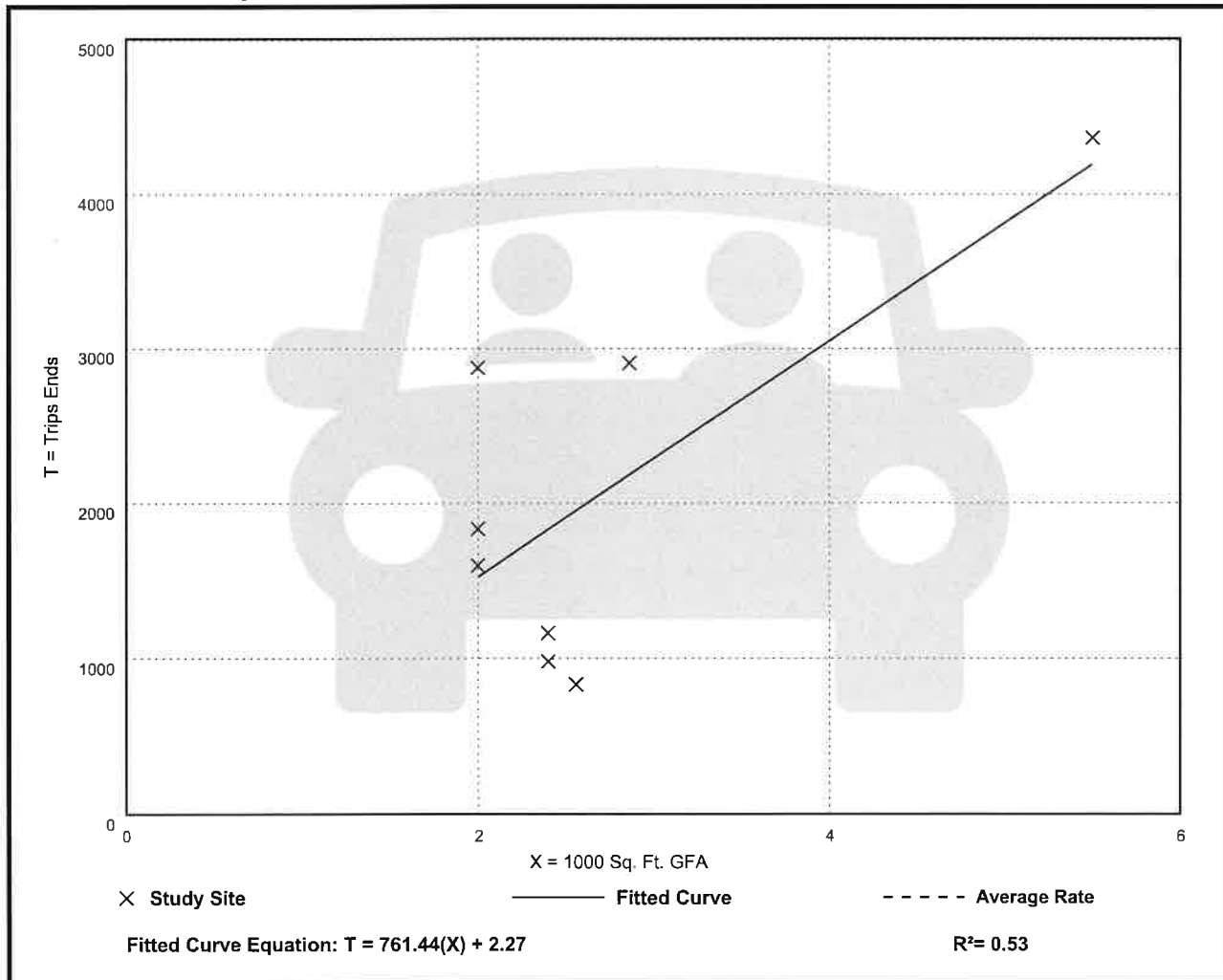
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
762.28	325.78 - 1438.00	333.89

Data Plot and Equation



Convenience Store (851)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 39

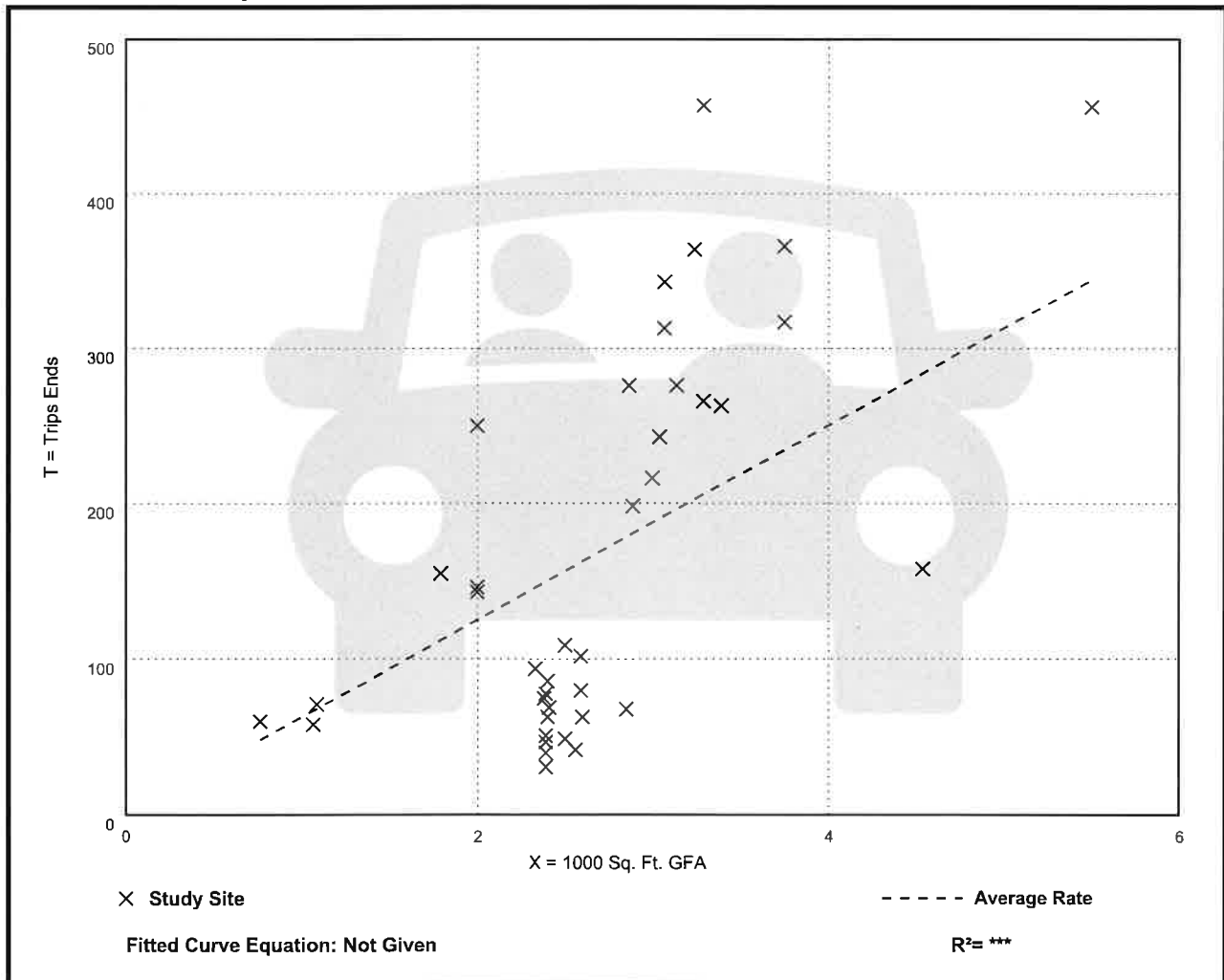
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
62.54	12.97 - 138.91	35.04

Data Plot and Equation



Convenience Store (851)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 39

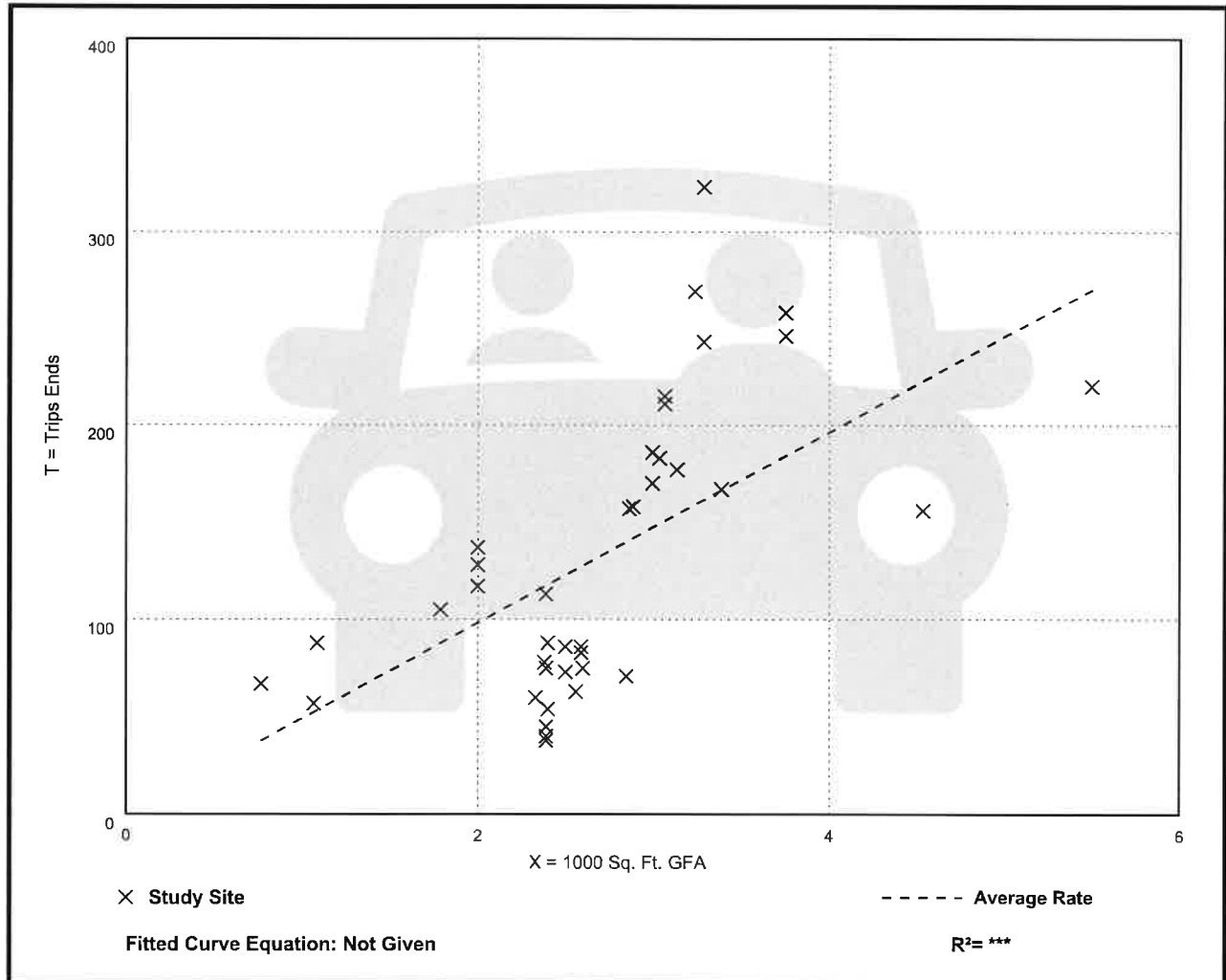
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
49.11	15.90 - 98.18	20.84

Data Plot and Equation

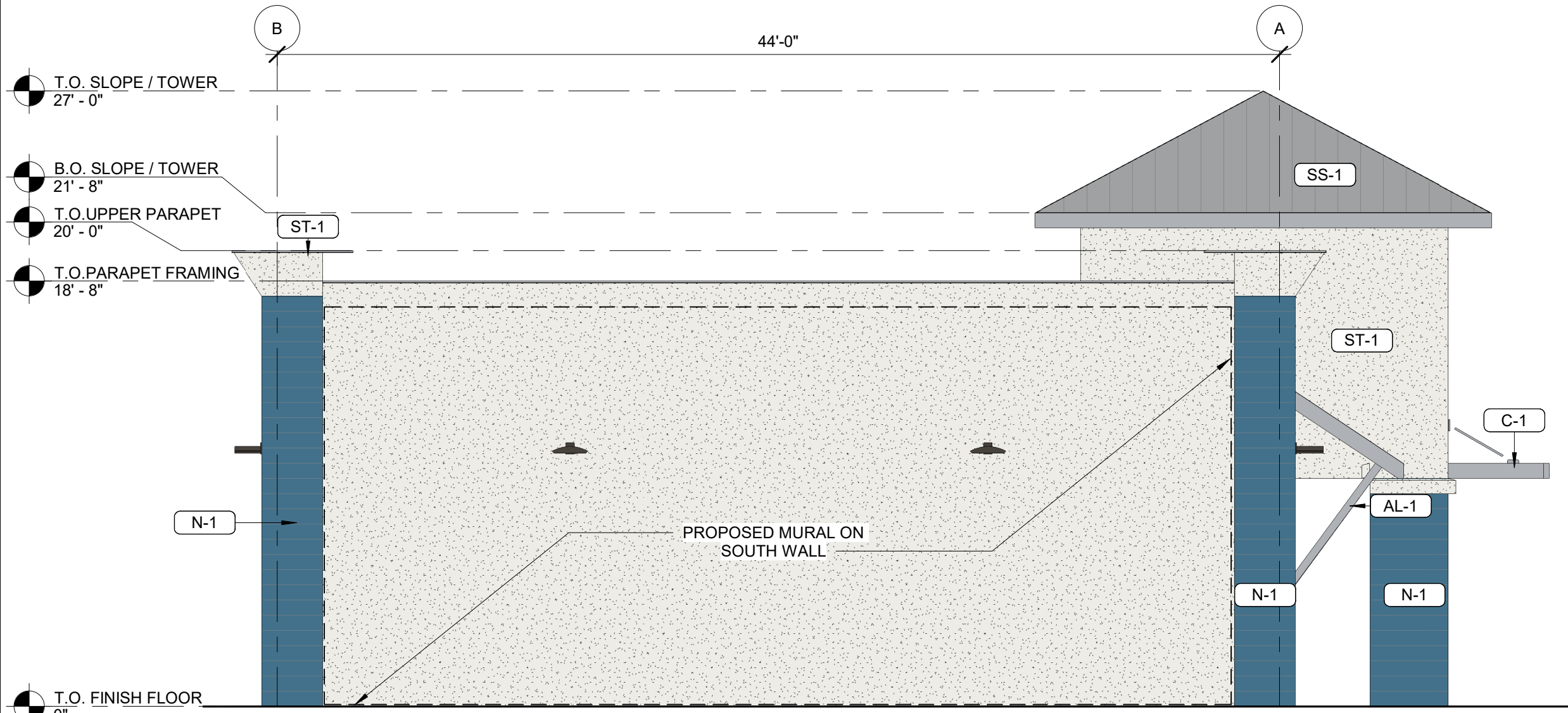




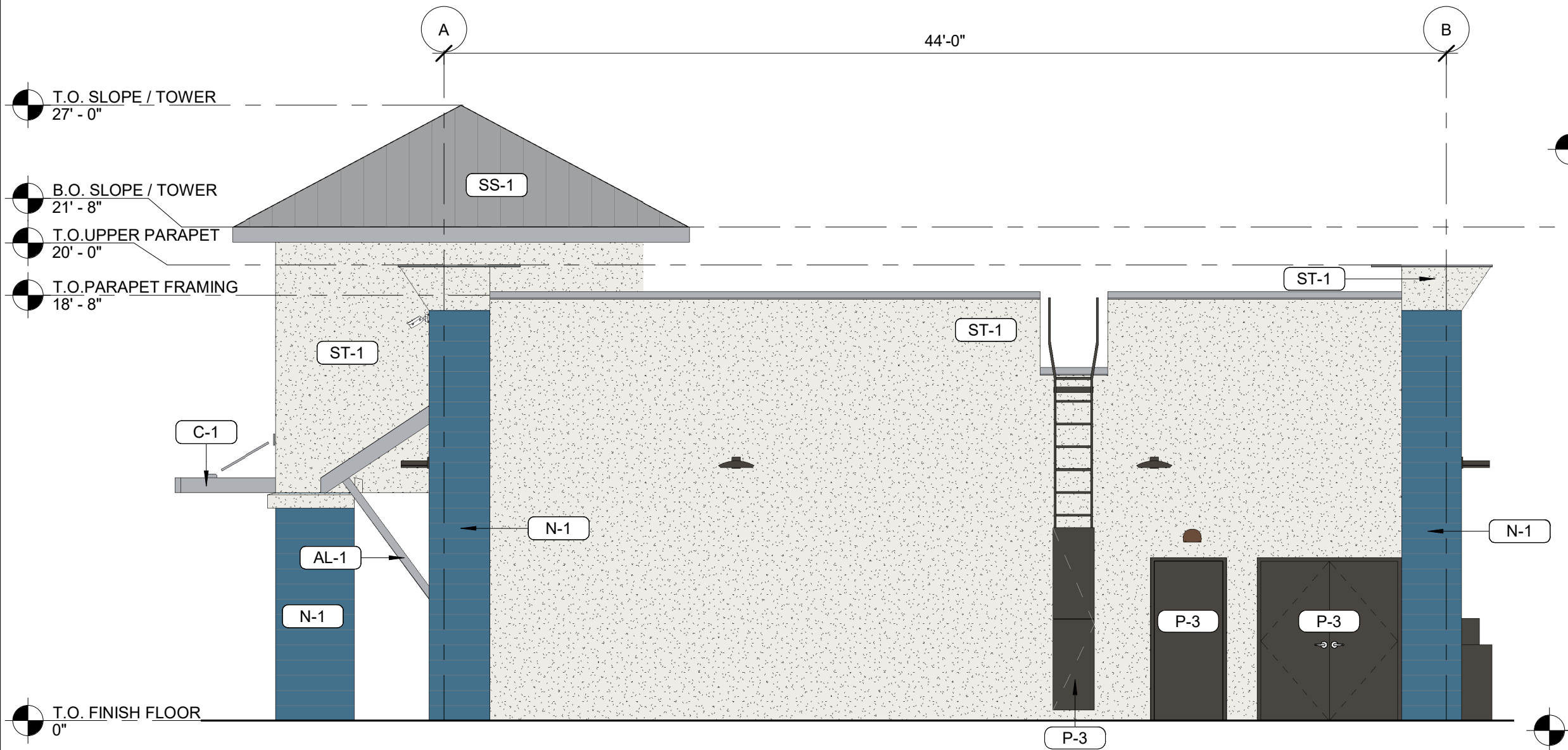
**NOT FOR
CONSTRUCTION**

8/16/2023 8:00:57 AM

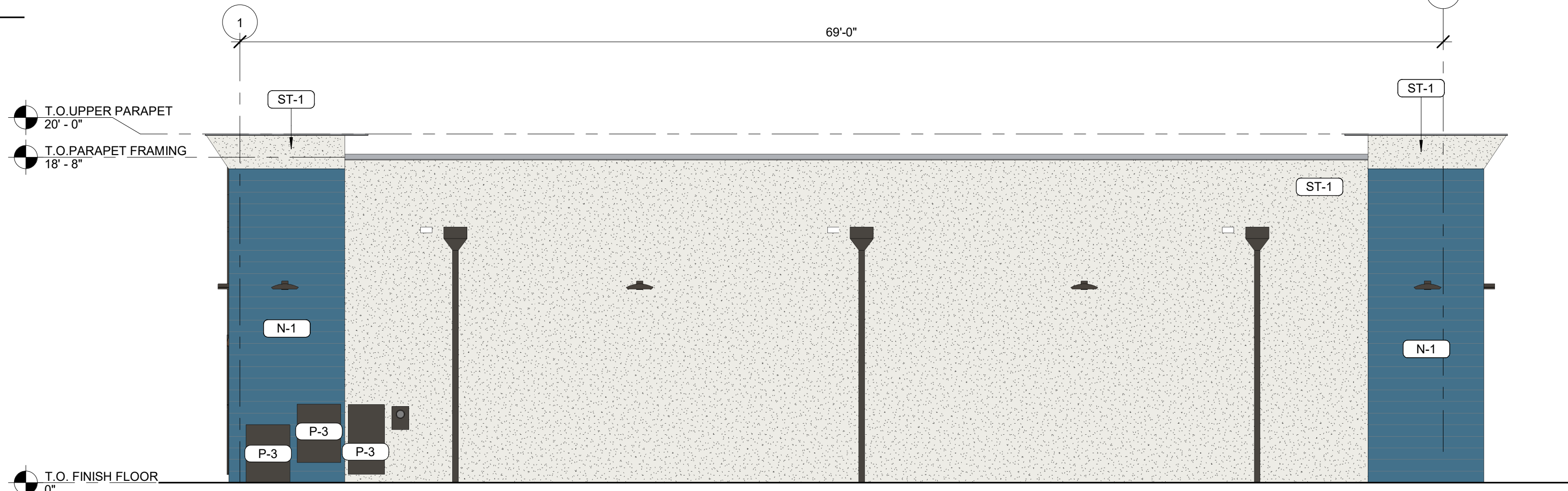
BIM 360://23048 Fort Myers Beach FL (24173)/23048 FT MYERS BEACH FL_A_R20.rvt



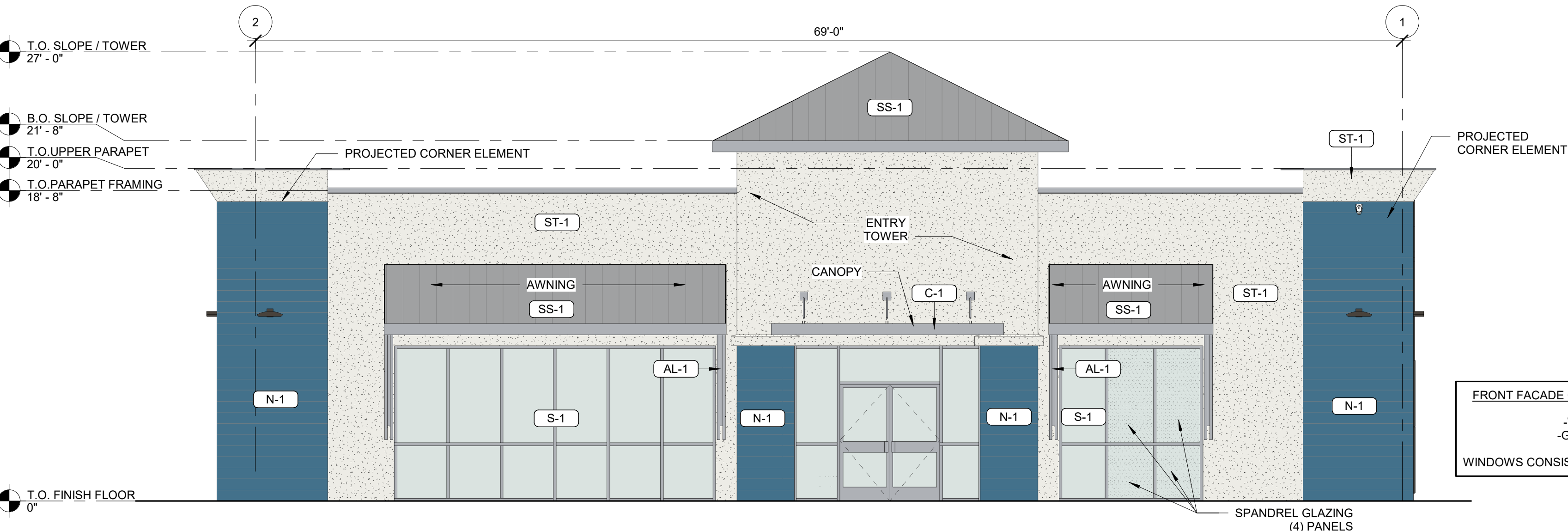
4
R0.01
ELEVATION - RIGHT (SOUTHWEST)
3/16" = 1'-0"



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



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



1
R0.01
ELEVATION - FRONT (SOUTHEAST)
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	CLEAR ANODIZED
SS-1	STANDING SEAM METAL ROOF	BERRIDGE	LEAD COTE
ST-1	STUCCO	DRYVIT OR EQ	PAINTED (P-1) PURE WHITE
AL-1	ALUMINUM CANOPY BRACKETS	TBD	CLEAR ANODIZED

7-ELEVEN #1055525
841 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 correcting 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

08/14/2023

JOB#: 23048
DATE: 08/14/2023
SHEET: R0.01

FRONT FACADE GLAZING CALCULATIONS:
-WALL AREA = 1,005 SQFT.
-GLAZING AREA = 366 SQFT
WINDOWS CONSIST OF 36% OF WALL AREA



08/14/2023

JOB#:	23048
DATE:	08/14/2023
SHEET:	

R0.02

[illegible]

PROTO:7043 CST 2022-02

7-ELEVEN #1055525
841 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



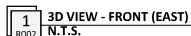
BOTI ARCHITECTURE
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The seal and signature apply only to the document to which they are affixed and we expressly disclaim any responsibility for all other plans, specifications, estimates, reports or other documents or instruments relating to or intended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

[illegible]



JOB#: 230
DATE: 08/31/20
SHEET: R002



1 3D VIEW - SIDE (SOUTHWEST)
R003 1" = 1'-0"

REV.	DATE	DESCRIPTION

PROTO-7543 CST-2022-02

7-ELEVEN #1055525 841 ESTERO BLVD. FORT MYERS BEACH, FL 33931
CREIGHTON COMMERCIAL DEVELOPMENT 900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991
3D RENDERINGS



Drawings and specifications are the property of the Architect. They are not to be used or copied or reproduced in any form without the written consent of the Architect. The Architect is responsible for confirming and correcting information provided by the Client. The Architect is not responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs to be followed by the contractor. The user and specifier agree to the document and the user and specifier agree to be bound by the terms and conditions of the contract. The user and specifier agree to be bound by the terms and conditions of the contract.

NOT FOR CONSTRUCTION
08/31/2023

JOB#: 23048
DATE: 08/31/2023
SHEET: R003



THE NEIGHBORHOOD COMPANY

841 ESTERO BLVD COMMERCIAL PLANNED DEVELOPMENT (CPD) Planned Development Rezone

SCHEDULE OF USES

RETAIL STORE, SMALL TO INCLUDE:

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

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-19**

1. Request:

Meeting Date: April 30, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING / APPROVING WITH CONDITIONS / DENYING SPECIAL EXCEPTION SEZ20240069 TO ALLOW FOR THE REPLACEMENT/REPAIR OF A SUN DECK, POOL PATIO, RETAINING WALL, AND FENCE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 830 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears special exception requests and makes recommendations to the Town Council.

What the action accomplishes:

The Town Council will consider the recommendation of the LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant is proposing the repair/replacement of a sun deck, pool patio, retaining wall, pool fence, foot wash/shower, partially or fully within the Environmentally Critical (EC) zoning district. All of these features are part of the common element for the Edison Beach House and were in existence in the proposed locations, prior to Hurricane Ian.

Attachments:

1. Resolution 24-XX_830Estero ns
2. 830 Estero Blvd Staff report
3. A - Site Plan
4. B - Survey
5. C- LPA AND TC postcard 830 estero Blvd
6. D- 830 Estero Blvd_PublicHearing&Supplemental

Financial Impact:

Unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Approval

8. Recommended Approval:

Date: April 19, 2024

Frankie Kropacek, Operations & Compliance Director

Date: April 22, 2024

nancy stuparich, Town Attorney

Date: April 24, 2024

RESOLUTION NUMBER 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING / APPROVING WITH CONDITIONS / DENYING SPECIAL EXCEPTION SEZ20240069 TO ALLOW FOR THE REPLACEMENT/REPAIR OF A SUN DECK, POOL PATIO, RETAINING WALL, AND FENCE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 830 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, Edison Beach Condominium is requesting a special exception for the replacement/repair of major accessory structures that were destroyed during Hurricane Ian, including a sun deck, pool patio, retaining wall and a fence on its property, which is located in the Environmentally Critical zoning district; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00400.0010;

WHEREAS, the property is located in the “Mixed Residential” 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 April 30, 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 consistent/not consistent with the comprehensive plan and the requirements of the LDC and voted ___ to ___ to recommend approval/ approval with conditions/ denial of the special exception; and

WHEREAS, on May 20, 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/is not 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 Special Exception **does/does not** meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception **is/is not** in the best interest of the Town to approve. 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 replacement/repair of major accessory structures that were destroyed during hurricane Ian, including a sun deck, pool patio, retaining wall 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/approves with conditions/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 _____ and seconded by _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Scott Safford	_____
Karen Woodson	_____

ADOPTED this ____ day of _____, 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 _____, 2024.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20240069

CASE NAME: Special Exception for the replacement/repair of a sun deck, pool patio, retaining wall, and fence, partially in the EC zoning.

LPA

HEARING DATE: April 30, 2024 at 9:00 AM

STAFF

RECOMMENDATION: Approve

**PREPARED/
SUBMITTED BY:** Jason Smalley

I. APPLICATION SUMMARY

Applicant/Owner: Edison Beach Condominium

Requests: To return the pool area to pre-lan condition; repair/replacement of sun deck, pool patio, retaining wall, and fence.

Physical Address: 830 Estero Blvd

STRAP #: 24-46-23-W3-00400.0010

FLU: Recreation

Zoning: Environmentally Critical (EC)

Adjacent zoning and land uses:

North: Commercial Planned Development (CPD)
Common Element of Edison Beach House

South: Environmentally Critical (EC)
Beach

East: Community Facilities (CF)
Lynn Hall Memorial Park

West: Residential Multi-family (RM)
Royal Beach Club Condominium

II. BACKGROUND AND ANALYSIS

Background:

The applicant is proposing the repair/replacement of a sun deck, pool patio, retaining wall, pool fence, foot wash/shower, partially or fully within the Environmentally Critical (EC) zoning district. All of these features are part of the common element for the Edison Beach House 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 blue line running through the back portion of the condominium building and through the pool patio and sun deck.

Analysis:

The condominium structure was built in 2000 with an effective date of 2002, per Lee County Property Appraiser. Staff does not have a copy of the original development order to verify that the pool patio, sun deck, retaining and fence was built at the same time as the hotel, however it appears in 2008 (RES NO. 08-48) a new patio area added to the Master Concept Plan (MCP) which was located landward of the coastal construction control line.

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 likely less than ten primary and accessory structures 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.

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 applicant has confirmed that the proposed fence will be designed to fail under wind load and adhere to floodplain requirements.

- b. Repairs may not damage existing dunes or dune vegetation.*

The repairs are proposed landward of the seawall. 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 begins on May 1st .

- 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 patio, sun deck, retaining wall, and fence 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.

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 several major accessory structures in the EC zoning district is in compliance with item Sec. 34-88(b)(1). Therefore, staff recommends **Approval** of SEZ20240069 for the pool patio, sun deck, retaining wall, and fence.

Staff Report Exhibits:

A – Site Layout Plan

B - Survey

C–Postcard to Adjacent Property Owners

D – SEZ Application Packet

LOT 1, UNIT 1, ISLAND SHORES

PLAT BOOK 9, PAGE 24
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT; NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.S.D. 1988 DATUM, SEA LEVEL.
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.
14. PARCEL CONTAINS: 26,390 SQUARE FEET, PLUS OR MINUS.

LEGEND:

- (A) — ARC LENGTH
A.C. — AIR CONDITIONER
C — CABLE TV
(C) — CALCULATED
C.B. — CATCH BASIN
CB — CHORD BEARING
CH — CHORD DISTANCE
C.C.M. — FOUND CONC. MONUMENT
(D) — DEED
B.O.B. — BASIS OF BEARINGS
D.E. — DRAINAGE EASEMENT
EL. — ELEVATION
E.O.P. — EDGE OF PAVEMENT
F.H. — FIRE HYDRANT
FND. — FOUND
GV — GATE VALVE
I.R. — IRON ROD
G.W. — GUY WIRE
(M) — MEASURED
N&T — NAIL & TAB
N.A.V.D. — NORTH AMERICAN VERTICAL DATUM (1988)
N.T.S. — NOT TO SCALE
(NR) — NOT RADIAL
O.R. — OFFICIAL RECORD
(P) — PLAT
P.B. — PLAT BOOK
P.C. — POINT OF CURVATURE
P.C.C. — POINT OF COMPOUND CURVATURE
P.C.P. — PERMANENT CONTROL POINT
P.I. — POINT OF INTERSECT
P.G. — PAGE
P.O.B. — POINT OF BEGINNING
P.O.C. — POINT OF COMMENCEMENT
P.P. — POWER POLE
P.R.C. — POINT OF REVERSE CURVATURE
P.R.M. — PERMANENT REFERENCE MONUMENT
P.T. — POINT OF TANGENCY
P.U.E. — PUBLIC UTILITY EASEMENT
R — RADIUS
(R) — RADIAL
RNG. — RANGE
R/W — RIGHT OF WAY
SEC. — SECTION
SET I.R. — SET 1/2" IRON ROD LBB427
SPK — SET SPK NAIL AND DISC LBB427
S.W. — SIDEWALK
T — TELEPHONE BOX
TWP. — TOWNSHIP
U.P. — UTILITY PEDESTAL
(W) — WATER METER
Δ — DELTA ANGLE
O — FIRE HYDRANT
+ — TEMPORARY BENCHMARK
C — CENTERLINE
X — WIRE FENCE
— WOOD FENCE
P — OVERHEAD WIRES
CONC. — CONCRETE PAD
E — EXISTING ELEVATION
(X) — LOT NUMBER
MHW — MEAN HIGH WATER
MLW — MEAN LOW WATER

FLOOD_ZONE:	VE	ELEVATION:	12.0' (NAVD88)
	VE		13.0' (NAVD88)
	VE		14.0' (NAVD88)

DATE OF MAP: 05-16-12

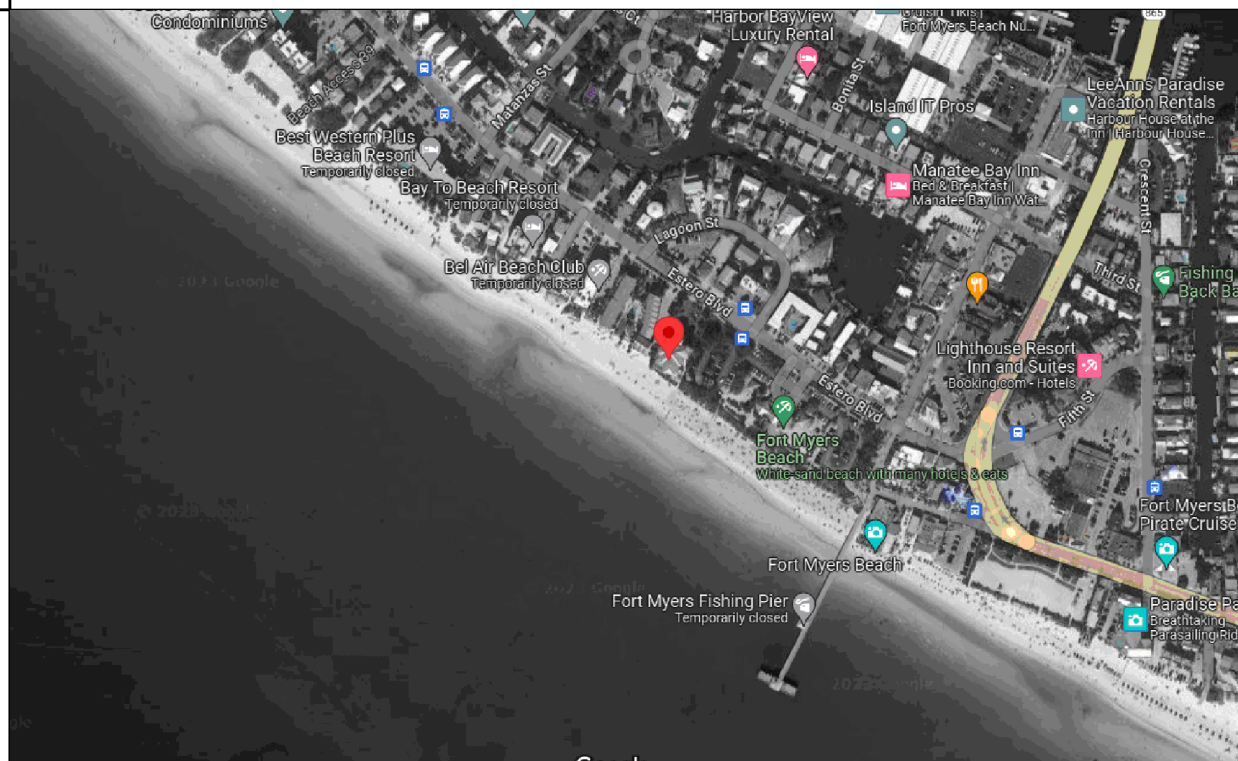
CERTIFIED TO:

First Central Investment Corp.

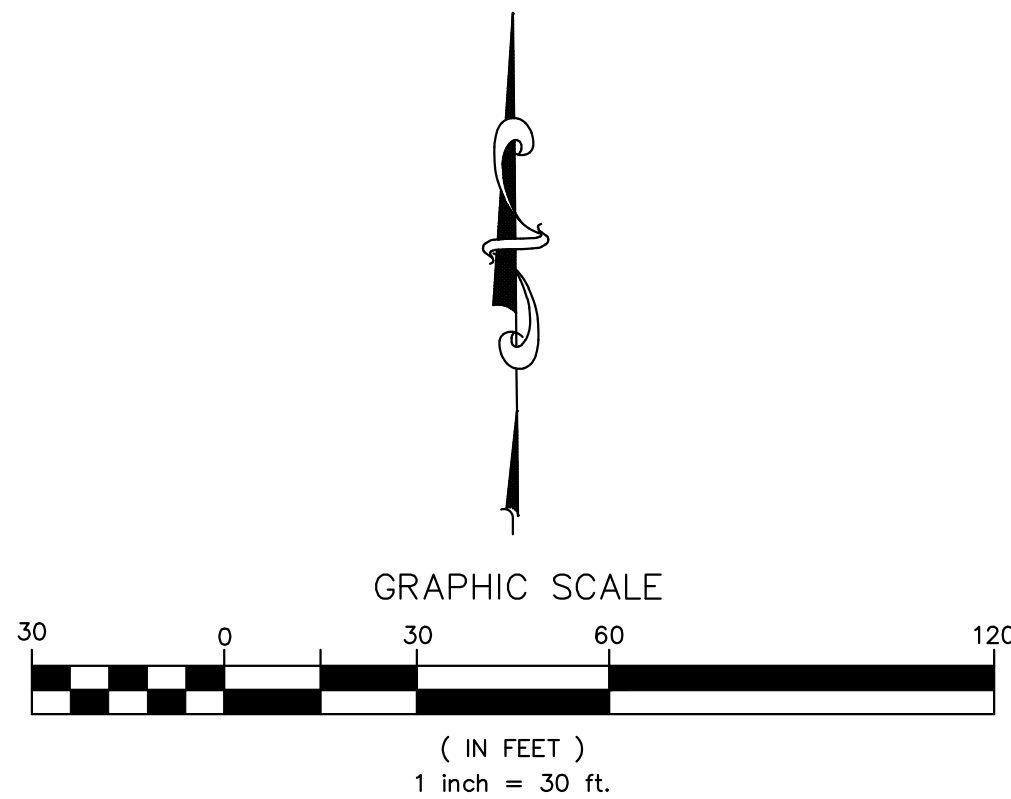
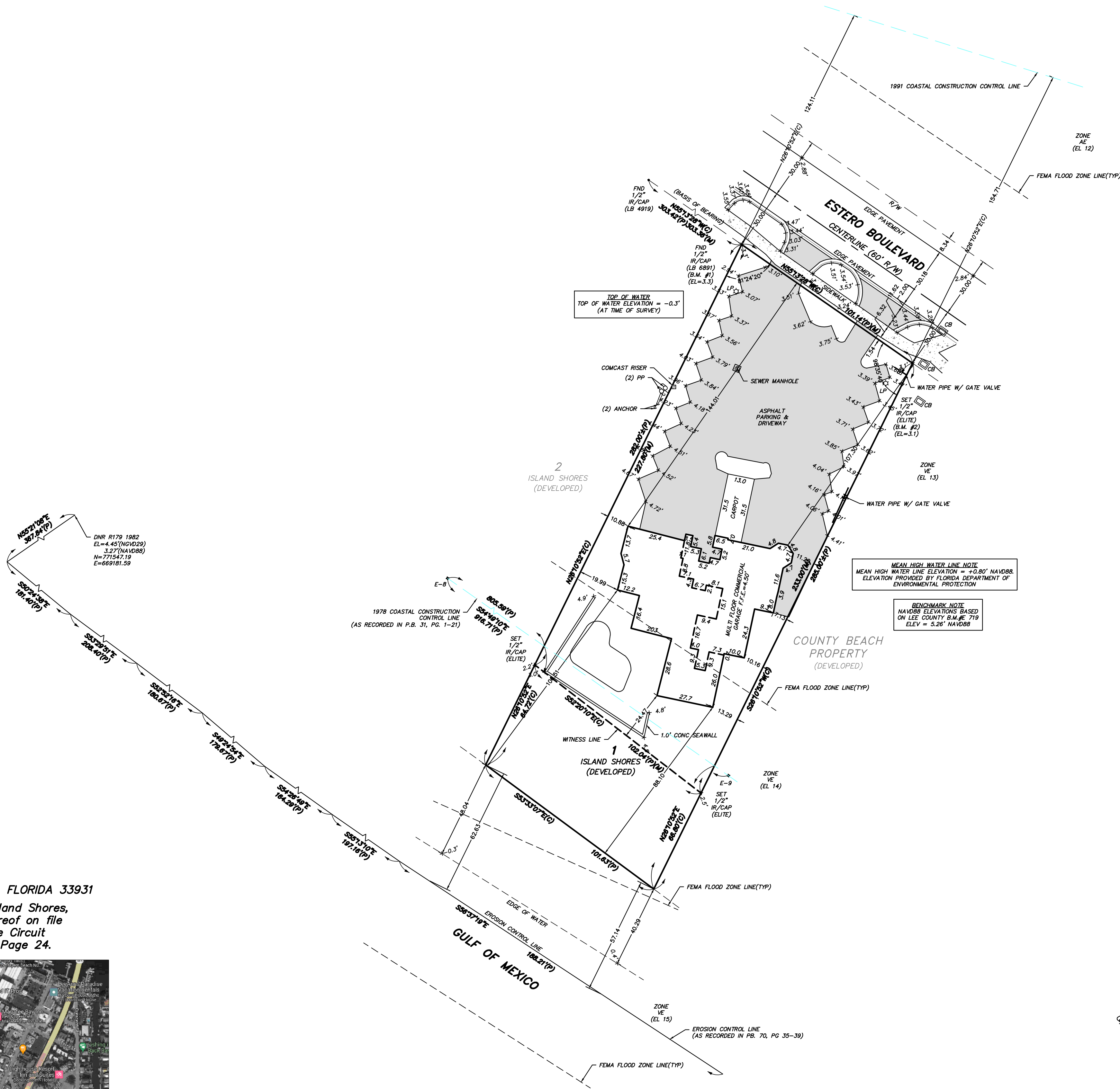
LEGAL DESCRIPTION:

830 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931

Lot 1, of that certain subdivision known as Island Shores, Unit No. 1, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 9, Page 24.



VICINITY MAP
N.T.S.



BOUNDARY AND TOPOGRAPHIC SURVEY
REVISED: 03/27/2024_1978 CCCL

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

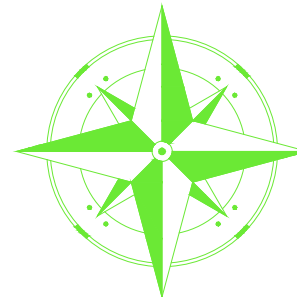
Reviewed and Approved By:

John Robert Avery III
P.S.M. Professional
Surveyor and Mapper
FL License No. 5298

Digitally signed by John Robert Avery III P.S.M. Professional Surveyor and Mapper FL License No. 5298
Date: 2024.03.27 14:54:08 -0400

**John Robert Avery III, P.S.M.
Professional Surveyor & Mapper
State of Florida License No. 5298**

**ELITE
SURVEYING**



239-481-2366(OFFICE) INFO@ELITESURVEYING.NET
LB8427

FIELD SURVEY	09/20/2023
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CREW CHIEF

DRAWN BY	J. KNORR
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SCALE	1" = 30'
ELITE JOB NO	230758

SHEET: 1 OF 1	DATE: 10/16/2023
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Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM
DATE: LPA April 30, 2024, and Town Council May 20, 2024
CASE: SEZ20240069
ADDRESS: 830 Estero Blvd
APPLICANT: Justin Yax
REQUEST: A request to reconstruct beach and pool amenities seaward of the 1978 Coastal Construction Control Line (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/ Town Council** will review the application materials and hear testimony to make a **recommendation/decision**. 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

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

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

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

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

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

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

«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: 830 Estero Blvd., Fort Myers Beach, FL. 33931
STRAP Number: 24-46-23-W3-00400.0010
Applicant: First Central Investment Corp. Phone: (239) 440-4818
Contact Name: Justin Yax Phone: (239) 440-4818
Email: justinyax@hotmail.com Fax: _____
Current Zoning District: CPD/EC
Future Land Use Map (FLUM) Category: Mixed Residential/Environmentally Critical
FLUM Density Range: 6 per acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☒ Special Exception
☐ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Justin Yax Phone: (239) 440-4818
**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: 20512 Beaconsfield Blvd., Rocky River, OH. 44116
Email: justinyax@hotmail.com Fax: _____
Contact Name: Justin Yax Phone: (239) 440-4818



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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: Justin Yax Phone: (239) 440-4818
Address: 20512 Beaconsfield Blvd., Rocky River, OH. 44116
Email: justinyax@hotmail.com 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 _____ - _____
- ☐ 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: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ 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: Betty Lou Yax Phone: (239) 297-5813

Mailing Address: 830 Estero Blvd., Fort Myers Beach, FL. 33931

Email: justinyax@hotmail.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Justin Andrew Yax 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.

Signature [Handwritten Signature]
STATE OF Ohio COUNTY OF Cuyahoga

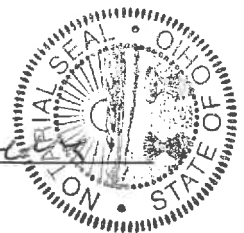
Printed Name Justin Andrew Yax

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 21st day of Feb, 2024, by [Signature] who is personally known to me OR ☒ who has produced

Ohio Driver's License as identification.

[Handwritten Signature]
Notary Public Signature

DOREEN C. PACURA
Notary Public, State of Ohio
My Commission Expires
August 4, 2025



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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

_____	_____
_____	_____
_____	_____
_____	_____



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, Justin Andrew Yax (name), as Secretary (title)
of First Central Investment Corp. (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

First Central Investment Corp.

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

Signature

Justin Yax

Typed or Printed Name

STATE OF Florida

Cuyahoga
COUNTY OF Lee

Secretary

Title

Date

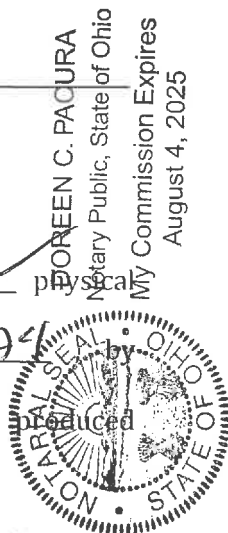
The foregoing instrument was certified and subscribed before me by means of physical

presence OR ☐ online notarization, this 21st day of Feb, 2024

☐ who is personally known to me OR ☒ who has produced

Ohio Driver's License as identification.

Notary Public Signature



PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00400.0010

Property Address: 830 Estero Blvd., 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: Island Shores, Unit 1

Book: 9 Page: 24 Unit: N/A Block: N/A Lot(s): 1

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 101 feet
Depth (please provide an average width if irregular in shape) 283 feet
Frontage on street: 101 feet. Frontage on waterbody: 101 feet
Total land area: 28,583 ☐ acres ☒ square feet

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

Exiting Sky Bridge while driving West, turn right onto Estero Blvd. Drive 850 feet
to the end of Lynn Hall Park. The property will be on your immediate Left 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 |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



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: Edison Beach House
Authorized Applicant: Gulfpoint Construction Co.
LEIPA STRAP Number(s): 24-46-23-W3-00400.0010

Current Property Status: Developed Hotel
Current Zoning: CPD/EC
Future Land Use Map (FLUM) Category: Mixed Residential/Environmentally Critical
Platted Overlay? ☐ yes ☐ no FLUM Density Range:

Requested Action:

☒	Use of premises in the EC (Environmentally Critical) zoning district for: Repair of accessory structure to the exsisting pool.
☐	Use of premises in the _____ zoning district for:

PART I

Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

Replacmcent of accessory structure to exsisting commercial pool, including pool
repair, pool patio, retaining wall, pool fence, sun deck and pool foot wash/showers
for guest use. Goal is to restore to original footprint with NO additions.

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:
Our request is consistant with the goals and objectives of Fort Myers Beach in
re-establishing the recreational pool area that our guests have come to enjoy
over the years and return to Fort Myers Beach to enjoy with their families. We
intend to continue our commitment to preserve environmentally critical areas by
planting native Floridian flora seaward of the reconstructed retaining wall to help
protect against erosion as we have done prior to Hurricaine Ian. This requeust will
in no way interfere with surrounding businesses and will not cause damage,
hazard, nuisance, or other detriment to persons or property. In addition, repairs
will not damage any existing dunes or dune vegetation. Reconstruction of the pool
retaining wall, pool fence, pool, sundeck and sundeck shower/foot wash will
be completed while minimizing effect on turtle nesting season. Retaining wall will
be no more than 24" above the level of the pool deck.



We foresee no impacts on surrounding properties with our reconstruction request as we are only rebuilding what we had lost in Hurricane Ian.

Page 156 of 358

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.

- Whether the request will be compatible with existing or planned uses and 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 and 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

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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.

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-42**

1. Request:

Meeting Date: April 30, 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:

Special exception cases are heard by the LPA and the LPA recommendation is forwarded to the Town Council.

What the action accomplishes:

Approval of the special exception would allow the reconstruction of the beach and pool amenities within the EC zoning district.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

resolution

5. Background:

The owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of 192 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.

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 D SEZ Application

Financial Impact:

unknown

6. Alternative Action

deny

7. Staff Recommendations:

Recommend approval

8. Recommended Approval:

Date: April 19, 2024

Frankie Kropacek, Operations & Compliance Director

Date: April 22, 2024

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: April 24, 2024

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 FOLLOWING HURRICANE IAN, 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 are 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 April 30, 2024, and at the hearing the LPA gave full and complete consideration to the request of Applicants, 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 ___ to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on May 20, 2024 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, 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/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the reconstruction of the pool fence, pool, deck, cabanas (on pool deck), six chickee huts, and irrigation seaward of the EC 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 Applicants 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 Applicants 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 Applicants must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
- F. Construction may not occur during sea turtle nesting season.
- G. 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 _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice-Mayor	_____
John R. King, Council Member	_____
Karen Woodson, Council Member	_____
Scott Safford, Council Member	_____

ADOPTED this ____ day of May, 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 May, 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: April 30, 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 (on pool deck), 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 of 192 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. During conversations with the applicant it was stated that the two (2) huts closest to the water are moveable and will be brought in daily during turtle season. It is important to note that the huts closest to the water do have utilities. 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.

Staff notes that the applicant has provided an application to vacate the easement that runs through the middle of the requested pool improvements. This easement vacation

will be heard by the Town Council. The applicant is proposing a new easement to go through the Pink Shell resort pool deck and will allow beach users to have access to the restrooms and amenities.

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.*

Conditions of approval will disallow construction during sea turtle nesting season.

- 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

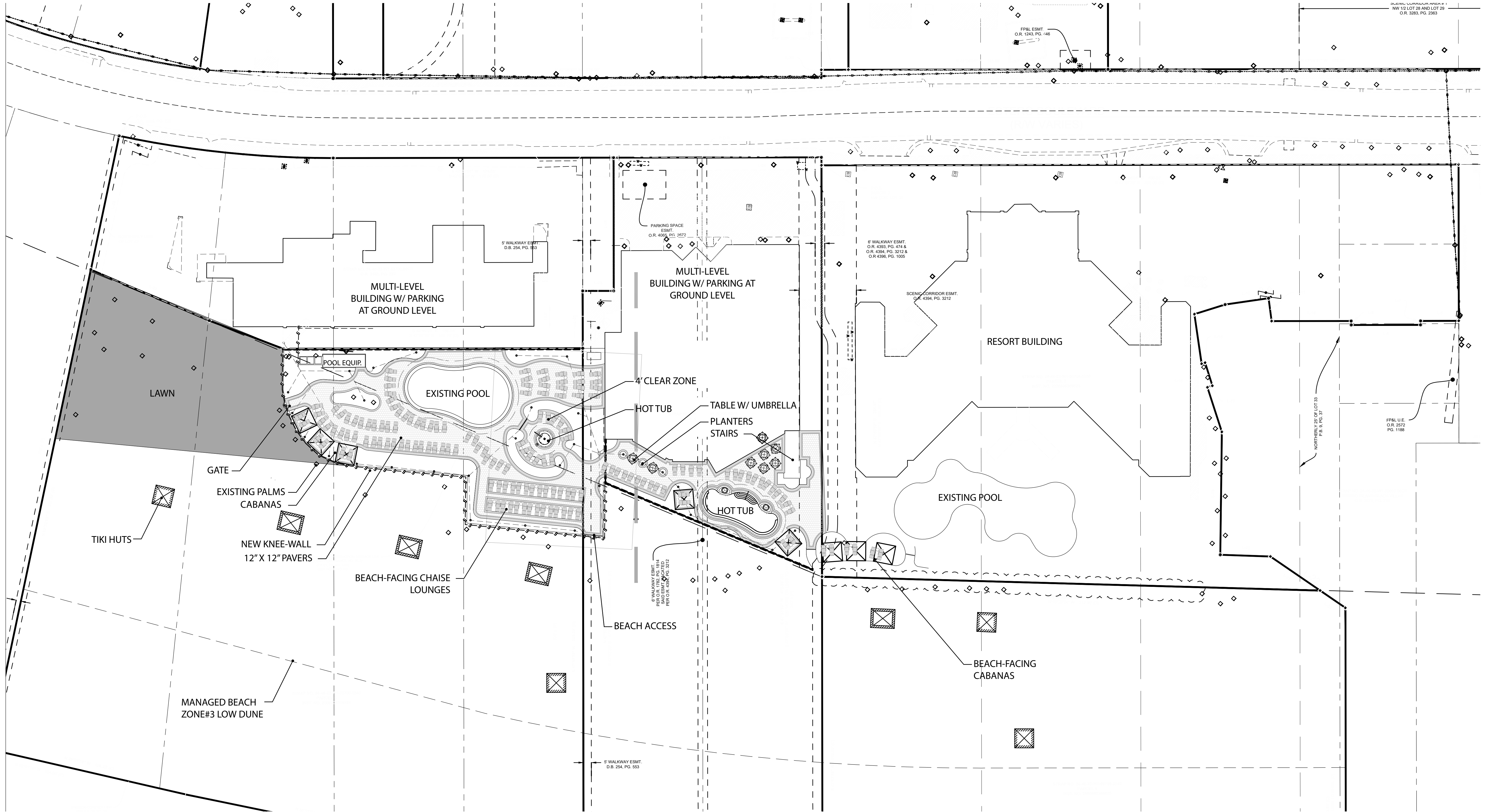
Staff finds that the Special Exception request meets the required findings and conclusions for approval found in Section 6-366(b)(3) and 34-88(b) of the land development code. Staff recommends approval of DCI20230226 to allow the replacement of pool and beach amenities at Pink Shell Resort, with the 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.
6. Construction may not occur during sea turtle nesting season.
7. Any violation of the conditions of approval shall render the special exception null and void.

V. Staff Report Exhibits:

- A – Updated site plan showing dune
- B – Pamphlet showing original chickees
- C – Postcards to adjacent property owners
- D – Complete application



Copyright RVI

PINK SHELL RESORT • POOL DECK CONCEPT

📍 Lee County, FL
📅 December 1, 2023
23004319

FORT MYERS BEACH, FL.

Pink Shell

Family Resort

ON ESTERO ISLAND

ON THE GULF OF MEXICO



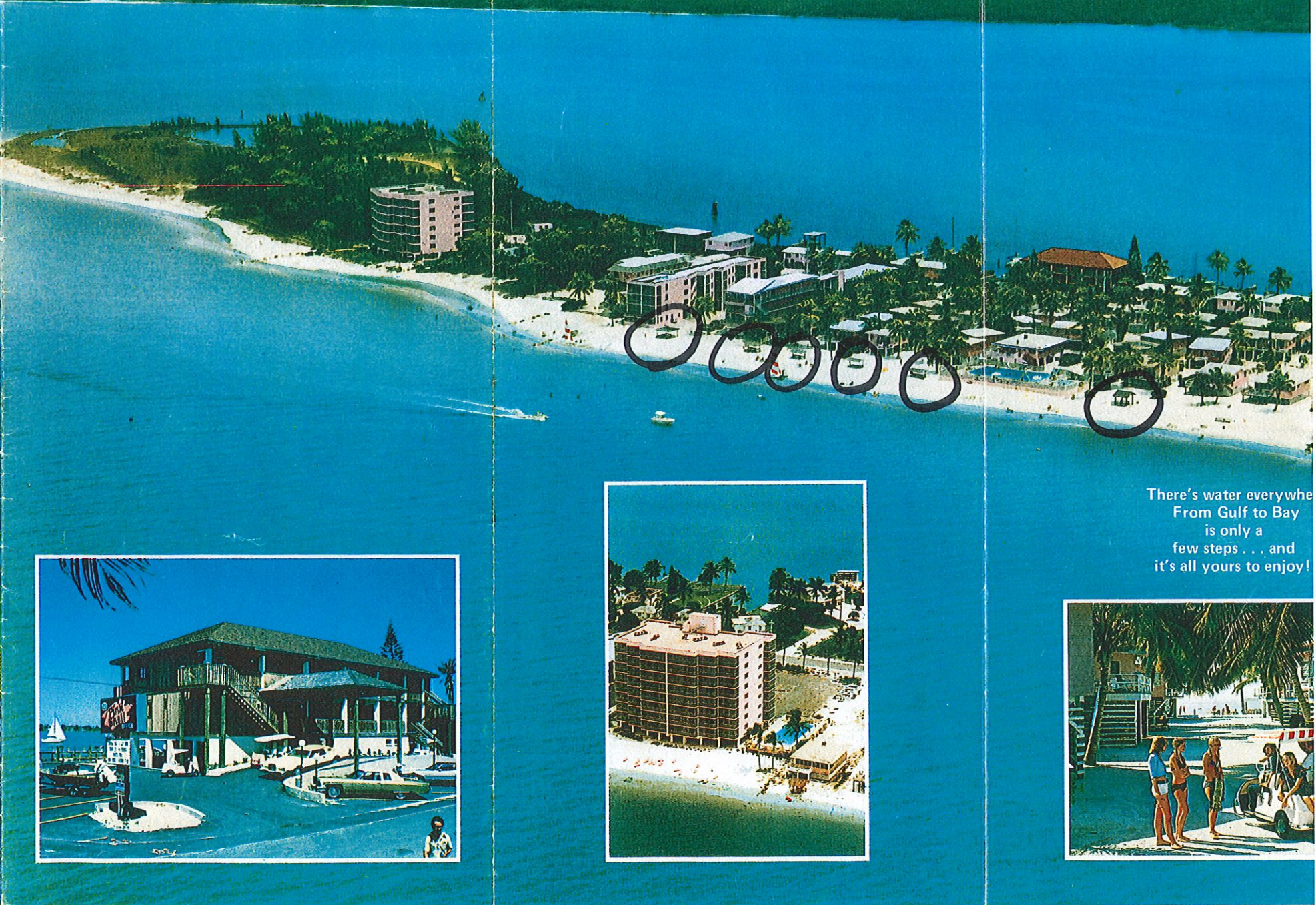
FORT MYERS BEACH, FL.

Pink Shell

Family Resort

ON ESTERO ISLAND

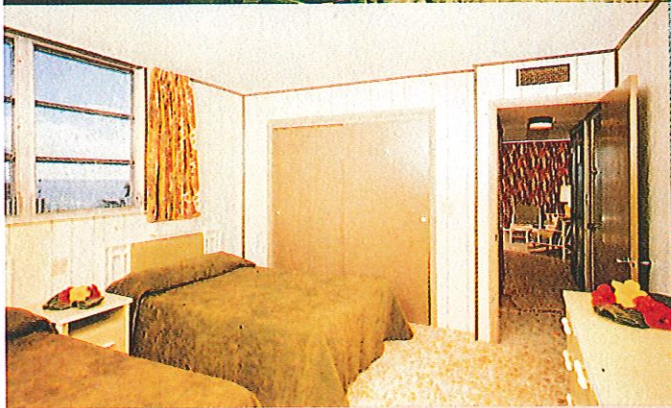
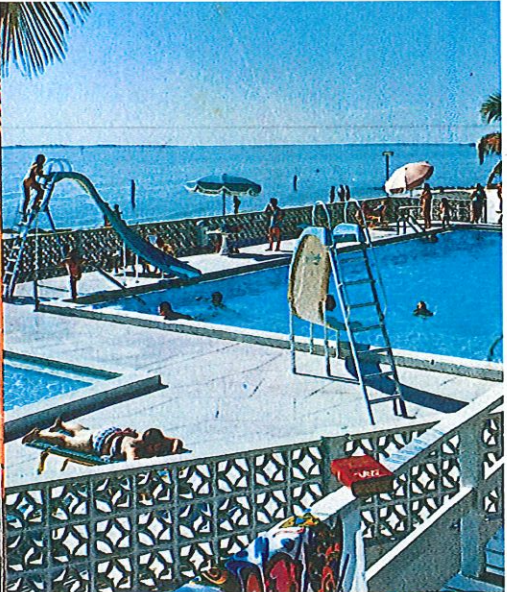
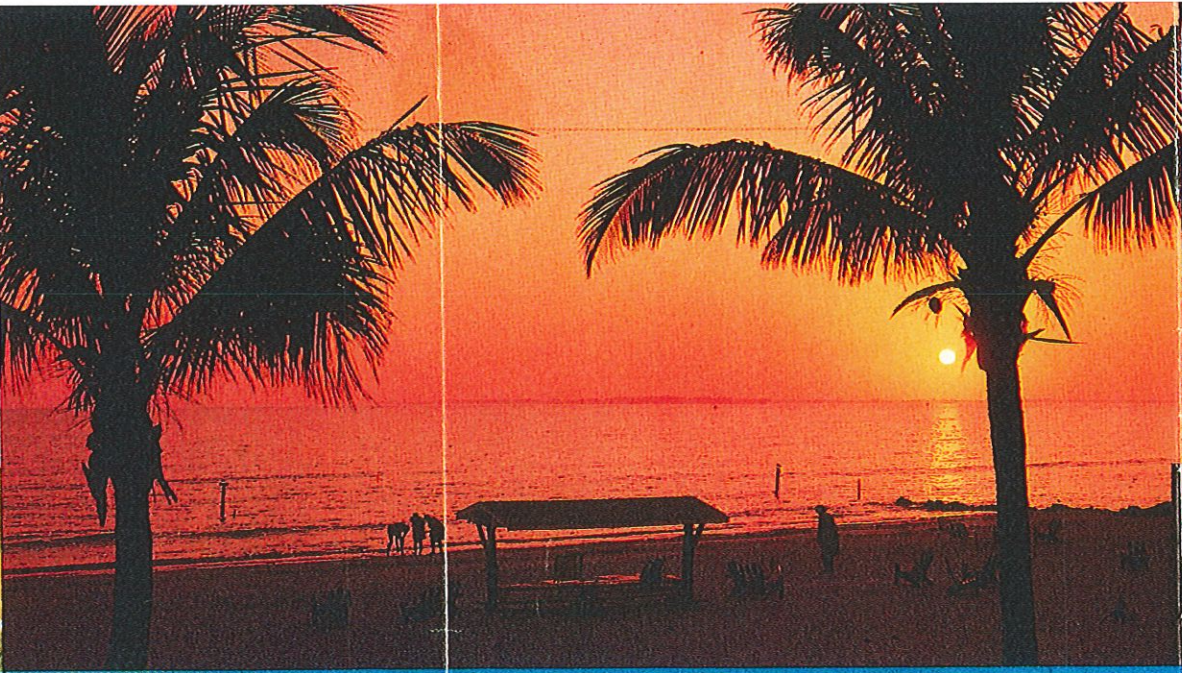
ONE STAY USUALLY MEANS MANY MORE



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 sear
bountiful shells found in this area. Th
seascape with shrimp boats coming an
picturesque, everchanging sunsets to r
delight your senses. It's a panorama c
as active, exciting or lazy and relaxing

There's water everywhere
From Gulf to Bay
is only a
few steps . . . and
it's all yours to enjoy!



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. W 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

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 & Address 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

☒ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ 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;



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.

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

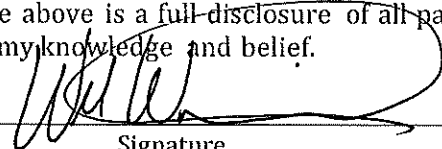
Date of Contract: _____

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

William Waichulis, Officer, JABO, LLC

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

JABO LLC and New Pink Shell LLC*

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

[Signature]
Signature

William Waichulis

Typed or Printed Name

President

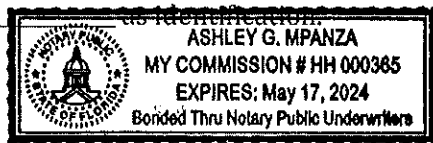
Title

10/30/23

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 30 day of October, 2023, by William Waichulis ☒ who is personally known to me OR ☐ who has produced



[Signature]
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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

☒ Mixed Residential

☐ Boulevard

☐ Pedestrian Commercial

☐ Marina

☒ Recreation

☐ Wetlands

☐ Platted Overlay

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.

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.

Denis M. Richardson
Notary Public, State of Florida at large.
My Commission expires Aug. 22, 1955

NOTES
● P.R.M.'s are 4" x 4" x 24" Concrete Monuments.
○ Indicates Concrete Monument set.

Both chord and arc distances are given on curved lines with angles to chords.

I hereby certify that this plat of UNIT NO. 4, ISLAND SHORES is true and correct according to a recent survey made and plotted 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 & Cothran, Ft. Myers, Florida

APPROVALS

This plat accepted this 17th day of October, 1951 in open meeting of the Board of County Commissioners of Lee County.

Approved: Wm. W. Hargrave Chairman
Ed. 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, of the public records of Lee County, Florida.

Ed. Farabee
Clerk of the Circuit Court in and for Lee County

135757

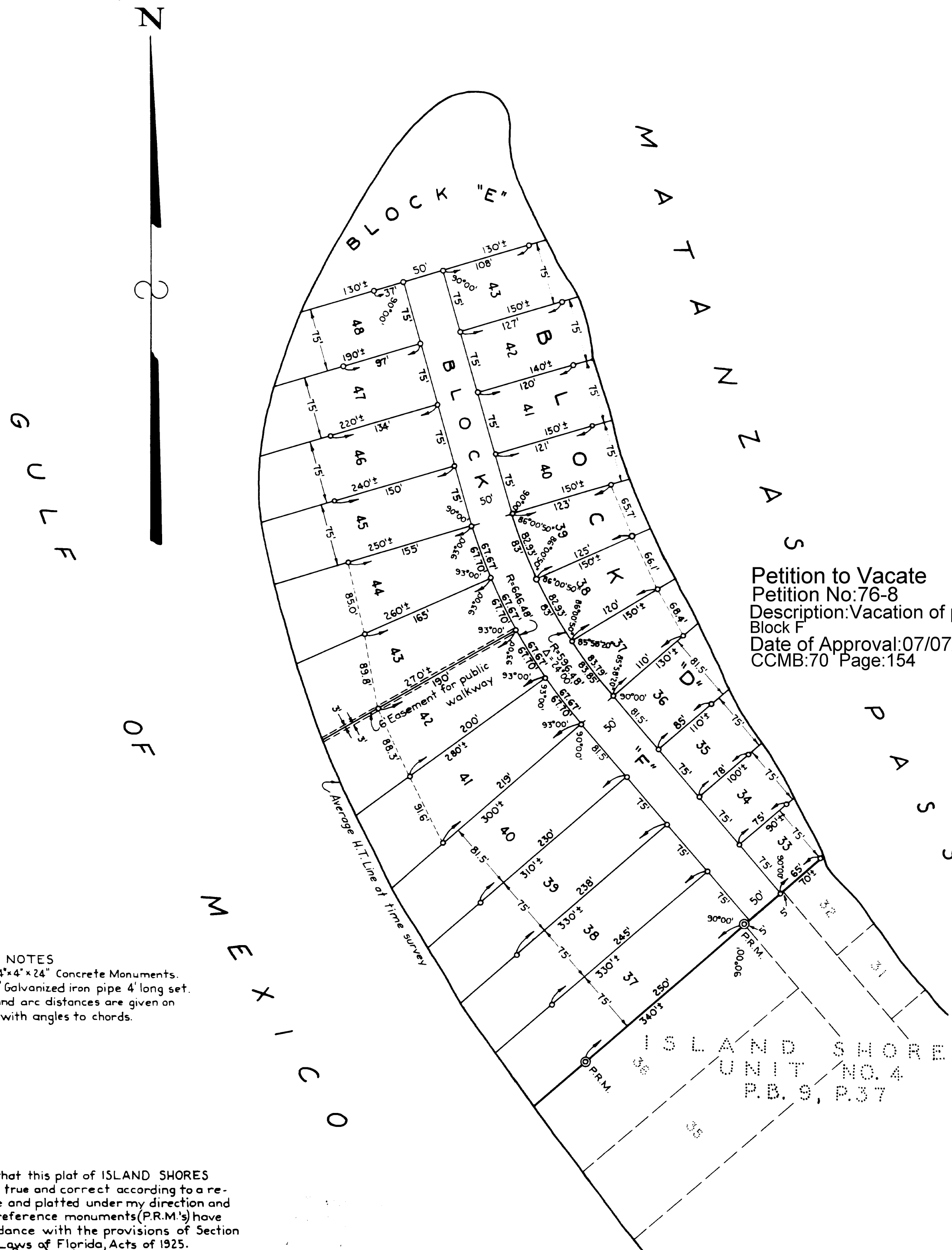
ISLAND SHORES CLUB SECTION

A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46 S, R23E

ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale: 1" = 100'

March 1952



NOTES
 —●— P.R.M.'s are 4"x4"x24" Concrete Monuments.
 —○— Indicates 1/4" 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.

Reg. Land Surveyor, Fla. Cert. No. 351
 Johnson & Cothorn, Fort Myers, Fla.

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 19th day of March, A.D. 1952.

WITNESS: *Francis J. J. Waltman* *John Waltman* SEAL

WITNESS: *Arthur J. Knudson 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 19th day of March A.D. 1952.

Arthur J. Knudson Jr.
 Notary Public, State of Florida at large
 My Commission expires July 22, 1955

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: *John Waltman*
 Chairman
D. J. Zarabue
 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 22nd day of March, A.D. 1952 and duly recorded in Plat Book 9, on Page 41 of the public records of Lee County, Florida.

D. J. Zarabue
 Clerk of the Circuit Court in and for Lee County

138 287

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

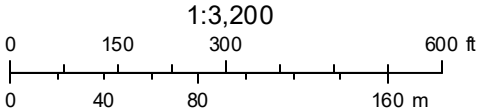


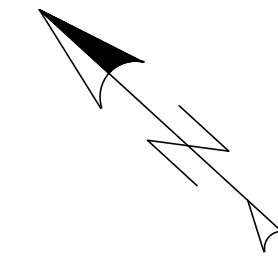
EXHIBIT 6-2

BOUNDARY SURVEY

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

Page 195 of 358

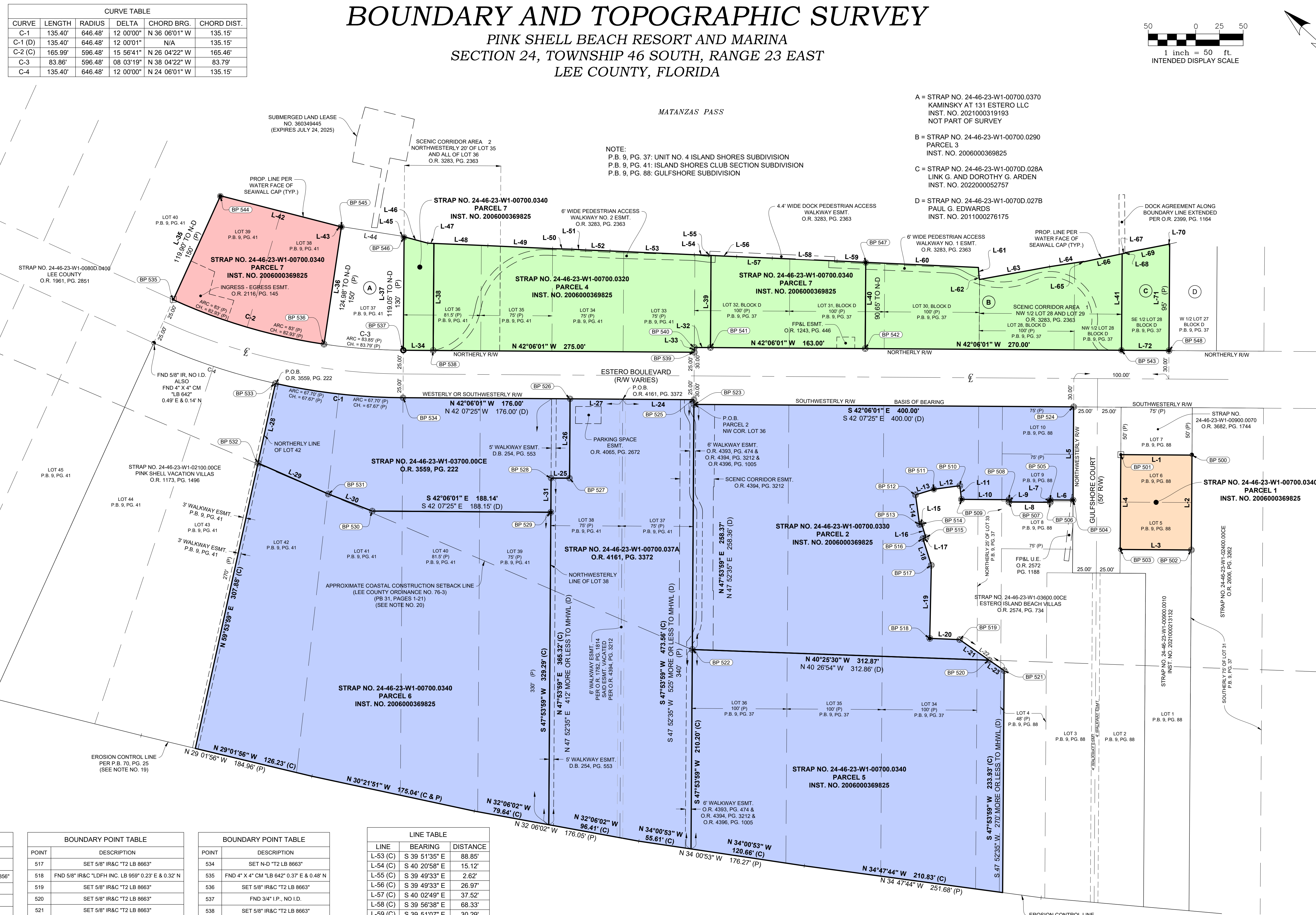
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



D = STRAP NO. 24-46-23-W1-0070D.027E
PAUL G. EDWARDS
INST. NO. 2011000276175

STRIAN ACCESS
NO. 2 ESMT. 4.4' WIDE

DOCK AGREEMENT ALONG
BOUNDARY LINE EXTENDED
PER O.R. 2399, PG. 1164



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	S 48 43'57" W	77.19'
L-19 (D)	S 48 42'33" W	77.19'
L-20	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	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	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 44'49" 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 71 53'59" E	120.40'
L-36	C 55 57'18" W	125.31'
L-37	C 47 53'59" E	119.62'
L-38	C 47 53'59" E	112.84'
L-39	C 47 53'59" E	97.11'
L-40	C 47 53'59" E	90.93'
L-41	C 47 53'59" E	101.69'
L-42	C 28 03'40" E	128.32'
L-43	C 33 27'35" E	3.16'
L-44	C 33 27'35" E	6.93'
L-45	C 27 24'31" E	23.91'
L-46	C 27 24'31" E	25.81'
L-47	C 50 05'39" E	6.54'
L-48	C 50 05'39" E	56.87'
L-49	C 39 51'05" E	68.23'
L-50	C 40 17'13" E	20.29'
L-51	C 39 30'18" E	14.62'
L-52	C 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 03'09"	N 38 04'22" W	83.79'
C-4	135.40'	646.48'	12 00'10"	N 24 06'01" W	135.15'

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
500	FND 12" IR, NO I.D., 0.09" E & 0.38" N
501	FND 6" ROUND CM W/ N-D, 1"NK ENG. PCP REF LB 856"
502	SET 5/8" IR&C "T2 LB 8663"
503	FND 12" 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 "LDHF INC. LB 959" 0.23° E & 0.32°
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 B42" 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 "LDHF 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	4.26'
L-70 (C)	S 55 27'10" E	16.77'
L-71 (C)	N 47 53'59" E	112.33'
L-72	N 42 06'01" W	50.00'

AREA TABLE

	= 8.40 ACRES
	= 0.17 ACRES
	= 1.80 ACRES
	= 0.43 ACRES
TOTAL 10.80 ACRES	

GULF OF MEXICO

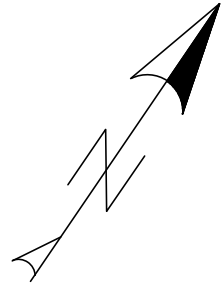
CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 1113
N. FORT MYERS, FLORIDA 33917

	COUNTY:	LEE	DWG. DATE:	2-9-2023	REVISION	DATE
	SEC.	24-46-23	SURVEY DATE:	3-13-2023	SHEET 2 ACREAGE TABLE	5-19-23
			DRAWN BY:	R.J.O.		
	DWG. NUMBER:	220702-04 - BNIDT	CHECKED BY:	S.U.I.		

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

2 of 4

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

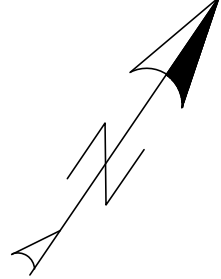
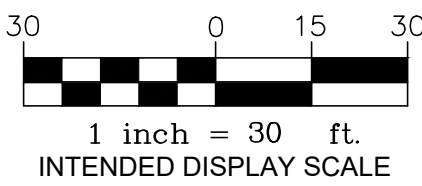
CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

COUNTRY:	LEE	DWG. DATE:	2-9-2023	REVISION	DATE
SEC.	24-46-23	SURVEY DATE:	3-13-2023	SHEET 2 ACREAGE TABLE	5-9-23
PROJECT NUMBER:	220702.04	DRAWN BY:	R.J.O.		
DWG. NUMBER:	220702.04 - BN0T	CHECKED BY:	S.U.		

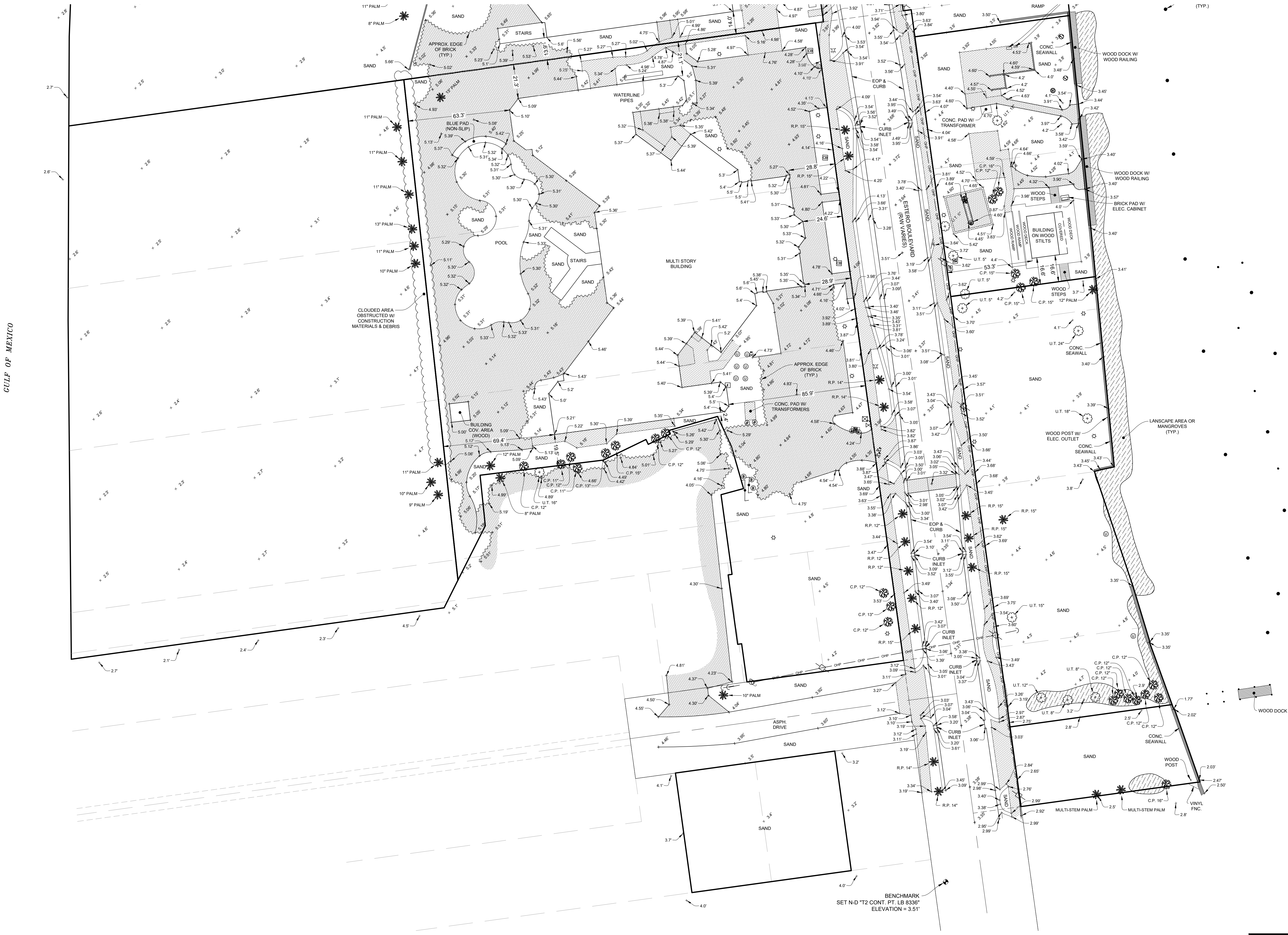
BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

BOUNDARY AND TOPOGRAPHIC SURVEY

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



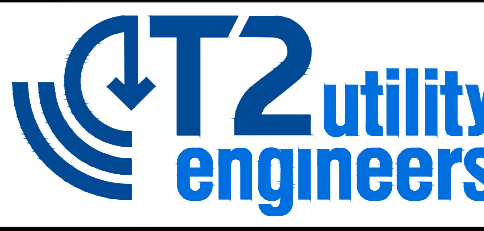
SEE SHEET 3 OF 4



CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

COUNTY:	LEE	DWG. DATE:	2-9-2023	REVISION	DATE	FOR:
SEC.	24-46-23	SURVEY DATE:	3-13-2023	SHEET 2 ACREAGE TABLE	△	5-19-23
PROJECT NUMBER:	220702.04	DRAWN BY:	R.J.O.		△	
DWG. NUMBER:	220702.04 - BNDT	CHECKED BY:	S.U.		△	

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

EXHIBIT 6-3

AREA LOCATION MAP

EXHIBIT 6-3
AREA LOCATION MAP



October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

-  Hospital Locations

 Library Locations

 School Locations

 CCC_Parks
-  County Boundary

 Major Roads Medium

 I - 75
-  US 41

 Other Highways

 Other Roads

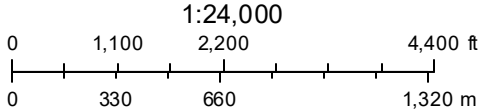
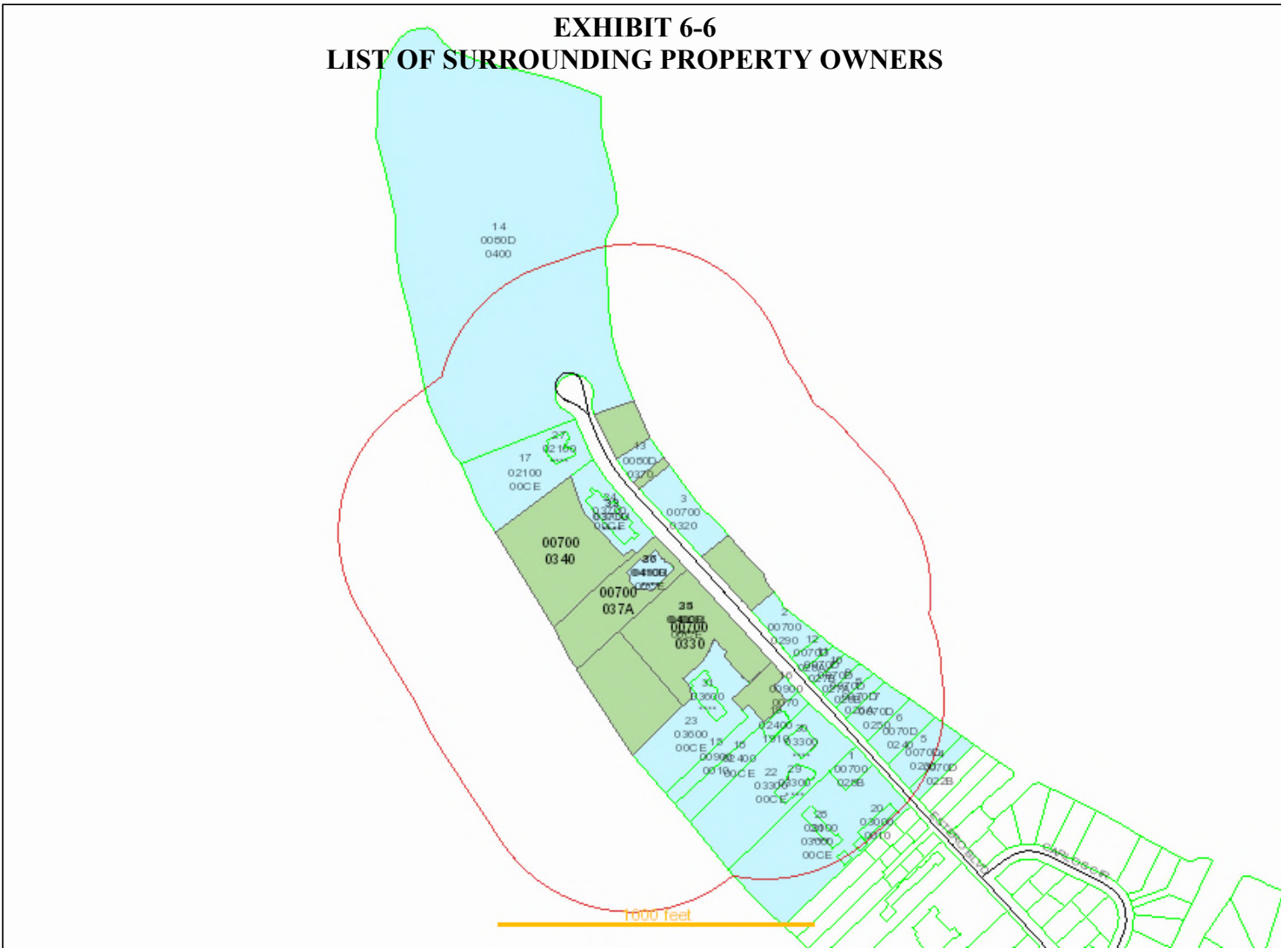


EXHIBIT 6-6

LIST OF SURROUNDING PROPERTY OWNERS

EXHIBIT 6-6 **LIST OF SURROUNDING PROPERTY OWNERS**



Date of Report: October 19, 2023

Buffer Distance: 500 feet

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 VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	24-46-23-W1-00700.028B 406 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 PB 9 PG 37 LOT PT 28	1
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0290 251-281 ESTERO BLVD 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 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0320 171-191 ESTERO BLVD 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 220 EMERSON PL #201 DAVENPORT IA 52801	24-46-23-W1-0070D.022B 431 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 NWLY 50 FT LOT 22	4

MCCHESNEY KEVIN E TR 417 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0070D.0230 417 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 LOT 23	5
SILVER KING VENTURES LLC 353 CLIFTON AVE KINGSTON NY 12401	24-46-23-W1-0070D.0240 405 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 LOT 24	6
385 ESTERO BLVD LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	24-46-23-W1-0070D.0250 385 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 LOT 25	7
DAVIS JAMES & KIMBERLY 327 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0070D.026A 327 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 E 1/2 LOT 26	8
COOPER FMB LLC PO BOX 501 HOWELL MI 48844	24-46-23-W1-0070D.026B 325 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 W 1/2 LOT 26	9
HOLSEM JACK 505 JACKSON ST GRANDVILLE MI 49418	24-46-23-W1-0070D.027A 319 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 E 1/2 LOT 27	10
EDWARDS PAUL G L/E 315 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0070D.027B 315 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 W 1/2 LOT 27	11
JABO LLC 275 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0070D.028A 309 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 THE SELY 1/2 LOT 28	12
KAMINSKIY AT 131 ESTERO LLC 12463 RANCHO BERNARDO RD #237 SAN DIEGO CA 92128	24-46-23-W1-0080D.0370 131/133 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC BLK D PB 9 PG 41 LOT 37	13
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W1-0080D.0400 50/58 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC BLK D PB 9 PG 41 LTS 40-43 BLK E + BLK F LTS 45-48	14
ZENG GORDAN G & ZHU DONGHE + 145 LAWRENCE DR SHORT HILLS NJ 07078	24-46-23-W1-00900.0010 324 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF SHORE PB 9 PG 88 LOT 1	15
JAMES F BRYANT TRUST + 27 FOREST BAY LN CICERO IN 46034	24-46-23-W1-00900.0070 320 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF SHORE SUBD PB 9 PG 88 LOT 7	16
PINK SHELL VACATION VILLAS SUITOR MIDDLETON COX & ASSOC 15751 SAN CARLOS BLVD STE 8 FORT MYERS FL 33908	24-46-23-W1-02100.00CE 102 ESTERO BLVD FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS COMMON AREA OR 1173 PG 1496	17
PINK SHELL BEACH CLUB CONDO 275 ESTERI BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-02400.00CE 328 ESTERO BLVD FORT MYERS BEACH FL 33931	PINK SHELL BEACH CLUB I CONDO A TIME-SHARE COMMON AREA DESC IN OR BK 2606 PG 3252	18
PINK SHELL BEACH CLUB VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	24-46-23-W1-02400.1910 326 ESTERO BLVD #191 FORT MYERS BEACH FL 33931	PINK SHELL BEACH CLUB I A TIME-SHARE OR1429-2219 UNITS 191-593 / 15 UNITS	19
WINDWARD PASSAGE RESORT VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	24-46-23-W1-03000.0010 418 ESTERO BLVD FORT MYERS BEACH FL 33931	WINDWARD PASSAGE RESORT A TIME-SHARE OR1578-0728 UNIT 1 THRU 408 / 52 UNITS	20
WINDWARD PASSAGE RESORT 418 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-03000.00CE 420 ESTERO BLVD FORT MYERS BEACH FL 33931	WINDWARD PASSAGE RESORT CONDO A TIME-SHARE COMMON AREA OR BK 1578 PG 0728	21
ISLAND SHORES CONDO 394 ESTERO BLVD	24-46-23-W1-03300.00CE 394 ESTERO BLVD	ISLAND SHORES CONDO COMMON AREA	22

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	DESC OR BK 1817 PG 1137 + CPB 12 PG 34	
ESTERO ISLAND BEACH VILLAS CONDO PHASES 1 + 2 250 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-03600.00CE 252 ESTERO BLVD FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS CONDO PHS 1+2 DESC OR2574 PG0734 CE:LAND ONLY	23
SANIBEL VIEW VILLAS CONDO ASOC	24-46-23-W1-03700.00CE 142 ESTERO BLVD FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO AS DESC IN OR 3559 PG 222 COMMON ELEMENTS	24
WHITE SAND VILLAS CONDO ASSN 200 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-04000.00CE 202 ESTERO BLVD FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 COMMON ELEMENTS	25
CAPTIVA VILLAS 275 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-04100.00CE 192 ESTERO BLVD FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COMMON ELEMENT	26
FUN & SUN LLC PO BOX 07264 FORT MYERS FL 33919	24-46-23-W1-02100.1310 100 ESTERO BLVD #131 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 131	27
100 ESTERO BLVD LLC 844 TENACITY DR LONGMONT CO 80504	24-46-23-W1-02100.1320 100 ESTERO BLVD #132 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 132	27
BAGGOT HOLLY S & ANDREW P 6644 N CHICKAHAUK TRL MIDDLETON WI 53562	24-46-23-W1-02100.1330 100 ESTERO BLVD #133 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 133	27
WALTERS CHRISTINE 224 CARRANZA RD TABERNACLE NJ 08088	24-46-23-W1-02100.1340 100 ESTERO BLVD #134 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 134	27
BURNS ROBERT & 5965 BAKER CT FORT MYERS FL 33919	24-46-23-W1-02100.1350 100 ESTERO BLVD #135 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 135	27
STEDER PATRICIA B + 9820 STERLING DR CUTLER BAY FL 33157	24-46-23-W1-02100.2310 100 ESTERO BLVD #231 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 231	27
UNKNOWN HEIRS OF 582 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-02100.2320 100 ESTERO BLVD #232 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 232	27
TTK ENTERPRISES LLC 15 TREMORE WAY HOLLAND OH 43528	24-46-23-W1-02100.2330 100 ESTERO BLVD #233 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 233	27
HARRIS ELSIE KAY + 1043 HEATHER HILLS LN LEXINGTON KY 40511	24-46-23-W1-02100.2340 100 ESTERO BLVD #234 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 234	27
A&H 100 ESTERO FMB LLC 6644 N CHICKAHAUK TRAIL MIDDLETON WI 53562	24-46-23-W1-02100.2350 100 ESTERO BLVD #235 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 235	27
STIGEN REED A & VICKI L 711 NORTHRIDGE WAY WEST FARGO ND 58078	24-46-23-W1-02100.3310 100 ESTERO BLVD #331 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 331	27
ALMAGUER SUZANNE DAVIS 5541 NW 49TH TER COCONUT CREEK FL 33073	24-46-23-W1-02100.3320 100 ESTERO BLVD #332 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 332	27
TTK ENTERPRISES LLC 15 TREMORE WAY HOLLAND OH 43528	24-46-23-W1-02100.3330 100 ESTERO BLVD #333 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 333	27
SCHOLZ W W & ANGELA L 105 BENTLEY DR LATHAM NY 12110	24-46-23-W1-02100.3340 100 ESTERO BLVD #334 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 334	27

CASSIDY RICHARD + 65-25 160TH ST #20B FRESH MEADOWS NY 11365	24-46-23-W1-02100.3350 100 ESTERO BLVD #335 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 335	27
OULDERSLUYS CAROL S TR 7117 PELICAN BAY BLVD #1901 NAPLES FL 34108	24-46-23-W1-02100.4310 100 ESTERO BLVD #431 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 431	27
CICCONE NATALE + 1239 CEDAR RD SOUTHPORT CT 06890	24-46-23-W1-02100.4320 100 ESTERO BLVD #432 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 432	27
MCGINNITY MARTHA TR 440 CARROLLWOOD DR TARRYTOWN NY 10591	24-46-23-W1-02100.4330 100 ESTERO BLVD #433 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 433	27
RYFFEL-KRAGH AMY 23939 WINBERLY OAK SAN ANTONIO TX 78261	24-46-23-W1-02100.4340 100 ESTERO BLVD #434 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 434	27
SHEPKA ELYSE + 1642 S FOUNTAINHEAD RD FORT MYERS FL 33919	24-46-23-W1-02100.4350 100 ESTERO BLVD #435 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 435	27
RYREAL FLORIDA LLC MARY K HERMAN 27 STANTON LN STAMFORD CT 06902	24-46-23-W1-02100.5310 100 ESTERO BLVD #531 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 531	27
FLANAGAN MICHAEL P & ANNA L TR 18104 BLUE HERON POINTE DR NORTHVILLE MI 48168	24-46-23-W1-02100.5320 100 ESTERO BLVD #532 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 532	27
SCHULTE WAYNE D & PO BOX 268 ELLSWORTH WI 54011	24-46-23-W1-02100.5330 100 ESTERO BLVD #533 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 533	27
SCROGGIE PHYLLIS T TR PO BOX 61596 FORT MYERS FL 33906	24-46-23-W1-02100.5340 100 ESTERO BLVD #534 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 534	27
REGGIE 535 LLC 2353 GREENWOOD RD NORTHBROOK IL 60062	24-46-23-W1-02100.5350 100 ESTERO BLVD #535 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 535	27
PINK SHELL PROPERTIES LLC MOIRA FAHEY-ULLRICH 94 LOWER LOCH VISTA DR WILLIAMS BAY WI 53191	24-46-23-W1-02100.6310 100 ESTERO BLVD #631 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 631	27
MERVIN + MELISSA LARSON TRUST 4 FIRST ST EXCELSIOR MN 55331	24-46-23-W1-02100.6320 100 ESTERO BLVD #632 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 632	27
CMME PROPERTIES LLC 9523 CLAYCHIN CT BURKE VA 22015	24-46-23-W1-02100.6330 100 ESTERO BLVD #633 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 633	27
AGUIRRE PENNY J TR 8424 40TH AVE N NEW HOPE MN 55427	24-46-23-W1-02100.6340 100 ESTERO BLVD #634 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 634	27
TL 5109 LLC 180 WASHINGTON ST GOLDEN CO 80403	24-46-23-W1-02100.6350 100 ESTERO BLVD #635 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 635	27
SEARENITY WPR LLC RAYMOND HUNT 7N982 CLOVERFIELD DR SAINT CHARLES IL 60175	24-46-23-W1-03000.5010 418 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	WINDWARD PASSAGE RESORT CONDO OR 1578 PG 728 UNIT 501	28
FRITZ LAURA L TR 814 W MOUNT PLEASANT RD	24-46-23-W1-03000.5020 418 ESTERO BLVD #502	WINDWARD PASSAGE RESORT CONDO OR 1578 PG 728	28

EVANSVILLE IN 47711	FORT MYERS BEACH FL 33931	UNIT 502	
SCHERER DEBRA E TR 18215 LANSFORD PATH LAKEVILLE MN 55044	24-46-23-W1-03300.1010 394 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 101	29
BORNEMAN DAVID C & DINA E 394 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.1020 394 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 102	29
FIGURA MICHAEL A & CAROL A 394 ESTERO BLVD # 103 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.1030 394 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 103	29
ROBINSON CAROL L TR + 105 CROSSBOW TRAILS LAWRENCEBURG IN 47025	24-46-23-W1-03300.1040 394 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 104	29
YORDY MICHAEL E TR 26700 BROADWAY RD MORTON IL 61550	24-46-23-W1-03300.2010 394 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 201	29
ROHRBACHER MICHAEL & 394 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.2020 394 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 202	29
LOVELESS ENTERPRISES INC 210 SPRINGFIELD RD GILLESPIE IL 62033	24-46-23-W1-03300.2030 394 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 203	29
DANGELO JANE M TR 394 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.2040 394 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 204	29
KING MICHAEL G PO BOX 3001 DUBLIN OH 43016	24-46-23-W1-03300.3010 394 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 301	29
DIFFLEY CHRISTOPHER P & 394 ESTERO BLVD # 302 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.3020 394 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 302	29
ARENS ROBERT W TR 11431 LONGWATER CHASE CT FORT MYERS FL 33908	24-46-23-W1-03300.3030 394 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 303	29
MAREK CHARLES B JR + 4021 BAY DR MIDDLE RIVER MD 21220	24-46-23-W1-03300.3040 394 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 304	29
KRINKIE JODETTE M & BRUCE J TR 6881 BLACKDUCK DR LINO LAKES MN 55014	24-46-23-W1-03300.4010 394 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 401	29
CATHERINE G SCHOLZ 2007 TRUST 5 FIDDLEHEAD LN WAYLAND MA 01778	24-46-23-W1-03300.4020 394 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 402	29
BARNHART DAVID W PO BOX 14536 MINNEAPOLIS MN 55414	24-46-23-W1-03300.4030 394 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 403	29
MIDDLESWARTH DAVID B TR 500 MEADOW LN MIDDLEBURG PA 17842	24-46-23-W1-03300.4040 394 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 404	29
BENES ANDREW C TR 1127 HIGHLAND POINTE DR SAINT LOUIS MO 63131	24-46-23-W1-03300.5010 394 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 501	29
BENES ANDREW C & JENNIFER J 1127 HIGHLAND POINTE DR SAINT LOUIS MO 63131	24-46-23-W1-03300.5020 394 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 502	29
GERMAN PATRICIA A TR 394 ESTERO BLVD #503	24-46-23-W1-03300.5030 394 ESTERO BLVD #503	ISLAND SHORES CONDO OR 1817 PG 1137	29

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNIT 503	
CAPENIGRO ANTHONY T & 22W160 PINEGROVE CT GLEN ELLYN IL 60137	24-46-23-W1-03300.5040 394 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 504	29
LLOYD JOHN D & STEPHANIE J TR 15725 OREGON AVE PRIOR LAKE MN 55372	24-46-23-W1-03300.6010 394 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 601	29
LLOYD JOHN D & STEPHANIE J TR 15275 OREGON AVE PRIOR LAKE MN 55372	24-46-23-W1-03300.6020 394 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 602	29
MIDDLESWARTH DAVID B 500 MEADOW LN MIDDLEBURG PA 17842	24-46-23-W1-03300.6030 394 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 603	29
MILLIRON GRANT E TR 2384 STATE ROUTE 39 NW MANSFIELD OH 44903	24-46-23-W1-03300.6040 394 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 604	29
SIEVERTSEN DOLORES C TR 15492 LEONARD RD SPRING LAKE MI 49456	24-46-23-W1-03300.1050 392 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 105	30
EASTON FAMILY LLC 24523 WEST PELLINORE DR JOLIET IL 60404	24-46-23-W1-03300.1060 392 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 106	30
EASTON MELODEE M TR 24523 W PELLINORE DR JOLIET IL 60404	24-46-23-W1-03300.1070 392 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 107	30
ENGELSMAN JAMES + RHONDA TR 1184 64TH AVE ZEELAND MI 49464	24-46-23-W1-03300.2050 392 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 205	30
HENSLEY DANIEL L & SHERYL L/E PO BOX 547 MOUND MN 55364	24-46-23-W1-03300.2060 392 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 206	30
STOOPS JEFFREY E + 3808 CLAYBROOK CT BARGERSVILLE IN 46106	24-46-23-W1-03300.2070 392 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 207	30
WELLS GWENDOLYN M + 4021 BAY DR MIDDLE RIVER MD 21220	24-46-23-W1-03300.3050 392 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 305	30
ANGELA M ROCHE TRUST + 2243 RE PINE LN SW ROCHESTER MN 55902	24-46-23-W1-03300.3060 392 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 306	30
LIOTTA SAVATORE & CONCETTA 6 OAK BROOK CLUB DR APT J101 OAK BROOK IL 60523	24-46-23-W1-03300.3070 392 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 307	30
STUTZ SHARON A TR 47790 STATE ROUTE 162 WELLINGTON OH 44090	24-46-23-W1-03300.4050 392 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 405	30
COVERT ROBERT & LOUISE B TR 9403 GIBSON DR POWELL OH 43065	24-46-23-W1-03300.4060 392 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 406	30
DEMARY JULE A + 930 VILLAGE BROOK WAY COLUMBUS OH 43235	24-46-23-W1-03300.4070 392 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 407	30
CALUSA LLC 22774 CITATION RD FRANKFORT IL 60423	24-46-23-W1-03300.5050 392 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 505	30
MCK HOLDINGS (2018) LIMITED 200140 SIDE RD 10 RR 1	24-46-23-W1-03300.5060 392 ESTERO BLVD #506	ISLAND SHORES CONDO OR 1817 PG 1137	30

SHALLOW LAKE ON N0H 2K0 CANADA	FORT MYERS BEACH FL 33931	UNIT 506	
WIESSING CAROL S TR 2403 LOWELL AVE SPRINGFIELD IL 62704	24-46-23-W1-03300.5070 392 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 507	30
LANDISI ANNE MARIE T 392 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.6050 392 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 605	30
MCSPEDON TRUST 750 RUSHMORE AVE MAMARONECK NY 10543	24-46-23-W1-03300.6060 392 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 606	30
NUNN JOYCE M TR 392 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	24-46-23-W1-03300.6070 392 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 607	30
BOERMAN DANIEL J + 2420 DAVEY RD WOODRIDGE IL 60517	24-46-23-W1-03600.1010 250 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 101	31
MASSEY STEVEN MICHAEL & 1864 SUMMIT LANE MENDOTA HEIGHTS MN 55118	24-46-23-W1-03600.1020 250 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 102	31
JOHNSON GORDON R & HOPE Y TR 6409 DORON LN EDINA MN 55439	24-46-23-W1-03600.1030 250 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 103	31
FM BEACH LLC 4441 CORNWELL LN WHITMORE LAKE MI 48189	24-46-23-W1-03600.1040 250 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 104	31
HULL PETER H + 1982 AUTUMN BROOK TRL HINCKLEY OH 44233	24-46-23-W1-03600.1050 250 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 105	31
ANDREW W PLACE TRUST + 1628 ROCK WOOD LN MISHAWAKA IN 46545	24-46-23-W1-03600.1060 250 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 106	31
BASSEL ROBERT N & 9008 HACK RD CLINTON MI 49236	24-46-23-W1-03600.2010 250 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 201	31
SHAFFER RICHARD TR PO BOX 3075 FORT MYERS BEACH FL 33932	24-46-23-W1-03600.2020 250 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 202	31
ZASTROW TODD W & LYNN P 1051 N JAMEY LN ADDISON IL 60101	24-46-23-W1-03600.2030 250 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 203	31
SCHUBERT CHARLES B & AMY L 344 HAMBLETONIAN DR OAK BROOK IL 60523	24-46-23-W1-03600.2040 250 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 204	31
MURRAY WILLIS OLTMAN TRUST + 36490 OLD MILL BRIDGE RD FRANKFORD DE 19945	24-46-23-W1-03600.2050 250 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 205	31

SEQUEIRA THOMAS M & 6960 NORVALE CIR W GATES MILLS OH 44040	24-46-23-W1-03600.2060 250 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 206	31
KOUMJIAN RICHARD H & 14220 ROYAL HARBOUR CT #511 FORT MYERS FL 33908	24-46-23-W1-03600.3010 250 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 301	31
TOWNSEND TREASURE LLC 3516 YORK RD OAK BROOK IL 60523	24-46-23-W1-03600.3020 250 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 302	31
MALOCO LLC 36 SUFFOLK DR SAINT CHARLES MO 63301	24-46-23-W1-03600.3030 250 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 303	31
ODONELL WILLIAM M & 415 COLFAX AVE CLARENDON HILLS IL 60514	24-46-23-W1-03600.3040 250 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 304	31
FAHY BRYAN 421 OCEAN BLVD #5N HAMPTON NH 03842	24-46-23-W1-03600.3050 250 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 305	31
WALZ PATRICIA M TR 20363 CARA AVE CASSOPOLIS MI 49031	24-46-23-W1-03600.3060 250 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 306	31
WALZ JAMES E & MARGERY L 9250 BAYBERRY BEND APT 201 FORT MYERS FL 33908	24-46-23-W1-03600.4010 250 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 401	31
JAKOVY PROPERTIES LLC 1264 CANDLEWOOD CT DOWNERS GROVE IL 60515	24-46-23-W1-03600.4020 250 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 402	31
J + L BOWEN LLC 1613 CAROLINA ORCHARDS BLVD FORT MILL SC 29715	24-46-23-W1-03600.4030 250 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 403	31
PETH NICHOLAS A 1629 E STATE ROUTE 73 WAYNESVILLE OH 45068	24-46-23-W1-03600.4040 250 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 404	31
M LANE FARMS LLC 1456 E 1000 NORTH RD TAYLORVILLE IL 62568	24-46-23-W1-03600.4050 250 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 405	31
CLENNON LAWRENCE 20641 W COUNTY RD WILMINGTON IL 60481	24-46-23-W1-03600.4060 250 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 406	31
WENTWORTH JEFFREY R 3630 LOWER SPRINGBORO RD WAYNESVILLE OH 45068	24-46-23-W1-03600.5010 250 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 501	31
ANDREWS BERNARD C TR 8355 CHESAPEAKE DR	24-46-23-W1-03600.5020 250 ESTERO BLVD #502	ESTERO ISLAND BEACH VILLAS	31

NORTH RIDGEVILLE OH 44039	FORT MYERS BEACH FL 33931	DESC OR2574 PG 0734 PH 1 UNIT 502	
CONNOLLY PAUL A & 5780 WILLOW LN N SHOREVIEW MN 55126	24-46-23-W1-03600.5030 250 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 503	31
TOWNSEND DOUGLAS Y 2060 COMMERCE DR SIDNEY OH 45365	24-46-23-W1-03600.5040 250 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 504	31
SANDCASTLE BEACH PROPERTIES LL 11887 WILLIAMS COUNTY RD 15 MONTPELIER OH 43543	24-46-23-W1-03600.5050 250 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 505	31
DOAN BEVERLY CLARKE & 9737 WADSWORTH BLVD WESTMINSTER CO 80021	24-46-23-W1-03600.5060 250 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 506	31
SCHUBERT CHARLES & AMY 344 HAMLETONIAN DR OAK BROOK IL 60523	24-46-23-W1-03600.6010 250 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 601	31
LEVEE STUART E & CAROL A 9217 WILLOWCREST CT FORT MYERS FL 33908	24-46-23-W1-03600.6020 250 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 602	31
LAIRMORE BRANDON & BRANDI 7651 COLDSTREAM WOODS DR CINCINNATI OH 45255	24-46-23-W1-03600.6030 250 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 603	31
SEQUEIRA THOMAS M & 6960 NORVALE CIR W GATES MILLS OH 44040	24-46-23-W1-03600.6040 250 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 604	31
RUCKER JOHN T & LOUSIE 5792 ROYAL LYTHAM CT DUBLIN OH 43017	24-46-23-W1-03600.6050 250 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 605	31
T JOY RENTALS LLC 211 W HIGH ST BRYAN OH 43506	24-46-23-W1-03600.6060 250 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 606	31
KM INVESTMENTS LLC 1721 W BIKE ST BREMEN IN 46506	24-46-23-W1-03600.7010 250 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 701	31
MANAGER LINK LLC 3404 ADAMS RD OAK BROOK IL 60523	24-46-23-W1-03600.7020 250 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 702	31
SWEET SAMUEL & KATHLEEN A 1595 JOHN PAUL CT OXFORD MI 48371	24-46-23-W1-03600.7030 250 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 703	31
FINISH STRONG LLC 673 CADDE TRAIL SCROGGINS TX 75480	24-46-23-W1-03600.7040 250 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 704	31

VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-03600.7050 250 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 705	31
BROWN DAVID L TR 13 WARD LN CINCINNATI OH 45246	24-46-23-W1-03600.7060 250 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 706	31
DEUTSCH RANDALL P & KAREN M 1524 WATERFORD RD NORTH AURORA IL 60542	24-46-23-W1-03700.2101 140 ESTERO BLVD #2101 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2101	32
LAYMAN JOSEPH E & MONICA B TR 140 ALLEN ST WALWORTH WI 53184	24-46-23-W1-03700.2102 140 ESTERO BLVD #2102 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2102	32
PREMIUM PROPERTIES LP 440 W CAIRNS ST ELLSWORTH WI 54011	24-46-23-W1-03700.2103 140 ESTERO BLVD #2103 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2103	32
JOSEPH N NAMOUR TRUST + 18340 CREEK DR FORT MYERS FL 33908	24-46-23-W1-03700.2104 140 ESTERO BLVD #2104 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2104	32
KLB HOLDINGS LLC 6041 NORTH LINDBERG HAZELWOOD MO 63042	24-46-23-W1-03700.2105 140 ESTERO BLVD #2105 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2105	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2106 140 ESTERO BLVD #2106 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2106	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2107 140 ESTERO BLVD #2107 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2107	32
MASON GEORGE E & ALICIA D L/E 3436 COUNTRYSIDE PATH THE VILLAGES FL 32163	24-46-23-W1-03700.2108 140 ESTERO BLVD #2108 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2108	32
SHEMROSKE JIM & LISA J + 13412 ROUND BARD RD PLAINFIELD IL 60585	24-46-23-W1-03700.2109 140 ESTERO BLVD #2109 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2109	32
FICK RICHARD C & CAROLINE T 4311 WIMBLEDON DR HARRISBURG PA 17112	24-46-23-W1-03700.2110 140 ESTERO BLVD #2110 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2110	32
CLIFFORD DANIEL EUGENE & 1442 194TH AVE BALSAM LAKE WI 54810	24-46-23-W1-03700.2111 140 ESTERO BLVD #2111 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2111	32
TRIEGLAFF MARK A 915 EDDY CT WHEATON IL 60187	24-46-23-W1-03700.2112 140 ESTERO BLVD #2112 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2112	32
ATKINSON SUSAN MARY 8 FIELDWAY RD STE 614 TORONTO ON M8Z 0C3 CANADA	24-46-23-W1-03700.2201 140 ESTERO BLVD #2201 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2201	32
ABDULLAH AFZAL 6136 EAGLE RIDGE CT BETTENDORF IA 52722	24-46-23-W1-03700.2202 140 ESTERO BLVD #2202 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2202	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2203 140 ESTERO BLVD #2203 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2203	32
FREEDOM LIBERTY PROPERTIES LLC	24-46-23-W1-03700.2204 140 ESTERO BLVD #2204	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222	32

26072 N HILL AVE WAUCONDA IL 60084	FORT MYERS BEACH FL 33931	UNIT 2204	
ZACHARIAS KENNETH R & 16 EDMUND ST GREEN BAY WI 54302	24-46-23-W1-03700.2205 140 ESTERO BLVD #2205 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2205	32
RICHTER JULIETTE TR 1832 BANK ST BALTIMORE MD 21231	24-46-23-W1-03700.2206 140 ESTERO BLVD #2206 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2206	32
RICHTER FRANK J & LORETTA M 647 SIGNAL HILL RD BARRINGTON IL 60010	24-46-23-W1-03700.2207 140 ESTERO BLVD #2207 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2207	32
WIEDER FLORENCE + ROBERT TR 3614 KINGS CROWN BLVD FORT MYERS FL 33908	24-46-23-W1-03700.2208 140 ESTERO BLVD #2208 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2208	32
HART RANDALL D + NEW YORK LIFE 153 S MAIN ST COLUMBIANA OH 44408	24-46-23-W1-03700.2209 140 ESTERO BLVD #2209 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2209	32
DAVIS ALAN & JANET 2560 MATTHEW JOHN DR DUBUQUE IA 52002	24-46-23-W1-03700.2210 140 ESTERO BLVD #2210 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2210	32
BAER DENNIS L TR 1418 SAND CASTLE RD SANIBEL FL 33957	24-46-23-W1-03700.2211 140 ESTERO BLVD #2211 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2211	32
ZURI CAY LLC 1650 LILAC LANE SW BYRON MN 55920	24-46-23-W1-03700.2212 140 ESTERO BLVD #2212 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2212	32
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2301 140 ESTERO BLVD #2301 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2301	32
GOWDY WILLIAM G & JEAN B 12737 IVORY STONE LOOP FORT MYERS FL 33913	24-46-23-W1-03700.2302 140 ESTERO BLVD #2302 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2302	32
HEMBROUGH JOSHUA HOWARD & 505 EMILIE DR LAFAYETTE IN 47906	24-46-23-W1-03700.2303 140 ESTERO BLVD #2303 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2303	32
OLESCYSKI JAIME ALLEN 109 MANIZAKS AVE PUNTA GORDA FL 33983	24-46-23-W1-03700.2304 140 ESTERO BLVD #2304 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2304	32
FRANCIS1704 LLC 709 CAPE CORAL PKWY W CAPE CORAL FL 33914	24-46-23-W1-03700.2305 140 ESTERO BLVD #2305 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2305	32
CC SQUARED HOLDINGS INC 13923 LILY PAD CIRCLE FORT MYERS FL 33907	24-46-23-W1-03700.2306 140 ESTERO BLVD #2306 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2306	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2307 140 ESTERO BLVD #2307 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2307	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2308 140 ESTERO BLVD #2308 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2308	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2309 140 ESTERO BLVD #2309 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2309	32

GOLOSOW LORRAINE & 33 FALCONWOOD COURT FORT MYERS FL 33919	24-46-23-W1-03700.2310 140 ESTERO BLVD #2310 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2310	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2311 140 ESTERO BLVD #2311 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2311	32
WHITE MARI TAKAYAMA 908 VILLAS DR #3 VENICE FL 34285	24-46-23-W1-03700.2312 140 ESTERO BLVD #2312 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2312	32
S & G PROPERTY MANAGEMENT LLC 3051 DANA POINTE DR PINCKNEY MI 48169	24-46-23-W1-03700.2401 140 ESTERO BLVD #2401 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2401	32
JASPER COM LLC JAMES VOLPE 3319 MANSION WAY COLUMBUS OH 43221	24-46-23-W1-03700.2402 140 ESTERO BLVD #2402 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2402	32
CLASSE PROPERTIES LLC 4707 61ST ST HOLLAND MI 49423	24-46-23-W1-03700.2403 140 ESTERO BLVD #2403 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2403	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2404 140 ESTERO BLVD #2404 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2404	32
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-03700.2405 140 ESTERO BLVD #2405 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2405	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2406 140 ESTERO BLVD #2406 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2406	32
PINKERTON RICHARD A & 406 WAYNE ST JOHNSTOWN PA 15905	24-46-23-W1-03700.2407 140 ESTERO BLVD #2407 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2407	32
FERGUSON ROBERT P & ROSE M TR 16935 TIMBERLAKES DR FORT MYERS FL 33908	24-46-23-W1-03700.2408 140 ESTERO BLVD #2408 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2408	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2409 140 ESTERO BLVD #2409 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2409	32
SCHMIDT EDWIN H TR 2004 PLYMOUTH RD #221 MINNETONKA MN 55305	24-46-23-W1-03700.2410 140 ESTERO BLVD #2410 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2410	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2411 140 ESTERO BLVD #2411 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2411	32
MEES JUERGEN + HUMMEL STRASSE 6 BERLIN 12623 GERMANY	24-46-23-W1-03700.2412 140 ESTERO BLVD #2412 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2412	32
832 LLC 832 HEATHWOOD DR MARCO ISLAND FL 34145	24-46-23-W1-03700.2501 140 ESTERO BLVD #2501 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2501	32
CAMPBELL FAMILY LTD PTNRSH I 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-03700.2502 140 ESTERO BLVD #2502 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2502	32
CAMPBELL FAMILY LTD PTNRSH I 1375 N 800 W TIPTON IN 46072	24-46-23-W1-03700.2503 140 ESTERO BLVD #2503 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2503	32

H C J ASSOCIATES LLC 161 EGRET ST FORT MYERS BEACH FL 33931	24-46-23-W1-03700.2504 140 ESTERO BLVD #2504 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2504	32
DI-AN 2 LLC 4560 ESTERO BLVD APT 501 FORT MYERS BEACH FL 33931	24-46-23-W1-03700.2505 140 ESTERO BLVD #2505 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2505	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2506 140 ESTERO BLVD #2506 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2506	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2507 140 ESTERO BLVD #2507 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2507	32
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2508 140 ESTERO BLVD #2508 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2508	32
HOFF LARRY F & ANGELA M 5665 SUGARWOOD DR NEW ALBANY OH 43054	24-46-23-W1-03700.2509 140 ESTERO BLVD #2509 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2509	32
GIRNYS DENNIS J TR 18243 DEEP PASSAGE LANE FORT MYERS BEACH FL 33931	24-46-23-W1-03700.2510 140 ESTERO BLVD #2510 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2510	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2511 140 ESTERO BLVD #2511 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2511	32
LA PALMA WEST LLC 6741 ORANGE DR FORT LAUDERDALE FL 33314	24-46-23-W1-03700.2512 140 ESTERO BLVD #2512 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2512	32
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.00E1 140 ESTERO BLVD #CUE1 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-E1	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0101 140 ESTERO BLVD #C101 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-101	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0201 140 ESTERO BLVD #C201 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-201	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0301 140 ESTERO BLVD #C301 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-301	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0401 140 ESTERO BLVD #C401 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-401	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0501 140 ESTERO BLVD #C501 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-501	33
NELSON DOUGLAS G & MARY M 1424 11TH ST ARGYLE TX 76226	24-46-23-W1-0400R.0101 200 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-101	34
PANETTA RONALD J & NANCY I 26445 DOXTATOR ST DEARBORN HEIGHTS MI 48127	24-46-23-W1-0400R.0102 200 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-102	34
PIZZANO JOSEPH V & MARIE J 22541 BAYCREST RIDGE DR ESTERO FL 34135	24-46-23-W1-0400R.0103 200 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-103	34
MARSO ANN E 14575 WILDS VIEW NW	24-46-23-W1-0400R.0104 200 ESTERO BLVD #104	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

PRIOR LAKE MN 55372	FORT MYERS BEACH FL 33931	UNIT R-104	
JACKSON LAND CO LLC 126 S 7TH ST MIAMISBURG OH 45342	24-46-23-W1-0400R.0105 200 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-105	34
SCHULTZ DOREEN C 4 MYERS PL DELANCO NJ 08075	24-46-23-W1-0400R.0106 200 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-106	34
GIBBONS GREGORY MICHAEL & 55 WOOD MANOR PL THE WOODLANDS TX 77381	24-46-23-W1-0400R.0107 200 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-107	34
KIRKPATRICK CARLISLE III TR + PO BOX 1944 CADIZ KY 42211	24-46-23-W1-0400R.0108 200 ESTERO BLVD #108 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-108	34
SIMONS LARRY A & DARLENE D 5364 MALALUKA CT CAPE CORAL FL 33904	24-46-23-W1-0400R.0201 200 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-201	34
CLIFFORD DANIEL & SANDRA 1442 194TH AVE BALSAM LAKE WI 54810	24-46-23-W1-0400R.0202 200 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-202	34
BEACH COAST PROPERTIES LLC 45 TRINITY CHAPEL RD ASHEVILLE NC 28805	24-46-23-W1-0400R.0203 200 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-203	34
TALSMA TIMOTHY D TR 4851 QUINCY ST HUDSONVILLE MI 49426	24-46-23-W1-0400R.0204 200 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-204	34
BEACH FAMILY TRADITIONS LLC 2875 DANA POINTE DR PINCKNEY MI 48169	24-46-23-W1-0400R.0205 200 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-205	34
GRAY JOHN R JR & JANE E 15537 FIDDLESTICKS BLVD FORT MYERS FL 33912	24-46-23-W1-0400R.0206 200 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-206	34
KARETA KENNETH C & 4138 RICH DR WATERFORD MI 48329	24-46-23-W1-0400R.0207 200 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-207	34
DISILVESTRO LYNN M TR 733 N FORREST AVE ARLINGTON HEIGHTS IL 60004	24-46-23-W1-0400R.0208 200 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-208	34
SIMPKINS MATTHEW J 10275 RANGER HWY MORENCI MI 49256	24-46-23-W1-0400R.0301 200 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-301	34
LALLY ROBERT J & 719 CRAWFORD AVE SYRACUSE NY 13224	24-46-23-W1-0400R.0302 200 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-302	34
GOODIN PROPERTIES LLC 15228 FIDDLESTICKS BLVD FORT MYERS FL 33912	24-46-23-W1-0400R.0303 200 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-303	34
LEWIS RANDY & TERRY 3221 LINDEN CIR PRIOR LAKE MN 55372	24-46-23-W1-0400R.0304 200 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-304	34
RICHTER FRANK J & LORETTA M 647 SIGNAL HILL RD NORTH BARRINGTON IL 60010	24-46-23-W1-0400R.0305 200 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-305	34
LOFFRENO CHRISTIAN P 17916 GREY HERON CT FORT MYERS BEACH FL 33931	24-46-23-W1-0400R.0306 200 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-306	34
BETZRUHEN LLC 2330 E PARIS AVE SE	24-46-23-W1-0400R.0307 200 ESTERO BLVD #307	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

GRAND RAPIDS MI 49546	FORT MYERS BEACH FL 33931	UNIT R-307	
CAMPBELL FAMILY LTD PTNRSH 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0308 200 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-308	34
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0309 200 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-309	34
BOUNDS ROSEANNE H 3842 NW 22ND ST CAPE CORAL FL 33993	24-46-23-W1-0400R.0310 200 ESTERO BLVD #310 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-310	34
VICKERY STEVEN B & 1509 E 77TH ST INDIANAPOLIS IN 46240	24-46-23-W1-0400R.0401 200 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-401	34
BARAN JOSEPH W JR & 1102 PHILIPS ST BADEN PA 15005	24-46-23-W1-0400R.0402 200 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-402	34
SHEREN MICHAEL E TR 75 E OLD MILL TRL ANTIOCH IL 60002	24-46-23-W1-0400R.0403 200 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-403	34
SCHMIDT EDWIN H TR 2004 PLYMOUTH RD #221 MINNETONKA MN 55305	24-46-23-W1-0400R.0404 200 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-404	34
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	24-46-23-W1-0400R.0405 200 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-405	34
REVIS LINDA C + 43031 BOARDWALK LOOP PUNTA GORDA FL 33982	24-46-23-W1-0400R.0406 200 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-406	34
PELLA KATHLEEN G TR 1079 CALOOSAHATCHEE DR SW MOORE HAVEN FL 33471	24-46-23-W1-0400R.0407 200 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-407	34
CUSACK MICHAEL J & 15134 BROLIO LN NAPLES FL 34110	24-46-23-W1-0400R.0408 200 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-408	34
KAECHLE CLARENCE W 31775 EASTLADY BEVERLY HILLS MI 48025	24-46-23-W1-0400R.0409 200 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-409	34
200 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0410 200 ESTERO BLVD #410 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-410	34
NAGARATHINAM S V & CHRITHRA 3630 CASITAS DR JACKSONVILLE FL 32224	24-46-23-W1-0400R.0501 200 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-501	34
BRUNER MICHAEL J & SUSAN L PO BOX 447 HERSCHER IL 60941	24-46-23-W1-0400R.0502 200 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-502	34
GROSSKOPF MARK R 1000 N WATER ST #950 MILWAUKEE WI 53202	24-46-23-W1-0400R.0503 200 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-503	34
RECK SCOTT A & MARYLEE A 7550 32ND AVE S GRAND FORKS ND 58201	24-46-23-W1-0400R.0504 200 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-504	34
IFG HOLDINGS LLC 4540 BARTHOLOMEW DR	24-46-23-W1-0400R.0505 200 ESTERO BLVD #505	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

PLEASANT HILL IA 50327	FORT MYERS BEACH FL 33931	UNIT R-505	
KLAVANS ALAN L + KAREN R TR 8113 KEY WEST DOVE ST WINTER GARDEN FL 34787	24-46-23-W1-0400R.0506 200 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-506	34
NAGARATHINIM S V & CHITHRA 3630 CASITAS DR JACKSONVILLE FL 32224	24-46-23-W1-0400R.0507 200 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-507	34
BORKOWSKI DUANE E TR 694 SEABISCUIT DR TROY MI 48084	24-46-23-W1-0400R.0508 200 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-508	34
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0509 200 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-509	34
GLOMERLOT PROPERTIES LLC 3075 DANA POINTE DR PINCKNEY MI 48169	24-46-23-W1-0400R.0510 200 ESTERO BLVD #510 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-510	34
200-601 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0601 200 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-601	34
SCHANE JAMES R TR PO BOX 5434 WOODRIDGE IL 60517	24-46-23-W1-0400R.0602 200 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-602	34
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0603 200 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-603	34
174 PASSAIC AVENUE LLC 25 SOUTH RD MENDHAM NJ 07945	24-46-23-W1-0400R.0604 200 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-604	34
HAMMERNIK KEITH M TR 13640 W LINFELD CT NEW BERLIN WI 53151	24-46-23-W1-0400R.0605 200 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-605	34
RIEDEL THOMAS R TR 5949 ASHFORD LN NAPLES FL 34110	24-46-23-W1-0400R.0606 200 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-606	34
LIOTTA VINCENZO S & 1000 MERRY LN OAK BROOK IL 60523	24-46-23-W1-0400R.0607 200 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-607	34
DANIEL W BENECKE TRUST + PO BOX 24 RIDGEVILLE CORNERS OH 43555	24-46-23-W1-0400R.0608 200 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-608	34
PUORRO ANTHONY TR 50133 JOY LANE EAST LIVERPOOL OH 43920	24-46-23-W1-0400R.0609 200 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-609	34
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	24-46-23-W1-0400R.0610 200 ESTERO BLVD #610 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-610	34
CAMPBELL FAMILY LTD PARTNERSHI 21557 SHORE VISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0701 200 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-701	34
CECIL LUDVIK FRANK & EVA 2900 NE 14TH ST CSWY UNIT 1005 POMPANO BEACH FL 33062	24-46-23-W1-0400R.0702 200 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-702	34

CAMPBELL FAMILY LIMITED PARTNE 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0703 200 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-703	34
CAMPBELL FAMILY LTD PTNRSH 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0704 200 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-704	34
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0705 200 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-705	34
GORDEE BRADLEY TR 2685 MAPLE DR MCFARLAND WI 53558	24-46-23-W1-0400R.0706 200 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-706	34
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0400R.0707 200 ESTERO BLVD #707 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-707	34
CECIL LUDVIK & EVA 2900 NE 14TH ST CSWY #1005 POMPANO BEACH FL 33062	24-46-23-W1-0400R.0708 200 ESTERO BLVD #708 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-708	34
MAIN REAL-ESTATE + CAPITAL LLC 1314 CAPE CORAL PKWY E STE 208 CAPE CORAL FL 33904	24-46-23-W1-0400R.0709 200 ESTERO BLVD #709 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-709	34
CUATRO AMIGOS PROPERTIES LLC 2623 HARRISON WOODS RD TERRE HAUTE IN 47805	24-46-23-W1-0400R.0710 200 ESTERO BLVD #710 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-710	34
LOFFRENO REAL ESTATE INC 2100 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0400R.0801 200 ESTERO BLVD #801 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-801	34
TYSON FARRELL C II & PO BOX 100181 CAPE CORAL FL 33910	24-46-23-W1-0400R.0802 200 ESTERO BLVD #802 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-802	34
DEUTSCH RANDALL P 1524 WATERFORD RD NORTH AURORA IL 60542	24-46-23-W1-0400R.0803 200 ESTERO BLVD #803 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-803	34
RICHTER JULIETTE TR 1832 BANK ST BALTIMORE MD 21231	24-46-23-W1-0400R.0804 200 ESTERO BLVD #804 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-804	34
DURR KENNETH C & DONNA M L/E 4830 WESTGATE RD MINNETONKA MN 55345	24-46-23-W1-0400R.0805 200 ESTERO BLVD #805 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-805	34
MERSCHMAN GEORGE & LINDA TR 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	24-46-23-W1-0400R.0806 200 ESTERO BLVD #806 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-806	34
BRISTOL DAVID C 4149 MIDWAY RD HERMANTOWN MN 55811	24-46-23-W1-0400R.0807 200 ESTERO BLVD #807 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-807	34
FERRY REALTY LLC 3 AJOOTIAN WAY UNIT D-10 MIDDLETON MA 01949	24-46-23-W1-0400R.0808 200 ESTERO BLVD #808 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-808	34
NAGARATHINAM SUNDARAM V & 3630 CASITAS DR JACKSONVILLE FL 32224	24-46-23-W1-0400R.0809 200 ESTERO BLVD #809 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-809	34
CASH DOUGLAS A PO BOX 1317 BELOIT WI 53512	24-46-23-W1-0400R.0810 200 ESTERO BLVD #810 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-810	34
VIEAU MARK R & SHERYL 4946 W PIKE LAKE RD	24-46-23-W1-0400R.0811 200 ESTERO BLVD #811	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

DULUTH MN 55811	FORT MYERS BEACH FL 33931	UNIT R-811	
VIEAU MARK R + SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0400R.0812 200 ESTERO BLVD #812 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-812	34
JO MAR FAMILY LLC PO BOX 696 NEW BALTIMORE MI 48047	24-46-23-W1-0400R.0P01 200 ESTERO BLVD #P01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P01	34
TRI BOELTER PROPERTIES LLC 105 MAPLE LANE WINONA MN 55987	24-46-23-W1-0400R.0P02 200 ESTERO BLVD #P02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P02	34
ASHTON VICTORIA M + PO BOX 538 SANIBEL FL 33957	24-46-23-W1-0400R.0P03 200 ESTERO BLVD #P03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P03	34
ZAKO VACATIONS INC 2358 LEEDS CROSSING LONDON ON N6M 0E4 CANADA	24-46-23-W1-0400R.0P04 200 ESTERO BLVD #P04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P04	34
CECIL LUDVIK F & EVA 2900 NE 14TH STREET CSWY #1005 POMPANO BEACH FL 33062	24-46-23-W1-0400R.0P05 200 ESTERO BLVD #P05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P05	34
200-906 ESTERO BLVD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0P06 200 ESTERO BLVD #P06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P06	34
200-907 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0P07 200 ESTERO BLVD #P07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P07	34
COLE HARLEY J & BRENDA V PO BOX 101674 CAPE CORAL FL 33910	24-46-23-W1-0400R.0P08 200 ESTERO BLVD #P08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P08	34
PARADOWSKI KATHLEEN 4521 E LAKE RD WILSON NY 14172	24-46-23-W1-0400R.0P09 200 ESTERO BLVD #P09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P09	34
SWIFT KAREN B TR 3939 CRAYTON RD NAPLES FL 34103	24-46-23-W1-0400R.0P10 200 ESTERO BLVD #P10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P10	34
MAIN REAL ESTATE + CAPITAL LLC 1314 CAPE CORAL PKWY E #208 CAPE CORAL FL 33904	24-46-23-W1-0400R.0P11 200 ESTERO BLVD #P11 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P11	34
SWIFT KAREN B TR 3939 CRAYTON RD NAPLES FL 34103	24-46-23-W1-0400R.0P12 200 ESTERO BLVD #P12 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P12	34
PALMA VICTOR J & KAREN L 101 N MARION CT APT 234 PUNTA GORDA FL 33950	24-46-23-W1-0400R.0P13 200 ESTERO BLVD #P13 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P13	34
BRUNETTI ROBERT G TR 2532 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	24-46-23-W1-0400R.0P14 200 ESTERO BLVD #P14 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P14	34
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.00E1 200 ESTERO BLVD #E1 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E1	35
JABO LLC 8015 W KENTON CIR STE 220 HUNTERSVILLE NC 28078	24-46-23-W1-040CU.00E2 200 ESTERO BLVD #E2 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E2	35
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.00E3 200 ESTERO BLVD #E3	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-E3	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0101 200 ESTERO BLVD #C101 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-101	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0102 200 ESTERO BLVD #CU102 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-102	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0103 200 ESTERO BLVD #CU103 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-103	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0104 200 ESTERO BLVD #CU104 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-104	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0105 200 ESTERO BLVD #CU105 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-105	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0106 200 ESTERO BLVD #CU106 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-106	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0107 200 ESTERO BLVD #CU107 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-107	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0108 200 ESTERO BLVD #CU108 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-108	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0109 200 ESTERO BLVD #CU109 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-109	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0110 200 ESTERO BLVD #CU110 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-110	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0111 200 ESTERO BLVD #CU111 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-111	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0201 200 ESTERO BLVD #CU201 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-201	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0202 200 ESTERO BLVD #CU202 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-202	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0203 200 ESTERO BLVD #CU203 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-203	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0204 200 ESTERO BLVD #CU204 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-204	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0205 200 ESTERO BLVD #CU205 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-205	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0301 200 ESTERO BLVD #CU301 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-301	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0302 200 ESTERO BLVD #CU302 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-302	35
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0303 200 ESTERO BLVD #CU303	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-303	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0304 200 ESTERO BLVD #CU304 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-304	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0305 200 ESTERO BLVD #CU305 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-305	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0306 200 ESTERO BLVD #CU306 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-306	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0307 200 ESTERO BLVD #CU307 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-307	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0308 200 ESTERO BLVD #CU308 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-308	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0309 200 ESTERO BLVD #CU309 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-309	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0401 200 ESTERO BLVD #CU401 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-401	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0402 200 ESTERO BLVD #CU402 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-402	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0403 200 ESTERO BLVD #CU403 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-403	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0404 200 ESTERO BLVD #CU404 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-404	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0405 200 ESTERO BLVD #CU405 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-405	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0406 200 ESTERO BLVD #CU406 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-406	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0407 200 ESTERO BLVD #CU407 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-407	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0408 200 ESTERO BLVD #CU408 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-408	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0409 200 ESTERO BLVD #CU409 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-409	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0501 200 ESTERO BLVD #CU501 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-501	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0502 200 ESTERO BLVD #CU502 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-502	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0503 200 ESTERO BLVD #CU503 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-503	35
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0504 200 ESTERO BLVD #CU504	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-504	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0601 200 ESTERO BLVD #CU601 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-601	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0602 200 ESTERO BLVD #CU602 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-602	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0603 200 ESTERO BLVD #CU603 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-603	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0604 200 ESTERO BLVD #CU604 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-604	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0701 200 ESTERO BLVD #CU701 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-701	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0702 200 ESTERO BLVD #CU702 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-702	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0703 200 ESTERO BLVD #CU703 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-703	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0704 200 ESTERO BLVD #CU704 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-704	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0801 200 ESTERO BLVD #CU801 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-801	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0802 200 ESTERO BLVD #CU802 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-802	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0803 200 ESTERO BLVD #CU803 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-803	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0804 200 ESTERO BLVD #CU804 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-804	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G01 200 ESTERO BLVD #CUG01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G01	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G02 200 ESTERO BLVD #G02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G02	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G03 200 ESTERO BLVD #G03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G03	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G04 200 ESTERO BLVD #G04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G04	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G05 200 ESTERO BLVD #G05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G05	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G06 200 ESTERO BLVD #G06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G06	35
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0G07 200 ESTERO BLVD #G07	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-G07	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G08 200 ESTERO BLVD #G08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G08	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G09 200 ESTERO BLVD #G09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G09	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G10 200 ESTERO BLVD #G10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G10	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G11 200 ESTERO BLVD #G11 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G11	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G12 200 ESTERO BLVD #G12 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G12	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M01 200 ESTERO BLVD #M01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M01	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M02 200 ESTERO BLVD #M02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M02	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M03 200 ESTERO BLVD #M03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M03	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M04 200 ESTERO BLVD #M04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M04	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M05 200 ESTERO BLVD #M05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M05	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M06 200 ESTERO BLVD #M06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M06	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M07 200 ESTERO BLVD #M07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M07	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M08 200 ESTERO BLVD #M08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M08	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M09 200 ESTERO BLVD #M09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M09	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M10 200 ESTERO BLVD #M10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M10	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0P01 200 ESTERO BLVD #P01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P01	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0P02 200 ESTERO BLVD #P02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P02	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0P03 200 ESTERO BLVD #P03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P03	35
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0P04 200 ESTERO BLVD #P04	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-P04	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.1001 200 ESTERO BLVD #1001 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-1001	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.1002 200 ESTERO BLVD #1002 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-1002	35
ROOT LARRY W & JANE E 1559 WESLEY CHAPEL RD MITCHELL IN 47446	24-46-23-W1-0410R.0101 190 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 101	36
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	24-46-23-W1-0410R.0201 190 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 201	36
KRUGER KATHLEEN & RYAN D 2519 SUTHERLAND CT CAPE CORAL FL 33991	24-46-23-W1-0410R.0202 190 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 202	36
JOHNSON CHRISTOPHER G & 469 CAMBRIDGE WAY BOLINGBROOK IL 60440	24-46-23-W1-0410R.0203 190 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 203	36
MCKEE FAMILY PROPERTIES LLC 7 E DOW ST TIPP CITY OH 45371	24-46-23-W1-0410R.0204 190 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 204	36
PETH NICK A PO BOX 580 WAYNESVILLE OH 45068	24-46-23-W1-0410R.0205 190 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 205	36
HEALING SPACES 2 LLC 1635 CONCORDIA ST WAYZATA MN 55391	24-46-23-W1-0410R.0206 190 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 206	36
DENMAR PROPERTIES LLC 1502 ST CHARLES ST WAUWATOSA WI 53213	24-46-23-W1-0410R.0207 190 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 207	36
VOLPE JAMES M 3319 MANSION WAY COLUMBUS OH 43221	24-46-23-W1-0410R.0301 190 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 301	36
LANDAU ANGELA + 2020 SE 27TH TER CAPE CORAL FL 33904	24-46-23-W1-0410R.0302 190 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 302	36
HOSTETTER KURT & LORI 4198 BAY BEACH LN #164 FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0303 190 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 303	36
MERTZ SUSAN SMOOT 1252 CALOOSA DR FORT MYERS FL 33901	24-46-23-W1-0410R.0304 190 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 304	36
5CS LLC PAUL CHAMBRE 780 CAL COVE DR FORT MYERS FL 33919	24-46-23-W1-0410R.0305 190 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 305	36
KIRSCH VINCENT J 3932 LEFORT RD STRYKERSVILLE NY 14145	24-46-23-W1-0410R.0306 190 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 306	36
BALA PROPERTIES LLC 8355 CHESAPEAKE DR NORTH RIDGEVILLE OH 44039	24-46-23-W1-0410R.0307 190 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 307	36
HOSTETTER KURT & LORI 4198 BAY BEACH LN #164 FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0401 190 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 401	36

VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0410R.0402 190 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 402	36
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0410R.0403 190 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 403	36
ALLEN NICK JOHN & 113-198 SPRINGBANK DR LONDON ON N6J 1G1 CANADA	24-46-23-W1-0410R.0404 190 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 404	36
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0410R.0405 190 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 405	36
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0410R.0406 190 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 406	36
KANDA RIDGE LLC 500 LINDEN OAKS #130 ROCHESTER NY 14625	24-46-23-W1-0410R.0407 190 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 407	36
501 CAPTIVA VILLAS LLC 120 N GLENHURST BLOOMFIELD HILLS MI 48301	24-46-23-W1-0410R.0501 190 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 501	36
LANDAU ANGELA + 2020 SE 27TH TER CAPE CORAL FL 33904	24-46-23-W1-0410R.0502 190 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 502	36
SCHAULS WILLIAM R + VALETTA TR 412A LEE ST DURAND WI 54736	24-46-23-W1-0410R.0503 190 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 503	36
TRIEGLAFF MARK 915 EDDY CT WHEATON IL 60187	24-46-23-W1-0410R.0504 190 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 504	36
AMM VILLA SERVICES INC MICHAEL MOHR IM VOGELSANG 25B VALLENDAR 56179 GERMANY	24-46-23-W1-0410R.0505 190 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 505	36
DANGELO LAURA M & ROBERT V TR 21213 EQUESTRIAN TRAIL NORTHVILLE MI 48167	24-46-23-W1-0410R.0506 190 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 506	36
LOFFRENO CHRISTIAN 17916 GREY HERON CT FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0507 190 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 507	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0601 190 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 601	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0602 190 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 602	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0603 190 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 603	36
BYRNE WILLIAM M & DEBORAH L 14505 MORNINGSIDE RD ORLAND PARK IL 60462	24-46-23-W1-0410R.0604 190 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 604	36

WITT JASON A + KATHLEEN M 45897 DENISE DR PLYMOUTH MI 48170	24-46-23-W1-0410R.0605 190 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 605	36
DANGELO LAURA M & ROBERT V TR 21213 EQUESTRIAN TRAIL NORTHVILLE MI 48167	24-46-23-W1-0410R.0606 190 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 606	36
WENTWORTH JEFFREY R 3630 E LOWER SPRINGBORO RD WAYNESVILLE OH 45068	24-46-23-W1-0410R.0607 190 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 607	36
SOLLAZZO LUIGINA A & PAUL J 21 WESTBROOK CT BRIDGEWATER NJ 08807	24-46-23-W1-0410R.0701 190 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 701	36
CAMPBELL FAMILY LTD PTNRSHIP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0702 190 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 702	36
SCHMITT DANIEL R & SUSAN L 15410 CATALPA COVE LN FORT MYERS FL 33908	24-46-23-W1-0410R.0703 190 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 703	36
GIPEAN INC PO BOX 4366 LAKE CHARLES LA 70606	24-46-23-W1-0410R.0704 190 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 704	36
LOFFRENO CHRISTIAN P 17916 GREY HERON CT FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0705 190 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 705	36
S & L CAMPBELL FAMILY LIMITED 20927 EDGEWATER DR NOBLESVILLE IN 46062	24-46-23-W1-0410R.0706 190 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 706	36
COLVIN TIMOTHY JAY + 15429 TAYLOR TRACE DR CARMEL IN 46033	24-46-23-W1-0410R.0707 190 ESTERO BLVD #707 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 707	36
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0101 190 ESTERO BLVD #CO101 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 101	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0201 190 ESTERO BLVD #CO201 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 201	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0301 190 ESTERO BLVD #CO301 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 301	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR #201 CORNELIUS NC 28031	24-46-23-W1-041CU.0401 190 ESTERO BLVD #CO401 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 401	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0501 190 ESTERO BLVD #CO501 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 501	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0601 190 ESTERO BLVD #CO601 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 601	37
CAPTIVA VILLAS DEVELOPMENT LLC	24-46-23-W1-041CU.0701 190 ESTERO BLVD #CO701 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 701	37

19354 WATERMARK DR STE 201 CORNELIUS NC 28031			
CAPTIVA VILLAS DEVELOPMENT LLC	24-46-23-W1-041CU.0G01 190 ESTERO BLVD #G01	CAPTIVA VILLAS AS DESC IN INST #2006-478367	37
19354 WATERMARK DR STE 201 CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	COM UNIT G01	

EXHIBIT 6-7

**SURROUNDING
PROPERTY OWNERS MAP**

EXHIBIT 6-7 SURROUNDING PROPERTY OWNERS MAP

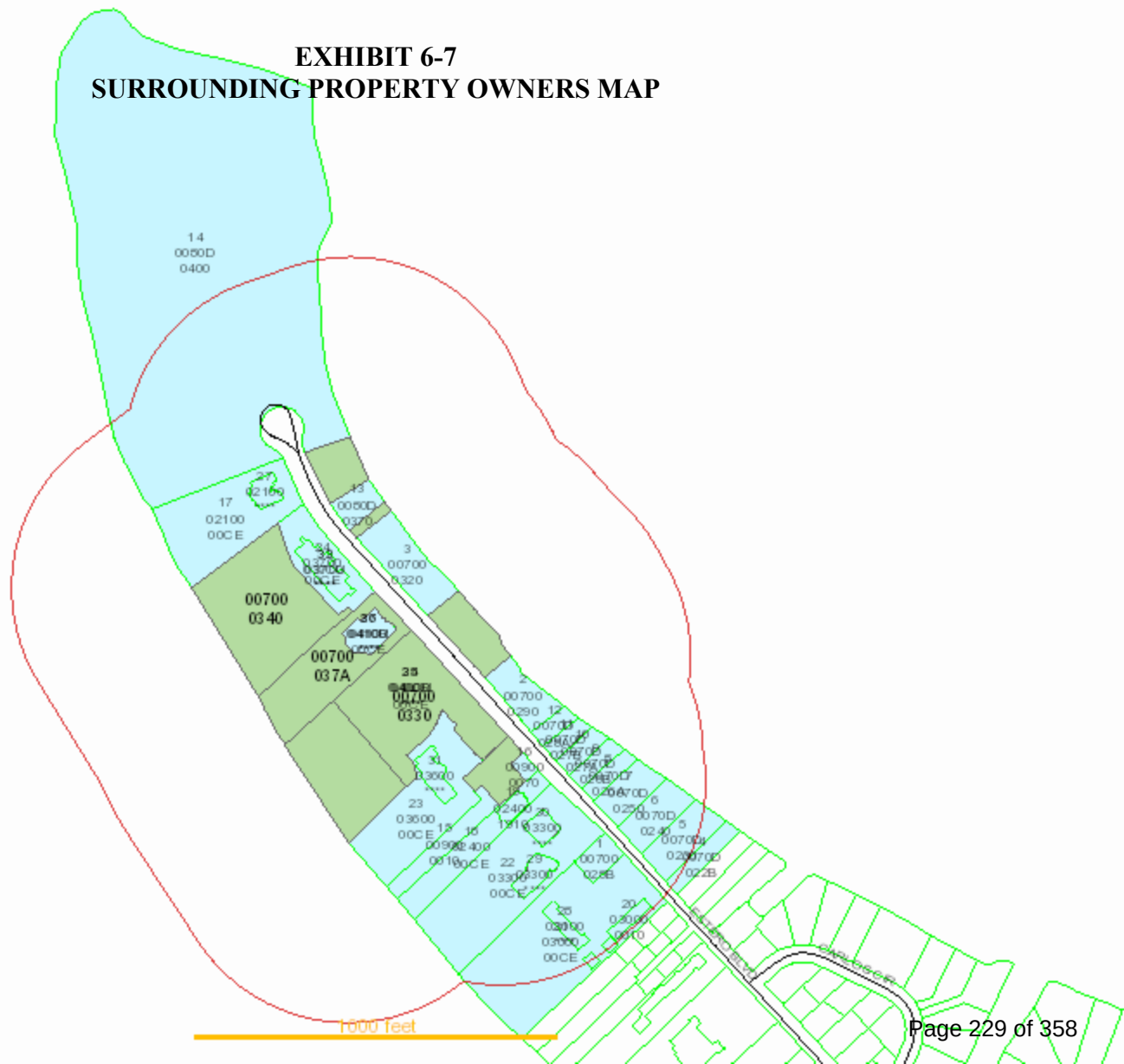


EXHIBIT 6-8

**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 ESTER 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

WINDWARD PASSAGE RESORT
418 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND SHORES CONDO
394 ESTERO BLVD
FORT MYERS BEACH FL 33931

ESTERO ISLAND BEACH VILLAS
CONDO PHASES 1 + 2
250 ESTERO BLVD
FORT MYERS BEACH FL 33931

SANIBEL VIEW VILLAS CONDO ASOC

WHITE SAND VILLAS CONDO ASSN
200 ESTERO BLVD
FORT MYERS BEACH FL 33931

CAPTIVA VILLAS
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

100 ESTERO BLVD LLC
844 TENACITY DR
LONGMONT CO 80504

BAGGOT HOLLY S & ANDREW P
6644 N CHICKAHAUK TRL
MIDDLETON WI 53562

WALTERS CHRISTINE
224 CARRANZA RD
TABERNACLE NJ 08088

BURNS ROBERT &
5965 BAKER CT
FORT MYERS FL 33919

STEDER PATRICIA B +
9820 STERLING DR
CUTLER BAY FL 33157

UNKNOWN HEIRS OF
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

HARRIS ELSIE KAY +
1043 HEATHER HILLS LN
LEXINGTON KY 40511

A&H 100 ESTERO FMB LLC
6644 N CHICKAHAUK TRAIL
MIDDLETON WI 53562

STIGEN REED A & VICKI L
711 NORTHRIDGE WAY
WEST FARGO ND 58078

ALMAGUER SUZANNE DAVIS
5541 NW 49TH TER
COCONUT CREEK FL 33073

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

SCHOLZ W W & ANGELA L
105 BENTLEY DR
LATHAM NY 12110

CASSIDY RICHARD +
65-25 160TH ST #20B
FRESH MEADOWS NY 11365

OUDERSLUYS CAROL S TR
7117 PELICAN BAY BLVD #1901
NAPLES FL 34108

CICCONE NATALE +
1239 CEDAR RD
SOUTHPORT CT 06890

MCGINNITY MARTHA TR
440 CARROLLWOOD DR
TARRYTOWN NY 10591

RYFFEL-KRAGH AMY
23939 WINBERLY OAK
SAN ANTONIO TX 78261

SHEPKA ELYSE +
1642 S FOUNTAINHEAD RD
FORT MYERS FL 33919

RYREAL FLORIDA LLC
MARY K HERMAN
27 STANTON LN
STAMFORD CT 06902

FLANAGAN MICHAEL P & ANNA L TR
18104 BLUE HERON POINTE DR
NORTHVILLE MI 48168

SCHULTE WAYNE D &
PO BOX 268
ELLSWORTH WI 54011

SCROGGIE PHYLLIS T TR
PO BOX 61596
FORT MYERS FL 33906

REGGIE 535 LLC
2353 GREENWOOD RD
NORTHBROOK IL 60062

PINK SHELL PROPERTIES LLC
MOIRA FAHEY-ULLRICH
94 LOWER LOCH VISTA DR
WILLIAMS BAY WI 53191

MERVIN + MELISSA LARSON TRUST
4 FIRST ST
EXCELSIOR MN 55331

CMME PROPERTIES LLC
9523 CLAYCHIN CT
BURKE VA 22015

AGUIRRE PENNY J TR
8424 40TH AVE N
NEW HOPE MN 55427

TL 5109 LLC
180 WASHINGTON ST
GOLDEN CO 80403

SEARENITY WPR LLC
RAYMOND HUNT
7N982 CLOVERFIELD DR
SAINT CHARLES IL 60175

FRITZ LAURA L TR
814 W MOUNT PLEASANT RD
EVANSVILLE IN 47711

SCHERER DEBRA E TR
18215 LANSFORD PATH
LAKEVILLE MN 55044

BORNEMAN DAVID C & DINA E
394 ESTERO BLVD #102
FORT MYERS BEACH FL 33931

FIGURA MICHAEL A & CAROL A
394 ESTERO BLVD # 103
FORT MYERS BEACH FL 33931

ROBINSON CAROL L TR +
105 CROSSBOW TRAILS
LAWRENCEBURG IN 47025

YORDY MICHAEL E TR
26700 BROADWAY RD
MORTON IL 61550

ROHRBACHER MICHAEL &
394 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

LOVELESS ENTERPRISES INC
210 SPRINGFIELD RD
GILLESPIE IL 62033

DANGELO JANE M TR
394 ESTERO BLVD #204
FORT MYERS BEACH FL 33931

KING MICHAEL G
PO BOX 3001
DUBLIN OH 43016

DIFFLEY CHRISTOPHER P &
394 ESTERO BLVD # 302
FORT MYERS BEACH FL 33931

ARENS ROBERT W TR
11431 LONGWATER CHASE CT
FORT MYERS FL 33908

MAREK CHARLES B JR +
4021 BAY DR
MIDDLE RIVER MD 21220

KRINKIE JODETTE M & BRUCE J TR
6881 BLACKDUCK DR
LINO LAKES MN 55014

CATHERINE G SCHOLZ 2007 TRUST
5 FIDDLEHEAD LN
WAYLAND MA 01778

BARNHART DAVID W
PO BOX 14536
MINNEAPOLIS MN 55414

MIDDLESWARTH DAVID B TR
500 MEADOW LN
MIDDLEBURG PA 17842

BENES ANDREW C TR
1127 HIGHLAND POINTE DR
SAINT LOUIS MO 63131

BENES ANDREW C & JENNIFER J
1127 HIGHLAND POINTE DR
SAINT LOUIS MO 63131

GERMAN PATRICIA A TR
394 ESTERO BLVD #503
FORT MYERS BEACH FL 33931

CAPENIGRO ANTHONY T &
22W160 PINEGROVE CT
GLEN ELLYN IL 60137

LLOYD JOHN D & STEPHANIE J TR
15725 OREGON AVE
PRIOR LAKE MN 55372

LLOYD JOHN D & STEPHANIE J TR
15275 OREGON AVE
PRIOR LAKE MN 55372

MIDDLESWARTH DAVID B
500 MEADOW LN
MIDDLEBURG PA 17842

MILLIRON GRANT E TR
2384 STATE ROUTE 39 NW
MANSFIELD OH 44903

SIEVERTSEN DOLORES C TR
15492 LEONARD RD
SPRING LAKE MI 49456

EASTON FAMILY LLC
24523 WEST PELLINORE DR
JOLIET IL 60404

EASTON MELODEE M TR
24523 W PELLINORE DR
JOLIET IL 60404

ENGELSMAN JAMES + RHONDA TR
1184 64TH AVE
ZEELAND MI 49464

HENSLEY DANIEL L & SHERYL L/E
PO BOX 547
MOUND MN 55364

STOOPS JEFFREY E +
3808 CLAYBROOK CT
BARGERSVILLE IN 46106

WELLS GWENDOLYN M +
4021 BAY DR
MIDDLE RIVER MD 21220

ANGELA M ROCHE TRUST +
2243 RE PINE LN SW
ROCHESTER MN 55902

LIOTTA SAVATORE & CONCETTA
6 OAK BROOK CLUB DR APT J101
OAK BROOK IL 60523

STUTZ SHARON A TR
47790 STATE ROUTE 162
WELLINGTON OH 44090

COVERT ROBERT & LOUISE B TR
9403 GIBSON DR
POWELL OH 43065

DEMARY JULE A +
930 VILLAGE BROOK WAY
COLUMBUS OH 43235

CALUSA LLC
22774 CITATION RD
FRANKFORT IL 60423

MCK HOLDINGS (2018) LIMITED
200140 SIDE RD 10 RR 1
SHALLOW LAKE ON N0H 2K0
CANADA

WIESSING CAROL S TR
2403 LOWELL AVE
SPRINGFIELD IL 62704

LANDISI ANNE MARIE T
392 ESTERO BLVD #605
FORT MYERS BEACH FL 33931

MCSPEDON TRUST
750 RUSHMORE AVE
MAMARONECK NY 10543

NUNN JOYCE M TR
392 ESTERO BLVD #607
FORT MYERS BEACH FL 33931

BOERMAN DANIEL J +
2420 DAVEY RD
WOODRIDGE IL 60517

MASSEY STEVEN MICHAEL &
1864 SUMMIT LANE
MENDOTA HEIGHTS MN 55118

JOHNSON GORDON R & HOPE Y TR
6409 DORON LN
EDINA MN 55439

FM BEACH LLC
4441 CORNWELL LN
WHITMORE LAKE MI 48189

HULL PETER H +
1982 AUTUMN BROOK TRL
HINCKLEY OH 44233

ANDREW W PLACE TRUST +
1628 ROCK WOOD LN
MISHAWAKA IN 46545

BASSEL ROBERT N &
9008 HACK RD
CLINTON MI 49236

SHAFFER RICHARD TR
PO BOX 3075
FORT MYERS BEACH FL 33932

ZASTROW TODD W & LYNN P
1051 N JAMEY LN
ADDISON IL 60101

SCHUBERT CHARLES B & AMY L
344 HAMBLETONIAN DR
OAK BROOK IL 60523

MURRAY WILLIS OLTMAN TRUST +
36490 OLD MILL BRIDGE RD
FRANKFORD DE 19945

SEQUEIRA THOMAS M &
6960 NORVALE CIR W
GATES MILLS OH 44040

KOUMJIAN RICHARD H &
14220 ROYAL HARBOUR CT #511
FORT MYERS FL 33908

TOWNSEND TREASURE LLC
3516 YORK RD
OAK BROOK IL 60523

MALOCO LLC
36 SUFFOLK DR
SAINT CHARLES MO 63301

ODONELL WILLIAM M &
415 COLFAX AVE
CLARENDON HILLS IL 60514

FAHY BRYAN
421 OCEAN BLVD #5N
HAMPTON NH 03842

WALZ PATRICIA M TR
20363 CARA AVE
CASSOPOLIS MI 49031

WALZ JAMES E & MARGERY L
9250 BAYBERRY BEND APT 201
FORT MYERS FL 33908

JAKOVY PROPERTIES LLC
1264 CANDLEWOOD CT
DOWNERS GROVE IL 60515

J + L BOWEN LLC
1613 CAROLINA ORCHARDS BLVD
FORT MILL SC 29715

PETH NICHOLAS A
1629 E STATE ROUTE 73
WAYNESVILLE OH 45068

M LANE FARMS LLC
1456 E 1000 NORTH RD
TAYLORVILLE IL 62568

CLENNON LAWRENCE
20641 W COUNTY RD
WILMINGTON IL 60481

WENTWORTH JEFFREY R
3630 LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

ANDREWS BERNARD C TR
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

CONNOLLY PAUL A &
5780 WILLOW LN N
SHOREVIEW MN 55126

TOWNSEND DOUGLAS Y
2060 COMMERCE DR
SIDNEY OH 45365

SANDCASTLE BEACH PROPERTIES LL
11887 WILLIAMS COUNTY RD 15
MONTPELIER OH 43543

DOAN BEVERLY CLARKE &
9737 WADSWORTH BLVD
WESTMINSTER CO 80021

SCHUBERT CHARLES & AMY
344 HAMLETONIAN DR
OAK BROOK IL 60523

LEVEE STUART E & CAROL A
9217 WILLOWCREST CT
FORT MYERS FL 33908

LAIRMORE BRANDON & BRANDI
7651 COLDSTREAM WOODS DR
CINCINNATI OH 45255

SEQUEIRA THOMAS M &
6960 NORVALE CIR W
GATES MILLS OH 44040

RUCKER JOHN T & LOUSIE
5792 ROYAL LYTHAM CT
DUBLIN OH 43017

T JOY RENTALS LLC
211 W HIGH ST
BRYAN OH 43506

KM INVESTMENTS LLC
1721 W BIKE ST
BREMEN IN 46506

MANAGER LINK LLC
3404 ADAMS RD
OAK BROOK IL 60523

SWEET SAMUEL & KATHLEEN A
1595 JOHN PAUL CT
OXFORD MI 48371

FINISH STRONG LLC
673 CADDE TRAIL
SCROGGINS TX 75480

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

BROWN DAVID L TR
13 WARD LN
CINCINNATI OH 45246

DEUTSCH RANDALL P & KAREN M
1524 WATERFORD RD
NORTH AURORA IL 60542

LAYMAN JOSEPH E & MONICA B TR
140 ALLEN ST
WALWORTH WI 53184

PREMIUM PROPERTIES LP
440 W CAIRNS ST
ELLSWORTH WI 54011

JOSEPH N NAMOUR TRUST +
18340 CREEK DR
FORT MYERS FL 33908

KLB HOLDINGS LLC
6041 NORTH LINDBERG
HAZELWOOD MO 63042

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

MASON GEORGE E & ALICIA D L/E
3436 COUNTRYSIDE PATH
THE VILLAGES FL 32163

SHEMROSKE JIM & LISA J +
13412 ROUND BARD RD
PLAINFIELD IL 60585

FICK RICHARD C & CAROLINE T
4311 WIMBLEDON DR
HARRISBURG PA 17112

CLIFFORD DANIEL EUGENE &
1442 194TH AVE
BALSAM LAKE WI 54810

TRIEGLAFF MARK A
915 EDDY CT
WHEATON IL 60187

ATKINSON SUSAN MARY
8 FIELDWAY RD STE 614
TORONTO ON M8Z 0C3
CANADA

ABDULLAH AFZAL
6136 EAGLE RIDGE CT
BETTENDORF IA 52722

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

FREEDOM LIBERTY PROPERTIES LLC
26072 N HILL AVE
WAUCONDA IL 60084

ZACHARIAS KENNETH R &
16 EDMUND ST
GREEN BAY WI 54302

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
BARRINGTON IL 60010

WIEDER FLORENCE + ROBERT TR
3614 KINGS CROWN BLVD
FORT MYERS FL 33908

HART RANDALL D +
NEW YORK LIFE
153 S MAIN ST
COLUMBIANA OH 44408

DAVIS ALAN & JANET
2560 MATTHEW JOHN DR
DUBUQUE IA 52002

BAER DENNIS L TR
1418 SAND CASTLE RD
SANIBEL FL 33957

ZURI CAY LLC
1650 LILAC LANE SW
BYRON MN 55920

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GOWDY WILLIAM G & JEAN B
12737 IVORY STONE LOOP
FORT MYERS FL 33913

HEMBROUGH JOSHUA HOWARD &
505 EMILIE DR
LAFAYETTE IN 47906

OLESCYSKI JAIME ALLEN
109 MANIZAKS AVE
PUNTA GORDA FL 33983

FRANCIS1704 LLC
709 CAPE CORAL PKWY W
CAPE CORAL FL 33914

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

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

GOLOSOW LORRAINE &
33 FALCONWOOD COURT
FORT MYERS FL 33919

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

WHITE MARI TAKAYAMA
908 VILLAS DR #3
VENICE FL 34285

S & G PROPERTY MANAGEMENT LLC
3051 DANA POINTE DR
PINCKNEY MI 48169

JASPER COM LLC
JAMES VOLPE
3319 MANSION WAY
COLUMBUS OH 43221

CLASSE PROPERTIES LLC
4707 61ST ST
HOLLAND MI 49423

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PINKERTON RICHARD A &
406 WAYNE ST
JOHNSTOWN PA 15905

FERGUSON ROBERT P & ROSE M TR
16935 TIMBERLAKES DR
FORT MYERS FL 33908

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

MEES JUERGEN +
HUMMEL STRASSE 6
BERLIN 12623
GERMANY

832 LLC
832 HEATHWOOD DR
MARCO ISLAND FL 34145

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP I
1375 N 800 W
TIPTON IN 46072

H C J ASSOCIATES LLC
161 EGRET ST
FORT MYERS BEACH FL 33931

DI-AN 2 LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HOFF LARRY F & ANGELA M
5665 SUGARWOOD DR
NEW ALBANY OH 43054

GIRNYS DENNIS J TR
18243 DEEP PASSAGE LANE
FORT MYERS BEACH FL 33931

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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
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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

PANETTA RONALD J & NANCY I
26445 DOXTATOR ST
DEARBORN HEIGHTS MI 48127

PIZZANO JOSEPH V & MARIE J
22541 BAYCREST RIDGE DR
ESTERO FL 34135

MARSO ANN E
14575 WILDS VIEW NW
PRIOR LAKE MN 55372

JACKSON LAND CO LLC
126 S 7TH ST
MIAMISBURG OH 45342

SCHULTZ DOREEN C
4 MYERS PL
DELANCO NJ 08075

GIBBONS GREGORY MICHAEL &
55 WOOD MANOR PL
THE WOODLANDS TX 77381

KIRKPATRICK CARLISLE III TR +
PO BOX 1944
CADIZ KY 42211

SIMONS LARRY A & DARLENE D
5364 MALALUKA CT
CAPE CORAL FL 33904

CLIFFORD DANIEL & SANDRA
1442 194TH AVE
BALSAM LAKE WI 54810

BEACH COAST PROPERTIES LLC
45 TRINITY CHAPEL RD
ASHEVILLE NC 28805

TALSMA TIMOTHY D TR
4851 QUINCY ST
HUDSONVILLE MI 49426

BEACH FAMILY TRADITIONS LLC
2875 DANA POINTE DR
PINCKNEY MI 48169

GRAY JOHN R JR & JANE E
15537 FIDDLESTICKS BLVD
FORT MYERS FL 33912

KARETA KENNETH C &
4138 RICH DR
WATERFORD MI 48329

DISILVESTRO LYNN M TR
733 N FORREST AVE
ARLINGTON HEIGHTS IL 60004

SIMPKINS MATTHEW J
10275 RANGER HWY
MORENCI MI 49256

LALLY ROBERT J &
719 CRAWFORD AVE
SYRACUSE NY 13224

GOODIN PROPERTIES LLC
15228 FIDDLESTICKS BLVD
FORT MYERS FL 33912

LEWIS RANDY & TERRY
3221 LINDEN CIR
PRIOR LAKE MN 55372

RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
NORTH BARRINGTON IL 60010

LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

BETZRUHEN LLC
2330 E PARIS AVE SE
GRAND RAPIDS MI 49546

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

BOUNDS ROSEANNE H
3842 NW 22ND ST
CAPE CORAL FL 33993

VICKERY STEVEN B &
1509 E 77TH ST
INDIANAPOLIS IN 46240

BARAN JOSEPH W JR &
1102 PHILIPS ST
BADEN PA 15005

SHEREN MICHAEL E TR
75 E OLD MILL TRL
ANTIOCH IL 60002

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

REVIS LINDA C +
43031 BOARDWALK LOOP
PUNTA GORDA FL 33982

PELLA KATHLEEN G TR
1079 CALOOSAHATCHEE DR SW
MOORE HAVEN FL 33471

CUSACK MICHAEL J &
15134 BROLIO LN
NAPLES FL 34110

KAECHLE CLARENCE W
31775 EASTLADY
BEVERLY HILLS MI 48025

200 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

NAGARATHINAM S V & CHRITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

BRUNER MICHAEL J & SUSAN L
PO BOX 447
HERSCHER IL 60941

GROSSKOPF MARK R
1000 N WATER ST #950
MILWAUKEE WI 53202

RECK SCOTT A & MARYLEE A
7550 32ND AVE S
GRAND FORKS ND 58201

IFG HOLDINGS LLC
4540 BARTHOLOMEW DR
PLEASANT HILL IA 50327

KLAVANS ALAN L + KAREN R TR
8113 KEY WEST DOVE ST
WINTER GARDEN FL 34787

NAGARATHINIM S V & CHITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

BORKOWSKI DUANE E TR
694 SEABISCUIT DR
TROY MI 48084

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GLOMERLOT PROPERTIES LLC
3075 DANA POINTE DR
PINCKNEY MI 48169

200-601 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

SCHANE JAMES R TR
PO BOX 5434
WOODRIDGE IL 60517

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

174 PASSAIC AVENUE LLC
25 SOUTH RD
MENDHAM NJ 07945

HAMMERNIK KEITH M TR
13640 W LINFELD CT
NEW BERLIN WI 53151

RIEDEL THOMAS R TR
5949 ASHFORD LN
NAPLES FL 34110

LIOTTA VINCENZO S &
1000 MERRY LN
OAK BROOK IL 60523

DANIEL W BENECKE TRUST +
PO BOX 24
RIDGEVILLE CORNERS OH 43555

PUORRO ANTHONY TR
50133 JOY LANE
EAST LIVERPOOL OH 43920

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

CAMPBELL FAMILY LTD PARTNERSHI
21557 SHORE VISTA LN
NOBLESVILLE IN 46062

CECIL LUDVIK FRANK & EVA
2900 NE 14TH ST CSWY UNIT 1005
POMPANO BEACH FL 33062

CAMPBELL FAMILY LIMITED PARTNE
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GORDEE BRADLEY TR
2685 MAPLE DR
MCFARLAND WI 53558

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

CECIL LUDVIK & EVA
2900 NE 14TH ST CSWY #1005
POMPANO BEACH FL 33062

MAIN REAL-ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E STE 208
CAPE CORAL FL 33904

CUATRO AMIGOS PROPERTIES LLC
2623 HARRISON WOODS RD
TERRE HAUTE IN 47805

LOFFRENO REAL ESTATE INC
2100 ESTERO BLVD
FORT MYERS BEACH FL 33931

TYSON FARRELL C II &
PO BOX 100181
CAPE CORAL FL 33910

DEUTSCH RANDALL P
1524 WATERFORD RD
NORTH AURORA IL 60542

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

DURR KENNETH C & DONNA M L/E
4830 WESTGATE RD
MINNETONKA MN 55345

MERSCHMAN GEORGE & LINDA TR
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

BRISTOL DAVID C
4149 MIDWAY RD
HERMANTOWN MN 55811

FERRY REALTY LLC
3 AJOOTIAN WAY UNIT D-10
MIDDLETON MA 01949

NAGARATHINAM SUNDARAM V &
3630 CASITAS DR
JACKSONVILLE FL 32224

CASH DOUGLAS A
PO BOX 1317
BELOIT WI 53512

VIEAU MARK R & SHERYL
4946 W PIKE LAKE RD
DULUTH MN 55811

VIEAU MARK R + SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

JO MAR FAMILY LLC
PO BOX 696
NEW BALTIMORE MI 48047

TRI BOELTER PROPERTIES LLC
105 MAPLE LANE
WINONA MN 55987

ASHTON VICTORIA M +
PO BOX 538
SANIBEL FL 33957

ZAKO VACATIONS INC
2358 LEEDS CROSSING
LONDON ON N6M 0E4
CANADA

CECIL LUDVIK F & EVA
2900 NE 14TH STREET CSWY #1005
POMPANO BEACH FL 33062

200-906 ESTERO BLVD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

200-907 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

COLE HARLEY J & BRENDA V
PO BOX 101674
CAPE CORAL FL 33910

PARADOWSKI KATHLEEN
4521 E LAKE RD
WILSON NY 14172

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

MAIN REAL ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E #208
CAPE CORAL FL 33904

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

PALMA VICTOR J & KAREN L
101 N MARION CT APT 234
PUNTA GORDA FL 33950

BRUNETTI ROBERT G TR
2532 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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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JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

ROOT LARRY W & JANE E
1559 WESLEY CHAPEL RD
MITCHELL IN 47446

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

KRUGER KATHLEEN & RYAN D
2519 SUTHERLAND CT
CAPE CORAL FL 33991

JOHNSON CHRISTOPHER G &
469 CAMBRIDGE WAY
BOLINGBROOK IL 60440

MCKEE FAMILY PROPERTIES LLC
7 E DOW ST
TIPP CITY OH 45371

PETH NICK A
PO BOX 580
WAYNESVILLE OH 45068

HEALING SPACES 2 LLC
1635 CONCORDIA ST
WAYZATA MN 55391

DENMAR PROPERTIES LLC
1502 ST CHARLES ST
WAUWATOSA WI 53213

VOLPE JAMES M
3319 MANSION WAY
COLUMBUS OH 43221

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

MERTZ SUSAN SMOOT
1252 CALOOSA DR
FORT MYERS FL 33901

5CS LLC
PAUL CHAMBRE
780 CAL COVE DR
FORT MYERS FL 33919

KIRSCH VINCENT J
3932 LEFORT RD
STRYKERSVILLE NY 14145

BALA PROPERTIES LLC
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

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

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

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

KANDA RIDGE LLC
500 LINDEN OAKS #130
ROCHESTER NY 14625

501 CAPTIVA VILLAS LLC
120 N GLENHURST
BLOOMFIELD HILLS MI 48301

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

SCHAULS WILLIAM R + VALETTA TR
412A LEE ST
DURAND WI 54736

TRIEGLAFF MARK
915 EDDY CT
WHEATON IL 60187

AMM VILLA SERVICES INC
MICHAEL MOHR
IM VOGELSANG 25B
VALLENDAR 56179
GERMANY

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

LOFFRENO CHRISTIAN
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BYRNE WILLIAM M & DEBORAH L
14505 MORNINGSIDE RD
ORLAND PARK IL 60462

WITT JASON A + KATHLEEN M
45897 DENISE DR
PLYMOUTH MI 48170

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

WENTWORTH JEFFREY R
3630 E LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

SOLLAZZO LUIGINA A & PAUL J
21 WESTBROOK CT
BRIDGEWATER NJ 08807

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

SCHMITT DANIEL R & SUSAN L
15410 CATALPA COVE LN
FORT MYERS FL 33908

GIPEAN INC
PO BOX 4366
LAKE CHARLES LA 70606

LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

S & L CAMPBELL FAMILY LIMITED
20927 EDGEWATER DR
NOBLESVILLE IN 46062

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 STE 201
CORNELIUS NC 28031

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

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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

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
LEOPA 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:

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

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.



Please see attached narrative.

Page 256 of 358

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.

- Whether the request will be compatible with existing or planned uses and 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 and 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.

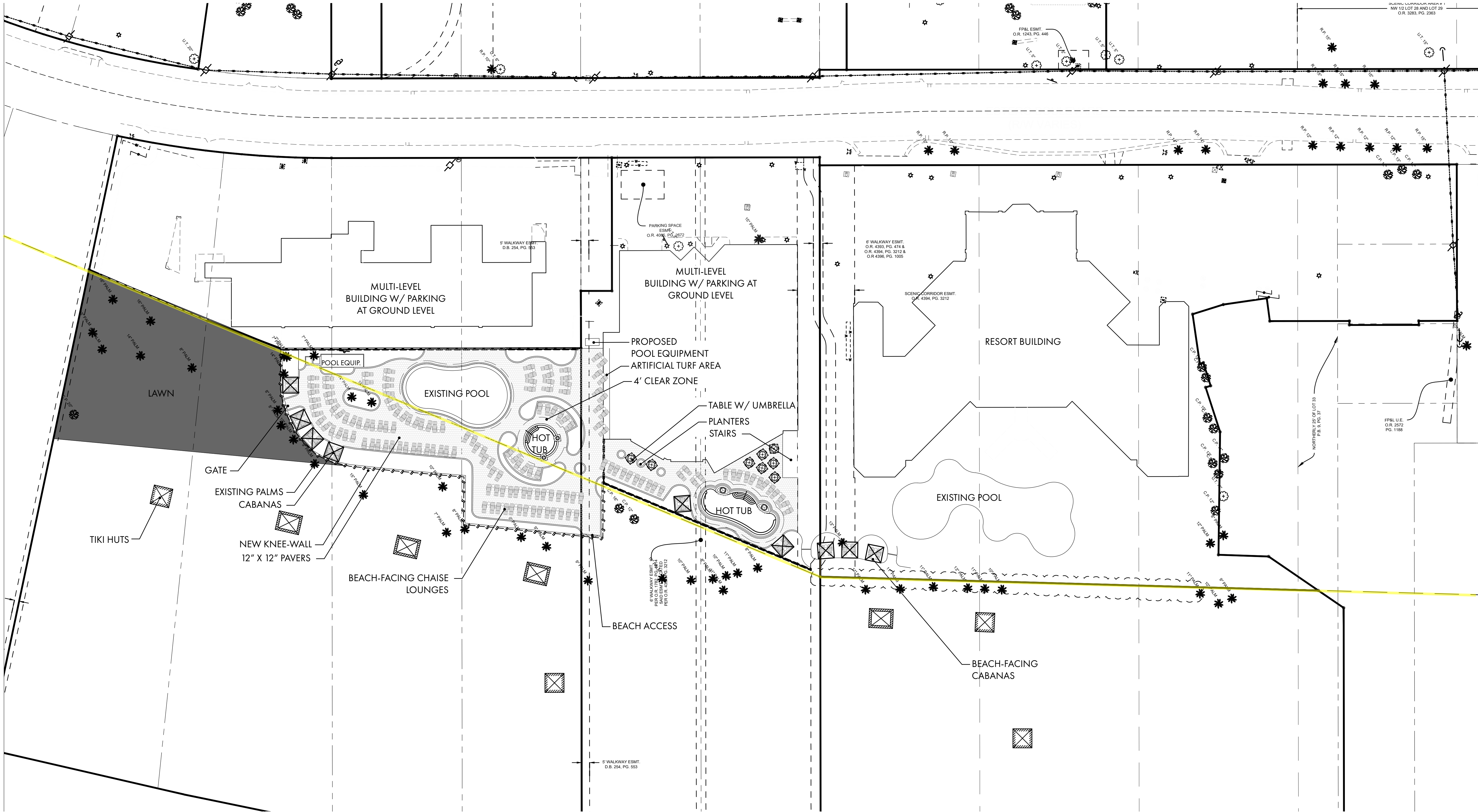
Given that the request meets the foregoing criteria, and that granting the special exception is not contrary to the public interest and the health, safety, comfort, convenience, and welfare of the citizens of the town, the LDC provides that the Town Council shall grant the special exception. We respectfully 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

PINK SHELL RESORT • POOL DECK CONCEPT

📍 Lee County, FL
📅 October 16, 2023
23004319

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-50**

1. Request:

Meeting Date: April 30, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20240088, A REQUEST FOR TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED STREET SETBACK BY 17 FEET 6 INCHES FROM THE REQUIRED 25 FEET, AND TO REDUCE THE REAR SETBACK BY 12 FEET 1 INCH FROM THE REQUIRED 20 FEET, IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 614 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

Variance requests are heard by the LPA and recommendations from the LPA are forwarded to the Town Council.

What the action accomplishes:

Approval of the request will allow the applicant to build a cottage home with decreased front and rear setbacks.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

resolution

5. Background:

The owner of 614 Estero Boulevard, is requesting two variances from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum 25 feet street setback and a minimum 20 feet rear setback. The subject property is one of the beach-side cottage lots connected by a 7.5 feet wide access easement from Estero Blvd. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 17 feet and 6 inches for the street setback and a variance of 12 feet and 1 inch for the rear setback, to build a new single-family home.

Attachments:

1. Resolution 24-XX 614 Estero
2. Staff Report
3. Exhibit A Site plan and drawing
4. Exhibit B LPA AND TC postcard
5. Exhibit C Application

Financial Impact:

6. Alternative Action

deny

7. Staff Recommendations:

Recommend approval

8. Recommended Approval:

Date: April 24, 2024

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: April 26, 2024

Date: April 26, 2024

RESOLUTION 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20240088, A REQUEST FOR TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED STREET SETBACK BY 17 FEET 6 INCHES FROM THE REQUIRED 25 FEET, AND TO REDUCE THE REAR SETBACK BY 12 FEET 1 INCH FROM THE REQUIRED 20 FEET, IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 614 ESTERO BLVD; 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, The Applicant is the owner, Lawrence Black, and is requesting a variance from LDC Table 34-3 which requires all single-family residences in RM zoning district to provide a minimum 25 feet street setback, a minimum 20 feet rear setback; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W4-00.400.014C; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Multi Family" (RM) zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 30, 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 voted ____ to ____ to recommend approval/ approval with conditions/ denial of the variances; and

WHEREAS, on May 20, 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 Variance with conditions is/ is not in the best interest of the Town. 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 variance from LDC 34-3 which requires all single-family residences in RM zoning district to provide a minimum 25 feet street setback and a minimum 20 feet rear setback.

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 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 be / will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are of/ 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. No part of the house may encroach into the 7.5-foot access easement.
- C. The development must substantially comply with the drawings as provided in Exhibit A, attached.

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, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 20th day of May 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, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2024.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240088

CASE NAME: 614 Estero Boulevard; Variance from LDC Table 34-3 to reduce the front setback by 17'6" feet and reduce the rear setback by 12'1".

LPA

HEARING DATE: April 30, 2024

STAFF

RECOMMENDATION: Approval

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

I. APPLICATION SUMMARY

Applicant/Owner: Lawrence Black (Owner/Applicant)

Request: Variance from LDC Table 34-3 to reduce the front setback by 17 feet 6 inches and reduce the rear setback by 12 feet 1 inches.

Subject property: See attached site plan

Physical Address: 614 Estero Boulevard

STRAP #: 24-46-23-W4-00.400.014C

FLU: Mixed Residential

Zoning: Residential Multifamily (RM)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL AND RECREATIONAL

Residential Multifamily (RM) and Environmental Conservation (EC)

South: MIXED RESIDENTIAL AND RECREATIONAL
Residential Multifamily (RM) and Environmental Conservation (EC)

East: MIXED RESIDENTIAL AND RECREATIONAL
Residential Multifamily (RM)

West: MIXED RESIDENTIAL
Residential Multifamily (RM)

II. BACKGROUND AND ANALYSIS

Background:

Lawrence Black, the applicant for 614 Estero Boulevard, is requesting two variances from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum 25 feet street setback, a minimum 20 feet rear setback.

The subject property is one of the beach-side cottage homes connected through a 7.5 feet wide access easement from Estero Blvd. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 17 feet and 6 inches for the street setback and a variance of 12 feet and 1 inch for the rear setback, to build a new single-family home.

Analysis:

The purpose of the RM zoning district is to designate suitable locations for a wide variety of multifamily residences. The subject property is one of the beach-side cottage homes connected through a 7.5 feet wide access easement from Estero Blvd. The lot is 50 feet wide and 60 feet long and is designated as a non-conforming lot. The existing single-family residence was destroyed in Hurricane Ian and the Applicant is now proposing to rebuild a residence of higher square footage. The Applicant acquired a minimum use determination on November 21, 2023.

Based on LDC Section 34-3273 (7) *A nonconforming lot, which previously had or currently has a residence constructed on it and receives an affirmative minimum use determination per Sec. 34-3274 may request an administrative setback variance in accordance with sec. 34-268.* Based on LDC Section 34-268 (a) (1) b., the director has the authority to modify the setbacks using administrative variance if the proposed remodeling or addition or expansion of non-conforming structures does not lead to further diminution of the setback. The Applicant is, however, proposing a house of greater square footage with reduced setbacks and thus, does not qualify for administrative variance.

As per LDC table 34-3, a single-family home in the RM zoning district shall provide a minimum street setback equal to 25 feet and a minimum rear setback of 20 feet, respectively. The Applicant is, therefore, requesting a variance of 17 feet and six inches for the street setback, a variance of 12 feet and one inch in rear setback.

The Applicant is also proposing the mechanical equipment at a setback of 8 feet and 9 inches from the rear property line. However, if the requested rear setback variance is approved, the proposed mechanical equipment will encroach no more than 10 inches into the new setback. Mechanical equipment is allowed to encroach up to three feet into the rear setback. Therefore, approval of the proposed setback variance of 12 feet and one inch to the exterior staircase, will allow the mechanical equipment to encroach 10 inches into the rear setback as proposed.

The Applicant has the choice to construct a residence of same square footage as the residence that existed post Hurricane Ian, which would be consistent with the Town's LDC and could be approved through the process of administrative variance. Moreover, staff believes that **a residence of this scale on the subject non-conforming lot, might raise access issues with Fire Department of the Town of Fort Myer's Beach.** However, the Applicant wants to build a residence of higher square footage with reduced setbacks, which is only possible if the said variances are granted.

Neighborhood Compatibility:

The subject property is one of the cottages in Northwest part of the island formed by the intersection of Estero Blvd and Matanzas Street. Several properties on the seaward side of Estero are similar non-conforming lots supporting single family residences that appear to be in consistency with the Town's LDC.

III. FINDINGS AND CONCLUSION

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 subject property is a non-conforming lot with access through a 7.5 feet wide access easement from Estero Boulevard. The Applicant has already acquired a minimum use determination letter to allow a construction of a single-family resident post Ian. The town's LDC allows the Applicant to build a single-family residence the same footprint as before Ian through an administrative variance. The Applicant is, however, proposing a house of

greater square footage and thus, requires variances from the code required street and rear setbacks.

- 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 conditions justifying the variance are not the result of the actions of the Applicant. The lot is a nonconforming cottage lot which would be unbuildable if the required setbacks applied. The applicant is proposing a single story residence over base flood elevation. This design is in line with the desire of the Town to rebuild single story cottages on these cottage lots.

- 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.*

While it may be possible to have less variances, the proposed house being a single story over flood is a preferred design.

- 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 **could** be injurious to the neighborhood or otherwise detrimental to the public welfare. The site is presently accessible via a 7.5 feet easement connecting Estero Blvd to the beach. It will be very important for no part of the house to encroach into the easement to ensure Fire Department and emergency access to the properties behind this home. This requirement is included in the conditions.

- 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.

IV. RECOMMENDATION

Staff has reviewed the request for a variance from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25 feet street setback, a minimum 20 feet rear setback and found that the variance request does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL** of VAR20240088, a request for a variance of 17 feet and six inches for the street setback and a variance of 12 feet and 1 inch in rear setback.

V. 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) No part of the house may encroach into the 7.5 foot access easement.
- 3) The development must substantially comply with the drawings as provided in Exhibit A, attached.

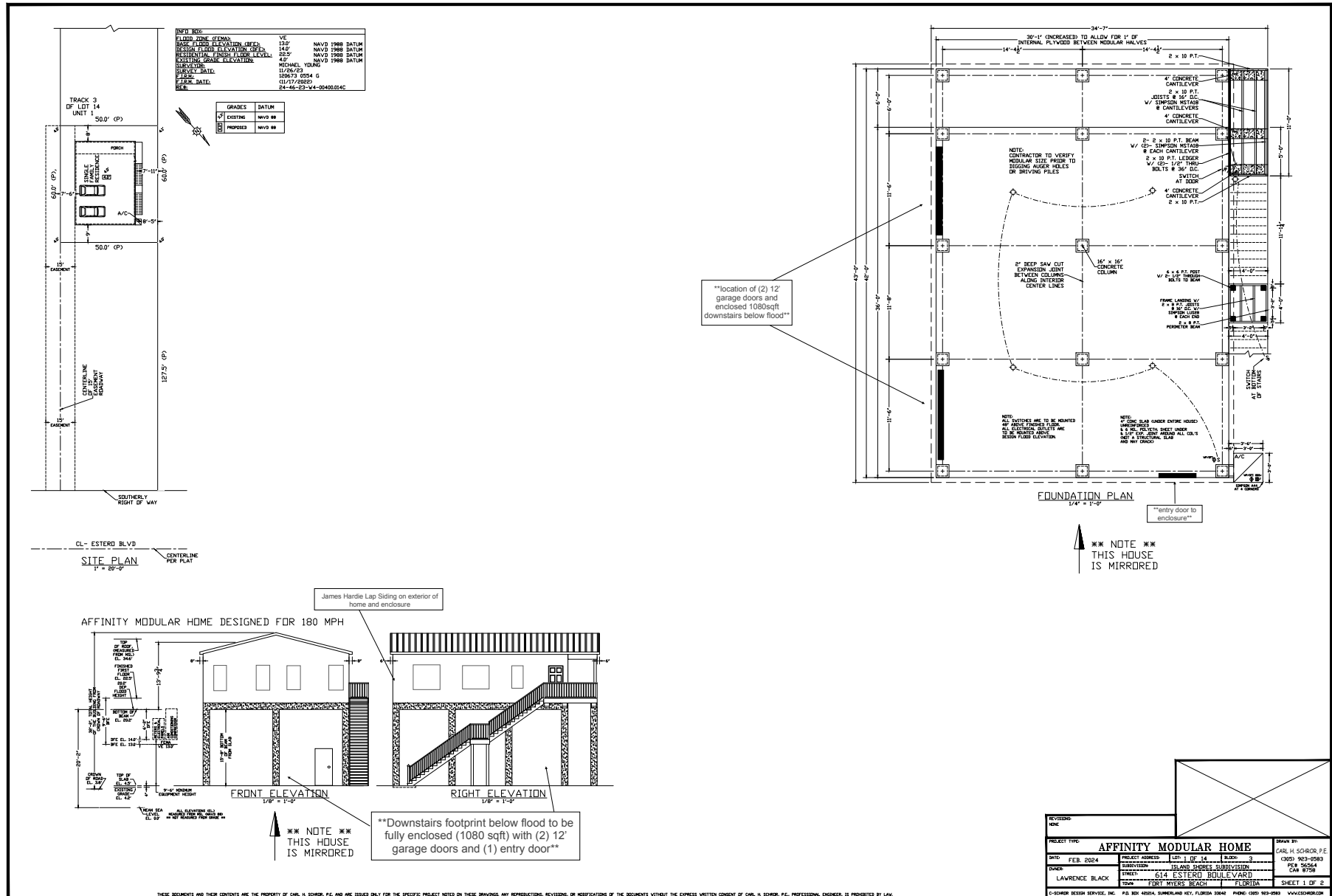
VI. EXHIBITS

Exhibit A: Site plan and drawing

Exhibit B: Postcards to Adjacent Property Owners

Exhibit C: Complete Application

Exhibit D proposed replacement SFR





Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA April 30, 2024, and Town Council May 20, 2024

CASE: VAR20240088

ADDRESS: 614 Estero Blvd

APPLICANT: Lawrence Black

REQUEST: Requesting a variance from Table 34-3 to decrease the front setback by 17 feet 6 inches and decrease the rear setback by 12 feet and 1 inch.

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/ Town Council** will review the application materials and hear testimony to make a **recommendation/decision**. 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
2731 Oak St,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

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

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

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

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

«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: 614 Estero Blvd
STRAP Number: 24-46-23-W4-00400.014C
Applicant: Lawrence Black Phone: 239-851-1125
Contact Name: Kara Stewart Phone: 239-770-4198
Email: stewart.karalyn@gmail.com Fax: _____
Current Zoning District: RM
Future Land Use Map (FLUM) Category: Mixed Residential
FLUM Density Range: 6 du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Lawrence Black Phone: 239-851-1125
**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: 5320 Harborage Dr Fort Myers FL 33908
Email: lawrencerblack@icloud.com Fax: _____
Contact Name: Larry Black Phone: 239-851-1125



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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: Kara Stewart Phone: 239-770-4198

Address: _____

Email: stewart.karalyn@gmail.com 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; 634
- ☐ 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: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ 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: Lawrence & Deborah Black Phone: 239-851-1125

Mailing Address: 5320 Harborage Dr., Fort Myers Fl

Email: lawrencerblack@icloud.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Lawrence Black 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.

Lawrence Black
Signature

Lawrence Black
Printed Name

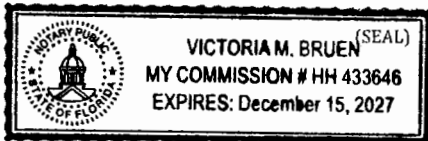
STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of X physical

presence OR _____ online notarization, this 7th day of March, 2024, by

Lawrence Black ☐ who is personally known to me OR ☒ who has produced

Driver License as identification.



Victoria M. Bruen
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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

_____	_____
_____	_____
_____	_____
_____	_____



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, _____ (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

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: 24-46-23-W4-00400.014C

Property Address: 614 Estero Blvd

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: Island Shores

Book: 9 Page: 24 Unit: 1 Block: _____ Lot(s): 14

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 50.00 feet
Depth (please provide an average width if irregular in shape) 60 feet
Frontage on street: 60 (easement) feet. Frontage on waterbody: 0 feet
Total land area: 3000 ☐ acres ☒ square feet

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

Over bridge go right

☐ 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 |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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: 614 Estero Blvd
Authorized Applicant: Lawrence Black c/o Kara Stewart
LeePA STRAP Number: 244623W400400014C

Current Property Status: Vacant	
Current Zoning: RM	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6du/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638	Setbacks
34-634	Lot Coverage

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-638; 634 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
Required front setback from easement is 25' We are requesting a reduction of
17'6" to the front of house, giving us a 7'6" front setback
Required rear setback is 20'. We are requesting 12'1" reduction, giving us 7'11"
to the staircase. The a/c pad will be 8'5" to the rear property line, thus requiring
an a/c setback reduction of 8'7" when taking into account the allowable 3'
encroachment into rear yard.
With this prefabricated buiding lot coverage will be at approx 44% as opposed
to the limited 40%
See Exhibit D for proposed layout

Reasons for request

Explain why the variance is needed:
Hurricane Ian destroyed the home. The owner is looking to replace the single
family in a very similiar size/location as was previously on site. While the owner
wishes to only construct one floor above flood they would however like to
protect their vehicle, beach equipment, bicycles, etc from the weather while
providing security for such items, they are looking to enclose the ground floor.
As such they do not qualify for an administrative variance.
The lot is only 3000sf while trying to replicate as best they can the homeowner
is using a prefabricated building and has been somewhat limited with dimension.
The previous structure was at approx 43% lot coverage
See Exhibit A and B previous layout

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

The structure being proposed is very similar in size and nature as what was previously at this location. The neighboring properties will not have any adverse effects. The access easement will function as it has in the past. The previous home was 30.2 X 42.4, the proposed structure is 34'7" (including the 4' wide staircase) X 43'. The structure being located adjacent to the access easement is the same configuration as in the past. ~~it should be noted this access easement ends at this property and was for~~ the use of this residence, it does not extend as driveway easement beyond this property.

The neighbor to the west has a shuffleboard court and pool adjacent to this property

As the lot coverage is very close to what was previously there, the surrounding properties would not be any further affected. The surrounding properties may faced with similar challenges.

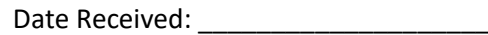
See exhibit C

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

The irregular lot size 60 X 50 with the required setbacks of 25' front, 20' rear doesn't allow for the construction of a replacement single family, home could only be 5' in depth. The design chosen has placed this structure in same location and basic size as in the past.

The property has acquired a Minimum use determination MUD20230253

Lot coverage request: it is difficult to construct a home on a very limited lot size 60 X 50; using a prefabricated home we are somewhat limited with design



The request is not so broad in nature to require a code change: the size of this lot is not typical throughout the island.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://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

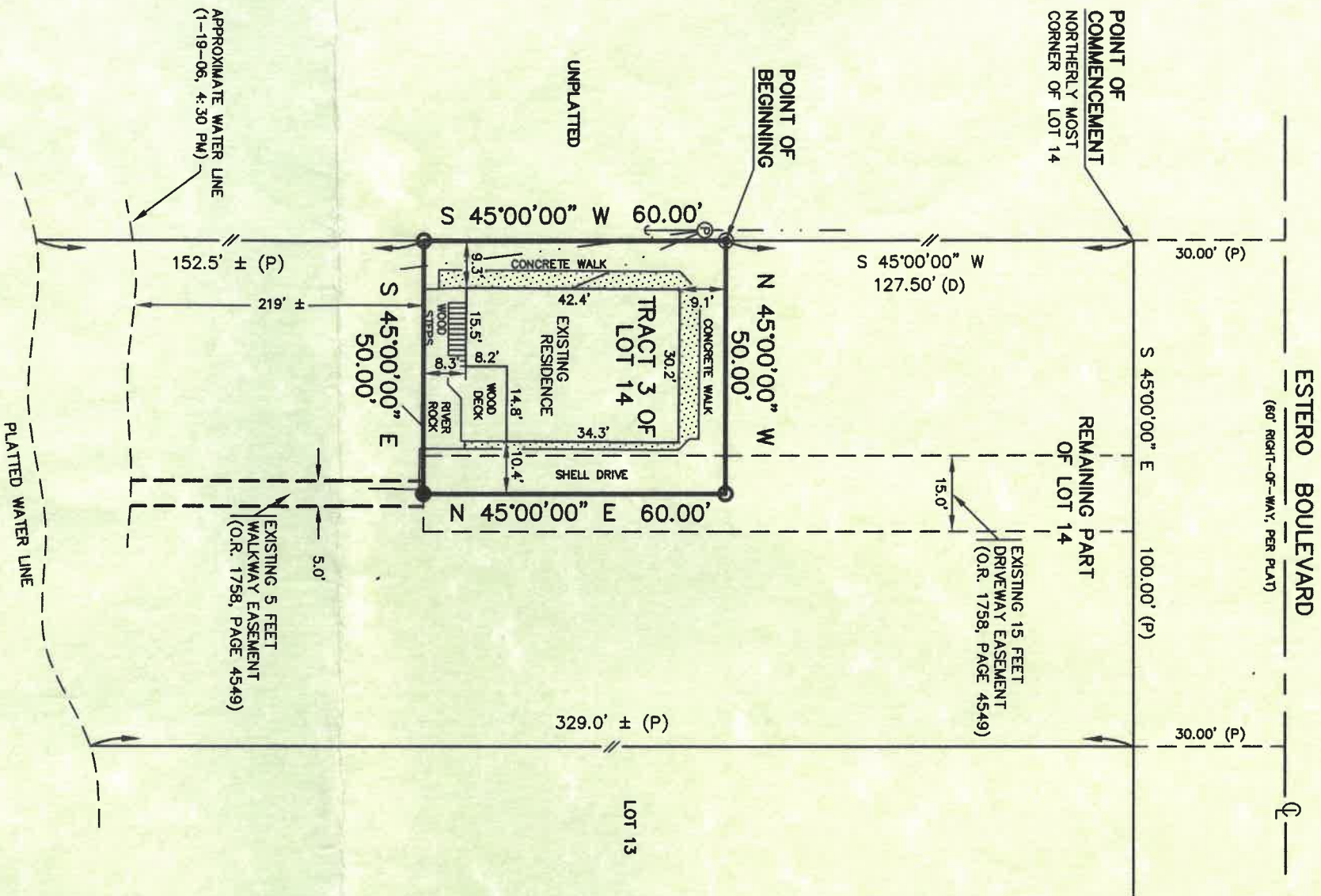
The guidelines for decision-making regarding a request for a variance are as follows:

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.

BOUNDARY SURVEY

Exhibit A

SCALE
1" = 30'



LEGAL DESCRIPTION

(AS FURNISHED)

TRACT 3 OF LOT 14, UNIT 1, ISLAND SHORES SUBDIVISION, MORE FULLY DESCRIBED AS FOLLOWS: SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHERLY MOST CORNER OF LOT 14, UNIT 1, ISLAND SHORES SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 24, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 45 DEGREES W ALONG THE NORTHWESTERLY LINE OF AFORESAID LOT 14, A DISTANCE OF 127.50 FEET TO A POINT AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S 45 DEGREES W ALONG THE AFORESAID NORTHWESTERLY LINE A DISTANCE OF 60.00 FEET; THENCE S 45 DEGREES E DISTANCE OF 50.00 FEET; THENCE N 45 DEGREES E A DISTANCE OF 60.00 FEET; THENCE N 45 DEGREES W A DISTANCE OF 50.00 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

- NOTES:
1. BEARINGS ARE BASED ON THE WESTERLY PROPERTY LINE OF LOT 14, BEING S 45°00'00" W, (PER PLAT).
 2. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, NOT LOCATED.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. PARCEL LIES IN F.I.R.M. ZONE A-12, ACCORDING TO FIRM PANEL 125124 0429 D DATED 9-20-96, BASE ELEVATION 14' FEET. **FLOOD ZONE SHOULD BE VERIFIED BY ANY AND ALL AGENCIES INVOLVED.**
 5. THIS CERTIFICATION IS ONLY FOR LAND AS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 6. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 7. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, (UNLESS OTHERWISE SHOWN.)

THIS BOUNDARY SURVEY PREPARED FOR:

JEFFERY M. LENTZ
WILLIAM E. SHENKO, JR. P.A.
FIFTH THIRD MORTGAGE COMPANY

LEGEND

- SET 5/8" IRON ROD & CAP
LICENSED BUSINESS # 6427
- FOUND 1/2" IRON ROD
NO CAP
- FOUND 1/2" IRON ROD & CAP
CAP ILLDIBLE
- Ⓟ POWER POLE
- OVERHEAD LINES
- ← GUY WIRE ANCHOR
- O.R. OFFICAL RECORD BOOK
(TYP) TYPICAL
- CONC. CONCRETE
- (P) PLAT
- (M) MEASURED
- (D) DEED

JRI & ASSOCIATES, INC.
LAND SURVEYORS and MAPPERS
LICENSED BUSINESS No. 6427

MICHAEL C. SELPH
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 5067

12811 KENWOOD LANE, SUITE 116
FORT MYERS, FLORIDA 33907

TEL. (239) 278-4858

FAX (239) 278-4799

PROJECT NO. 06-1014
SURVEY DATE: JANUARY 19, 2006
STREET ADDRESS

614 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA

REVISIONS:

NO.	DATE	DESCRIPTION	BY



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Images year: 2021

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01/29/2021
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☒ Display Parcels

Exhibit B

STRUCTURE PRE IAN



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Images year: 2023

01/05/2023

View 1

☒ Display Parcels



**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-37**

1. Request:

Meeting Date: April 30, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240084, REQUESTING A VARIANCE FROM LDC 34-1174(b). TO ALLOW A PICKLEBALL COURT, CLOSER TO STREET THAN THE PRINCIPAL BUILDING IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6140 COURT 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 hears variance requests and makes recommendations to the Town Council.

What the action accomplishes:

The Town Council will consider the recommendation of the LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

resolution

5. Background:

The applicant is proposing a pickleball court closer to the street than the principal building in the RS zoning.

Attachments:

1. Res 24-XX- 6140 Court St ns
2. LPA STAFF REPORT
3. EXHIBIT A-SITE PLAN
4. EXHIBIT B- SURVEY
5. EXHIBIT C-LANDSCAPE PLAN
6. LPA AND TC postcard 6140 Court St
7. COMPLETE APPLICATION

Financial Impact:

unknown

6. Alternative Action

APPROVE

7. Staff Recommendations:

Recommend denial of the request.

8. Recommended Approval:

Date: April 19, 2024

Frankie Kropacek, Operations & Compliance Director

Date: April 22, 2024

nancy stuparich, Town Attorney

Date: April 24, 2024

RESOLUTION NUMBER 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240084, REQUESTING A VARIANCE FROM LDC 34-1174(b) TO ALLOW A PICKLEBALL COURT, CLOSER TO STREET THAN THE PRINCIPAL BUILDING IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6140 COURT 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, Kledzik Cary & Laura ("Applicant") are the owners of the property located at 6140 Court Street, and are requesting a variance from LDC 34-1174(b) to allow an accessory structure closer to the street than the principal building in the RS zoning district; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-0010A.2000; and

WHEREAS, the Property is located in the "Mixed Residential" and "Recreational" 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 April 30, 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 consistent with the comprehensive plan and the requirements of the LDC and voted _____ to _____ to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on May 20, 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 34-1174(b) to allow an accessory structure closer to the street than the principal building in the RS zoning district.

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.

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, Council Member	_____
Karen Woodson, Council Member	_____
Scott Safford, Council Member	_____

ADOPTED this ____ day of May 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 May 2024.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240084

CASE NAME: 6140 Court St; requesting variance from LDC 34-1174(b) to allow a pickleball court, closer to street than the principal building in RS zoning district.

LPA

HEARING DATE: May 14, 2024

STAFF

RECOMMENDATION: DENIAL

**PREPARED/
SUBMITTED BY:** Jason Smalley

I. APPLICATION SUMMARY

Owner/Agent: Cary & Laura Kledzik (Owner)/ Kara Stewart (Agent)

Request: Variance from LDC 34-1174(b) to allow an accessory structure/pickleball court closer to the street than the principal building in RS zoning district.

Subject property: See attached site plan

Physical Address: 6140 Court St

STRAP #: 33-46-24-W3.0010.A2000

FLU: Mixed Residential/ Recreation

Zoning: Residential Single Family (RS)

Adjacent zoning and land uses:

North:	Residential Single Family (RS) Mixed Residential
South:	Environmentally Critical (EC) Recreation
East:	Residential Single Family (RS) Environmental Critical (EC) Mixed Residential/ Recreation
West:	Residential Single Family (RS) Environmental Critical (EC) Mixed Residential/ Recreation

II. BACKGROUND AND ANALYSIS

Background:

Cary and Laura Kledzik, the owners of 6140 Court St, are requesting one variance from the Town's Land Development Code (LDC): 1) Section 34-1174(b) which prohibits location of accessory structures, closer to street right-of-way line than the principal building in the RS zoning district.

The proposed pickleball court is considered an accessory structure. The property owner(s) has an issued permit under the previous setback ordinance to construct a single-family home. The permit has an issued date of 8/11/2021. During the design of the home, the applicant did not accommodate a pickleball court in their original site design. The accessory structure meets the sides, and street setbacks outlined for accessory structures on a waterbody lot in the RS zoning district and will be further buffered by landscaping around the pickleball court. The owner will amend the drainage plan for the single-family home to ensure that the site adheres to the Neighborhood Flooding ordinance.

Analysis:

The subject property is 75 feet wide, and approximately 183 feet deep. It is a conforming lot. The proposed pickleball court will be 25 feet from the Court Street right of way and a minimum of 7.5 feet from the side property lines. LDC 34-1174(b) states that accessory structures, shall not be closer to a street right-of-way line or street easement than the principal building.

Neighborhood Compatibility:

The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. The subject property is part of an existing residential neighborhood. It does not appear that the neighborhood has any accessory structures closer to the street right-of-way than the principle building.

Findings and Conclusions:

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

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

There are no exceptional or extraordinary conditions inherent to the property itself. However, the new home was constructed near the rear of the property, with little room for a pickleball court elsewhere. The applicant has the choice to not construct the pickleball court

- b. *That the conditions justifying the variance **are** the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are the result of the actions of the Applicant. The owner(s) designed a home without incorporating the proposed pickleball court which is not compliant with Section 34-1174(b) of the Town's LDC.

- c. *That the variance granted **is** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

Because of the chosen location of the residence, construction of a pickleball court is only possible forward of the residence.

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

The granting of both variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The property owner will be installing landscape buffering for noise mitigation and shield the pickleball from Court St as well as the neighboring property owners. from view of the road.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought **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 variances are sought are not general in nature and do not warrant a code change.

IV. RECOMMENDATION

Staff has reviewed the request for a variance from LDC 3434-1174(b) which prohibits location of accessory structures, such as accessory structures, closer to street right-of-way line than the principal building in the RS zoning district and found that the variance request **does not meet** the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of the request to allow the proposed pickleball court closer to the street right of way line than the single-family residence.

If LPA were to approve the variance request, staff has recommended conditions of approval.

IV. CONDITIONS FOR APPROVAL

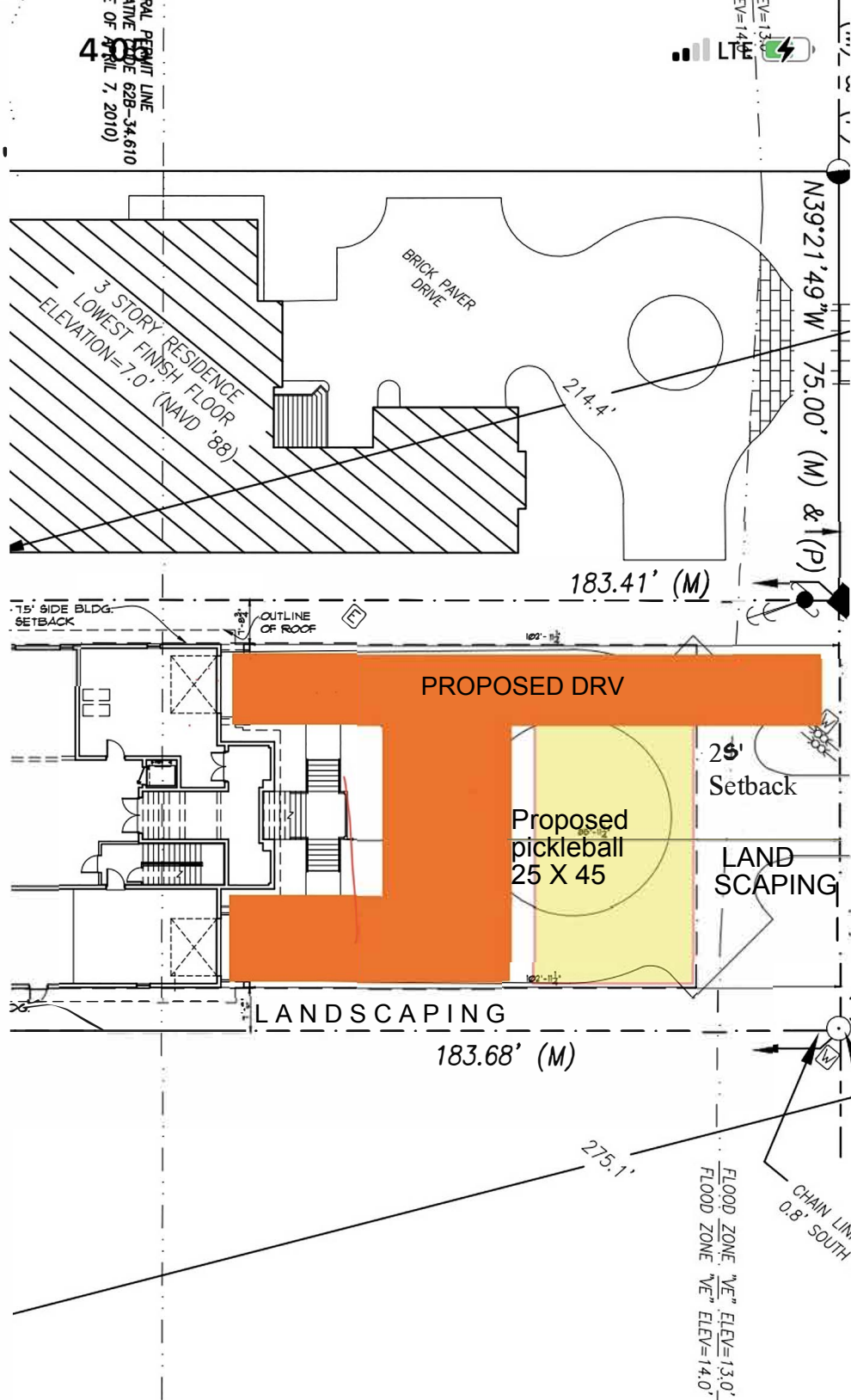
If the LPA chooses to recommend approval for this variance, the town's staff will recommend the following conditions.

- 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) The property owner(s) will need to submit an updated drainage plan to ensure that the site will adhere to the Neighborhood Flooding Ordinance.
- 3) The pickleball court cannot be rented out and can only be used by the owner, their guests, and tenants.
- 4) The property owner(s) must comply with the Noise disturbance section of the Land Development Code.

VI. EXHIBITS

Exhibit A- Site plan
Exhibit B- Survey
Exhibit C-Landscape Plan
Exhibit C- Postcards to Adjacent Property Owners
Exhibit D - Complete Application Packet

EXHIBIT "A"



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 ER STATE DEP DUNE

LOT AREA (LANDWARD OF 1978 C.C.C.L.) = 13,176 SF
 BUILDING COVERAGE = 4,800 SF
 DRIVEWAY COVERAGE = 40% X 13,176 = 5,510 SF

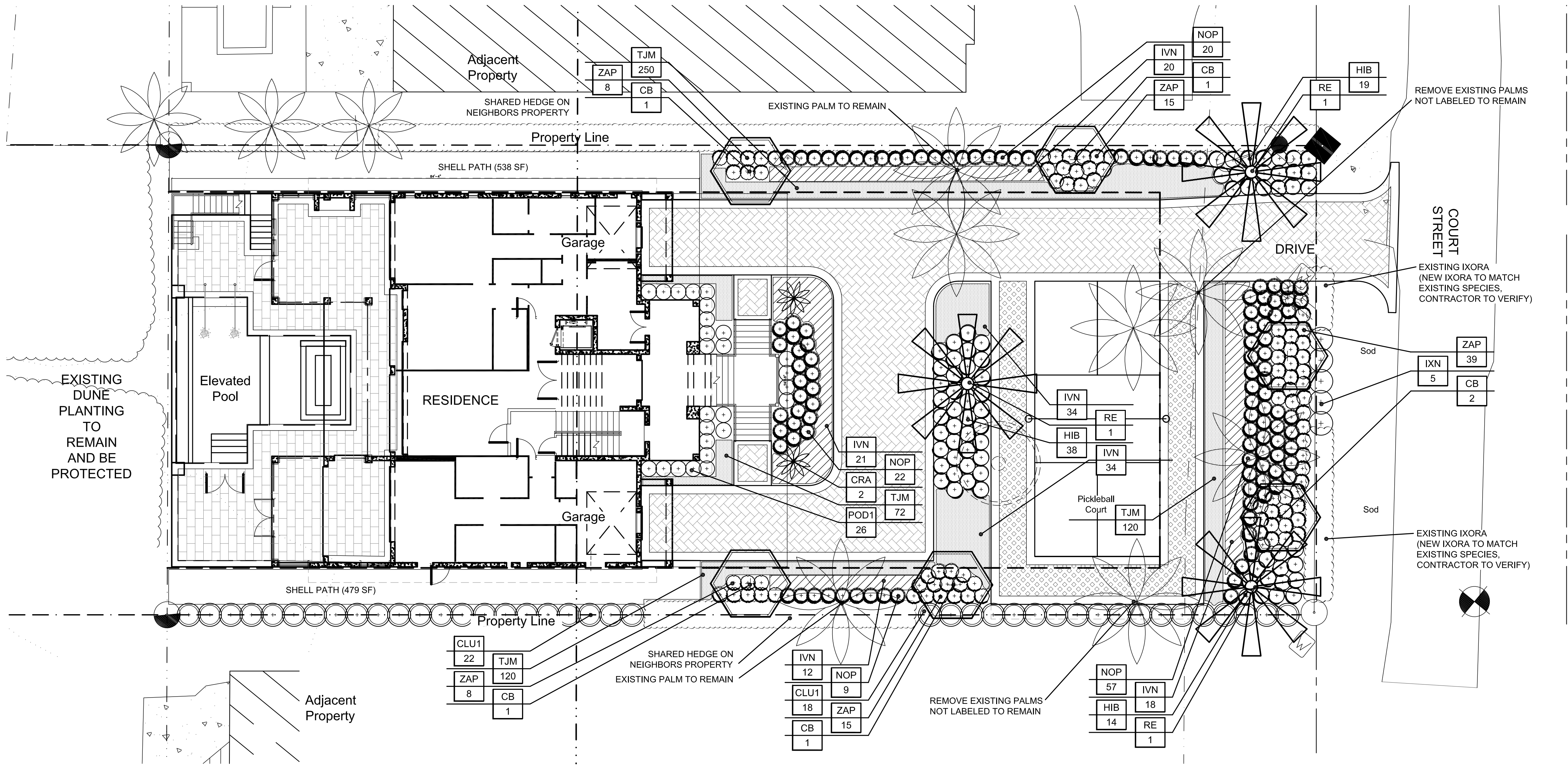
Plant List

TREES						
Qty.	Symbol	Botanical Name	Common Name	Specification	Spacing	Native USDA Zone
6	CB	Conocarpus erectus sericeus	Silver Buttonwood Tree	10' ht x 4' spr, multi, 25g	as shown	Y 10B-11
PALMS						
Qty.	Symbol	Botanical Name	Common Name	Specification	Spacing	Native USDA Zone
3	RE	Roystonea elata	Florida Royal Palm	10' gw matched	as shown	Y 10A-11
ACCENTS						
Qty.	Symbol	Botanical Name	Common Name	Specification	Spacing	Native USDA Zone
2	CRA	Crinum asiaticum	Crinum Lily	10 gal. 30" ht specimen	as shown	N 9a-11
85	ZAP	Zamia pumila	Coontie	10 gallon 24"-30" specimen	as shown	Y 8b-11
SHRUBS						
Qty.	Symbol	Botanical Name	Common Name	Specification	Spacing	Native USDA Zone
40	CLU1	Clusia guttifera	Small Leaf Clusia	10 gallon 48" oa ht	48" on center	N 10-11
5	IXN	Ixora (Contractor to match existing)	Ixora	10 gallon 30" oa ht	30" on center	N 10-11
92	NOP	Nerium oleander 'Petite'	Dwarf Oleander	3 gallon 18" oa ht	30" on center	N 8a-11
71	HIB	Hibiscus rosa-sinensis	Pink Hibiscus	3 gallon 18" oa ht	30" on center	N 9b-11
26	POD1	Podocarpus macrophyllus	Upright Podocarpus	10 gallon 5' oa ht	36" on center	N 8a-11
GROUNDCOVERS						
Qty.	Symbol	Botanical Name	Common Name	Specification	Spacing	Native USDA Zone
112	IVN	Ilex vomitoria 'Stokes Dwarf'	Dwarf Yaupon Holly	3 gallon 16" oa ht	30" on center	Y 8a-10
572	TJM	Trachelospermum asiaticum 'Minima'	Dwarf Asian Jasmine	1 gallon 12" oa ht	12" on center	N 8b-10
ANNUALS						
Qty.	Symbol	Botanical Name	Common Name	Specification	Spacing	Native USDA Zone
0	SAN	Seasonal Annuals:	Owner's Choice	6" Pots	12" on center	N
MISCELLANEOUS						
Qty.	Symbol	Botanical Name	Common Name	Specification	Native	
1017	SF	Shell	Crushed Shell	2"-3" depth		
4989	SF	Irrigation	SEE PLANS OR SPECS	To be field verified by contractor.		
1290	SF	Zoysia empire	Zoysia 'Empire'	SEE PLANS OR SPECS		

NOTE: Base data collected from multiple sources. Contractor to verify all existing field conditions prior to ordering, manufacturing, and construction.

Landscape Soil Specification

- The Contractor shall perform percolation and compaction tests within each planting area to ensure that all plant material has adequate drainage to survive and produce normal, viable growth through its natural life span. Test for drainage by completely filling with water to finish grade a 12" X 12" round test hole. The test hole shall be dug to a depth of 24" deep from finished grade. Water must percolate at a rate of not less than 2" per hour after the sub-soil becomes saturated. Provide owner's representative with test results and written recommendations to improve percolation/compaction. After correcting any disclosed percolation/compaction problems, the testing shall be repeated to verify success.
- Test existing soils for pH, organic matter, salts, magnesium, calcium, phosphorus, and potash. Samples shall be taken from various locations in each planting area. Each area sampled shall be collected as follows; clean debris from top layer, extract sample to six (12) inches deep, collect three such samples randomly per area, place all three (3) samples in one container, mix thoroughly, take one third (1/3) of the soil and package for sample, discard the rest, this is the sample to be sent for analysis. Submit all samples to an independent testing laboratory for analysis. Laboratory selection is to be approved by the owners representative. Request recommendations based on all information provided. Reports from the Laboratory will identify deficiencies and be the basis for the Contractor's recommendations to correct the deficiencies and to adjust pH to comply with the specifications. Tests shall be repeated to ensure compliance with the recommendations and specifications. Submittal of the Contractor's fertilizer program shall be based upon the laboratory recommendations and is required before acceptance of the project work for payment. Submit copies of all test results to owners representative for review.
- Planting soil backfill shall be free from all contaminants including but not limited to site building debris, volatile organics, noxious weeds, seeds, plants, and any other undesirable material that would be toxic, harmful, or hinder plant growth. Planting soil backfill shall consist of sandy loam topsoil with an organic content of not more than 6%, and less than 10% clay particles. The soil shall percolate and be adequate to consistency maintain good quality plant growth. The organic material must be approved by the owner's representative before use as a soil amendment. The planting soil backfill shall have a pH value in the range of 6.0 to 7.0 inclusive. Planting soil backfill may be provided by amending the existing soils in designated planting areas or providing an equivalent commercial mixture.
- Planting area shall be prepared according to this document and with adjustments required as a result of the compaction/percolation and soil testing. Planting areas containing inferior or compacted soil not meeting requirements for planting soil backfill set forth herein must be excavated to a depth of 18" below finished grade, and refilled with planting soil backfill. The finished grade of the soil shall be 3" below the top of finished hardscape to accommodate the layer of mulch or turf.



NOTICE: ALL DRAWING DISCREPANCIES MUST BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, AND LA APPROVED SHOP DRAWINGS MUST BE OBTAINED PRIOR TO ORDERING MATERIALS OR BEGINNING CONSTRUCTION.

LP1

LANDSCAPE PLANTING PLAN

Date: 11-30-20
Designed By: OPI
Date: 11-30-20
Drawn By: OPI

Scale: 1" = 10'-0"

6140 Court Street

PREPARED FOR: MR. AND MRS. KLEDZIK
FORT MYERS BEACH, LEE COUNTY, FLORIDA

OUTSIDE PRODUCTIONS
International
The firm has been established since 1980.
504-111-1111
235-084-134
www.outsideproductions.com

W. Patrick Ford, ASLA
Landscape Architect #1481
Andrea M. Douglas-Cook, ASLA
Landscape Architect #620157



Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA April 30, 2024, and Town Council May 20, 2024

CASE: VAR20240084

ADDRESS: 6140 Court St

APPLICANT: Cary & Laura Kledzik

REQUEST: Variance request to allow an accessory structure/pickleball court closer to the street than the principal building in RS zoning district.

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/ Town Council** will review the application materials and hear testimony to make a **recommendation/decision**. 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

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

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

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

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

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

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

«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: 6140 Court St

STRAP Number: 334624W30010A2000

Applicant: Potter Homes c/o Kara Stewart Phone: _____

Contact Name: Kara Stewart Phone: 239-770-4198

Email: stewart.karalyn@gmail.com Fax: _____

Current Zoning District: RS

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 6du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☒ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: 34-1174

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Potter Homes c/o Kara Stewart Phone: 239-770-4198

**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: _____

Email: stewart.karalyn@gmail.com Fax: _____

Contact Name: Kara Stewart Phone: 239-770-4198



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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: Kara Stewart Phone: 239-770-4198

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 - 1174
- ☐ 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: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ 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: Cary & Laura Kledzik Phone: 630-862-9918

Mailing Address: 2006 STIERS CT BATAVIA IL 60510

Email: kled6@aol.com/tytegtay@aol.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Kara Stewart 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.

Kara Stewart
Signature

Kara Stewart
Printed Name

STATE OF Florida COUNTY OF Lee

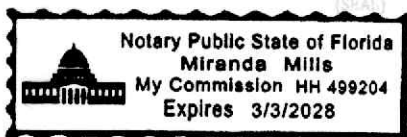
The foregoing instrument was certified and subscribed before me by means of ☒ physical

presence OR ☐ online notarization, this 15th day of March, 2024, by

Kara Stewart ☒ who is personally known to me OR ☐ who has produced

_____ as identification.

Miranda Mills
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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

_____	_____
_____	_____
_____	_____
_____	_____



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, _____ (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

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-W3-0010A.2000

Property Address: 6140 Court St

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: Flamingo Park

Book: 9 Page: 66 Unit: _____ Block: A 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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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) 295 feet
Frontage on street: 75 feet. Frontage on waterbody: 75 feet
Total land area: 22125 ☐ acres ☒ square feet

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

2 miles north of Big Carlos Pass, west of Estero Blvd, off side street,
backing up to the beach

☒ 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 |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.



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: 6140 Court St Pickleball Court
Authorized Applicant: Kara Stewart
LeePA STRAP Number: 334624W30010A2000

Current Property Status: SFR under construction	
Current Zoning: RS	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6 du/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1174 (B)	Location and Setbacks Generally (accessory structure)

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-1174 (b) **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
The owners of 6140 Court St are proposing a pickleball court be located
forward of the principle structure, thus placing it between Court St and the
Principle structure . LDC 34-1174 (b) prohibits certain accessory structures from
being placed between the principle structure and the ROW
See Exhibit "A" Proposed Pickleball Site plan
See Exhibit "B" landscape plan which will be amended but indicates a
desire to create a buffer between neighbors and front of street

Reasons for request

Explain why the variance is needed:
The replacement single family was located in a manner to allow for a large
front yard. Keeping maximum distance from Court St.
Unfortunately when the project was being designed there
wasn't any thought as to adding a pickleball court. With the structure in place
it was recognized that having a court between the SFR and the ROW would
provide an additional needed buffer to the wind and sand.
Thus the desire to request a pickleball court be added to the design.
The replacement single family is adjacent to the 1978 CCCL therefore not
allowing for an additional structure in the rear.

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

The Pickleball court will be maintaining all required setbacks and will be further buffered by landscaping to the neighbor and front of property. At this time the owner is not planning on installing a fence but keeping as much landscaping as reasonable to provide a more natural affect.

If the project is approved, the owner will amend the drainage plan to ensure no further drainage issues will arise on the adjacent properties due to the pickleball court.

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

The property is limited in the depth due to lying between the 1991 CCCL and the 1978 CCCL. The Single family is under construction at this time and unfortunately this request has only come subsequent to the owners getting a better feel for the property and how to best use the space,. The single family is being constructed up to the 1978 CCCL. Hence preferred location is forward of the Single Family which is under construction.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
<i>1. Rigid compliance is not essential to protect public safety, this is a de minimus request as well.</i>
The structure will be maintaining all required setbacks for front, rear, side. The location of the pickleball court which consists of a flat surface with painted lines requires
this variance as it is located in front of the SFR and not adjacent to or on it's side.
The impact of the variance is de minimus as we meet all other criteria of the code.
<i>2. The request is not the result of actions taken by the applicant after adoption.</i>
The decision to install a pickleboard court came about post start of construction when the applicant had a better vision of the property.
<i>3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property</i>
Allowing the structure forward of the principle structure is the minimum needed to provide for the further enhancement of the property.
<i>4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare</i>
The granting of this variance will have no detrimental affect to public welfare as it is entirely within the property and meets all other required setbacks. Landscaping is proposed on the side as well as the front property line, providing buffer.
<i>5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.</i>
The request is unique to the property and position of the replacement home.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://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.

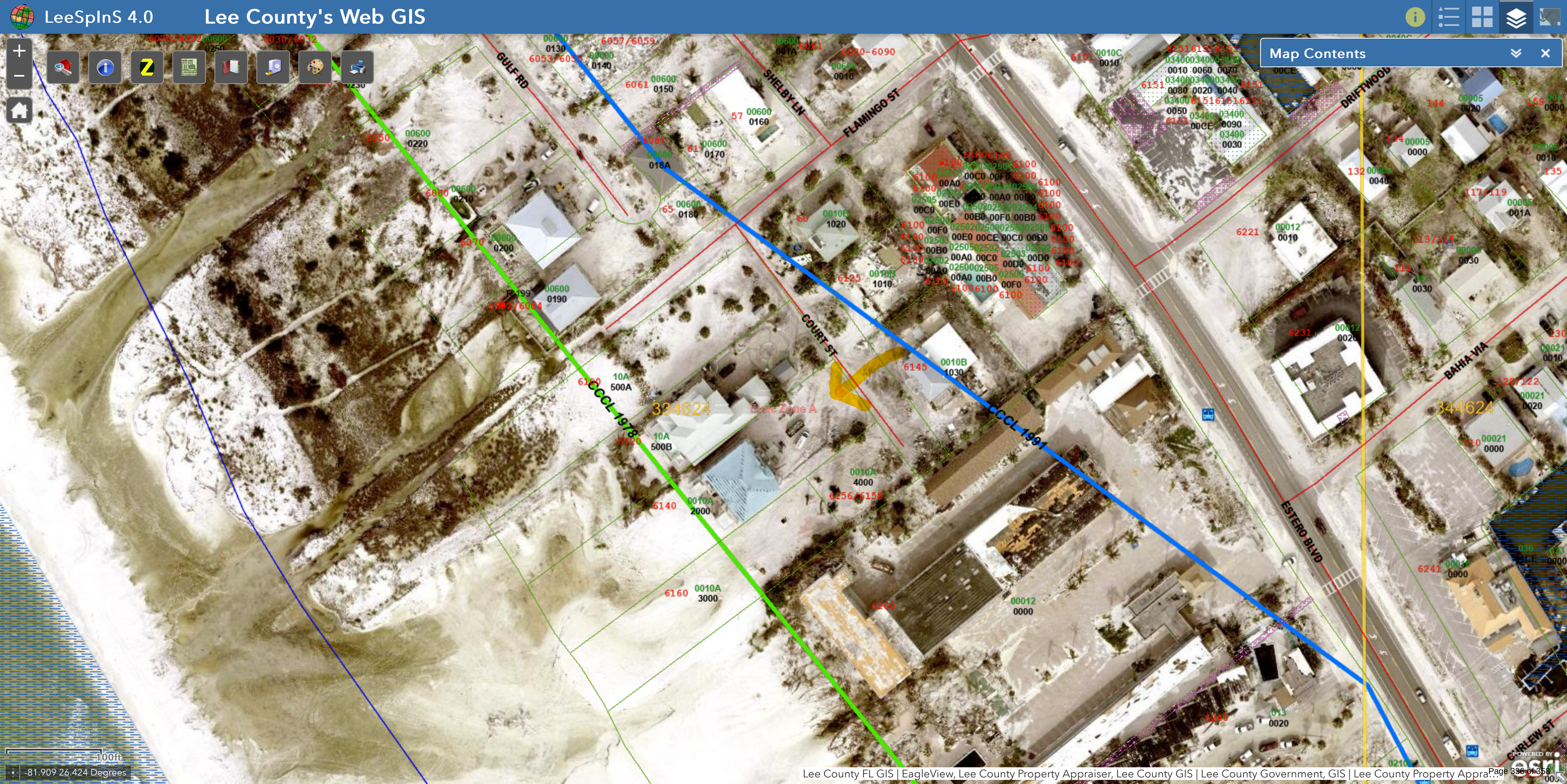
Site plan

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.



EIFLER PROPERTIES LLC
7833 BUCCANEER DR
FORT MYERS BEACH FL 33931

REINFRIED FAMILY LLC
2023 BRECKENRIDGE DR
MOUNT JULIET TN 37122

6200 ESTERO BLVD INVESTMENTS L
2210 VANDERBILT BEACH RD #1300
NAPLES FL 34109

SOUTHLAND CORPORATION
CORPORATE TAX DEPT
2711 N HASKELL AVE
DALLAS TX 75204

6231 ESTERO LLC
DOUGLAS D SCHUMANN
500 KINGS TOWN DR
NAPLES FL 34102

CAROUSEL BEACH REDEVELOPMENT L
815 N EAST AVE
OAK PARK IL 60302

JOHNSON DIANNE D TR
4183 BAY BEACH LN #3H4
FORT MYERS BEACH FL 33931

JOHNSON DIANNE D TR
4183 BAY BEACH LN 3H4
FORT MYERS BEACH FL 33931

RB CAPITAL LTD
2305 CR 3210
MOUNT PLEASANT TX 75455

RB CAPITAL LTD
2305 CR 3210
MOUNT PLEASANT TX 75455

OSFS REAL ESTATE TRUST
2200 KENTMERE PKWY
WILMINGTON DE 19806

REAL ESTATE COLLABORATIVE GROU
RECG LLC
840 JACK PINE DR
ROCHESTER MI 48306

STEVENS FAMILY VENTURES LP
1170 MASSEY ST
NAPLES FL 34120

6101 ESTERO LLC
14511 STIRLING RD
SOUTHWEST RANCHES FL 33330

JE INVESTMENT ENTERPRISES LLC
6090 ESTERO BLVD
FORT MYERS BEACH FL 33931

NEWQUIST HOWARD R TR
128 MANOR DR
DEKALB IL 60115

WEGLARZ RUSSELL J &
148 FLAMINGO ST
FORT MYERS BEACH FL 33931

LEATHERMAN THOMAS M &
512 S 6TH ST
GOSHEN IN 46527

CLARK PAUL GORDON
828 N SHORE DR
GLEN BURNIE MD 21060

CHRISTIANSON RODNEY G &
401 E 8TH ST #214 PMB 1224
SIOUX FALLS SD 57103

KIEBLER EDWARD L + PATRICIA C
9240 CROOKED CREEK
SAINT LOUIS MO 63141

DEHENNING STEVEN P +
33721 COOLEY RD
COLUMBIA STATION OH 44028

TIDES INN LLC
1256 FIRETHORNE CLUB DR
WAXHAW NC 28173

MOUW COLLEEN
1401 JACK NICKLAUS DR
ELK POINT SD 57025

PARSONS JOHN R & LINDA
5325 BOOTH RD
OXFORD OH 45056

TIVA INVEST REAL LLC
15701 S TAMiami TRAIL
FORT MYERS FL 33908

PILAT KARL
6700 WEST RD
WASHINGTON MI 48094

6081 GULF RD LLC
10N130 MUIRHEAD LN
PLATO CENTER IL 60124

DENNIS PROPERTY MANAGEMENT
MICHAEL DENNIS
6707 HOGAN WAY NW
CANTON OH 44718

6070 GULF ROAD LLC
PO BOX 803338 PMB 79785
CHICAGO IL 60680

470 17TH AVE S LLC
5216 MAIN ST
DOWNERS GROVE IL 60515

BOSTON-REAMEY ANN M TR
6050 GULF RD
FORT MYERS BEACH FL 33931

LYKE RUSSELL VERN FAMILY LP
1810 E HIGH ST
JACKSON MI 49203

COQUINA CONDOMINIUM ASSOC
SENTRY MANAGEMENT INC
2180 W SR 434 #5000
LONGWOOD FL 32779

ISLAND BREEZE CONDO
6151 ESTERO BLVD
FORT MYERS BEACH FL 33931

6100 ESTERO BLVD LLC
STEVE MILO
561 PONTE VEDRA BLVD
PONTE VEDRA BEACH FL 32082

SWEENEY TIMOTHY J &
6100 ESTERO BLVD UNIT 2A
FORT MYERS BEACH FL 33931

WITTEKIND RAYMOND E JR &
11311 SOUTH MILLARD
CHICAGO IL 60655

GUIX FAMILY LLC
16855 DRAKE CT
BROOKFIELD WI 53005

PECK ROBERT & SARAH B
75 BUFFALO AVE
MEDFORD NY 11763

SIMS FRANCIS C +
10545 S RIDGEWAY AVE
CHICAGO IL 60655

OREILLY MICHAEL J +
10615 S BELL AVE
CHICAGO IL 60643

KINSINGER CHERYL L TR
1109 WESTMINSTER DR
WASHINGTON IL 61571

CAROLYN B SHAW TRUST +
4437 XERXES AVE S
MINNEAPOLIS MN 55410

FINLAYSON JAMES R TR
2157 W 110TH ST
CHICAGO IL 60643

MURRAY MICHAEL M TR
6100 ESTERO BLVD #3D
FORT MYERS BEACH FL 33931

MURPHY DONNA RABBIT +
1307 ROBERTSON DR
CRESTWOOD KY 40014

LARSON STEPHEN P & DEBRA J
6100 ESTERO BLVD #3F
FORT MYERS BEACH FL 33931

GREISSINGER GARY S
6100 ESTERO BLVD #4A
FORT MYERS BEACH FL 33931

LESKIW WALTER +
9229 N HORIZAN TRAIL
FOUNTAIN HILLS AZ 85268

CURRAN KATHLEEN TR
9236 TANDRAGEE DR
ORLAND PARK IL 60462

GARY L BROOKS TRUST +
6100 ESTERO BLVD #4D
FORT MYERS BEACH FL 33931

MAHONEY JOHN J & MAUREEN T
10635 S MAPLEWOOD AVE
CHICAGO IL 60655

KEARNEY ERIC E
629 CAPE CORAL PKWY E
CAPE CORAL FL 33904

LIKENS JO LYNN
907 COUNTRY CLUB DR
WARSAW IN 46580

NORRIS CECELIA E TR
10512 S KENNETH AVE
OAK LAWN IL 60453

CURRAN BARBARA L TR
8914 CREST OAK LN
SAINT LOUIS MO 63126

TEMPLES KATHLEEN A L/E
PO BOX 62735
FORT MYERS FL 33906

COLEMAN BRIAN P &
2124 PRAIRIE LN
WOODRIDGE IL 60517

EGELUS GERALD A +
236 REINERTSON DR
WAYNESVILLE NC 28786

VANWECHEL CHRISTY A &
41947 MATSON POINT ROAD
PELICAN RAPIDS MN 56572

STONE JENNIFER L
106 HIBISCUS DR
FORT MYERS BEACH FL 33931

KABAJ LLC
PO BOX 187
BALTIMORE OH 43105

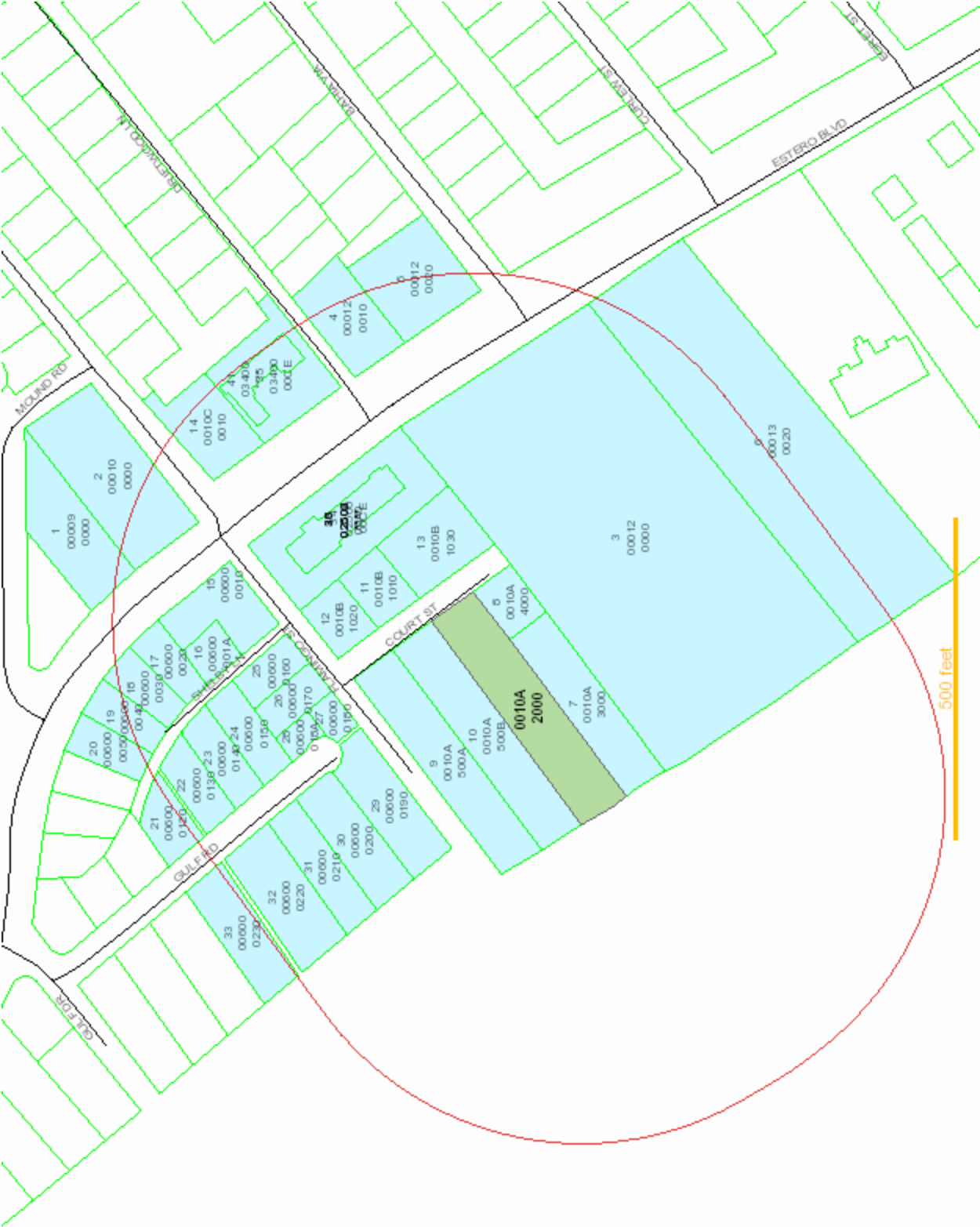
DANZI REAL ESTATE VENTURES LLC
1352 SHEFFIELD WAY
FORT MYERS FL 33919

DANZI REAL ESTATE VENTURES LLC
1352 SHEFFIELD WAY
FORT MYERS FL 33919

LANGONE KARINA
6350 NW 95TH LN
PARKLAND FL 33076

MORGAN JEFFREY R & SIRENA S
8136 E CHEROKEE RD
SYRACUSE IN 46567

CRITCHLEY JOSPEH & TANIA
9 HIGHLAND AVE
RED BANK NJ 07701



**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-43**

1. Request:

Meeting Date: April 30, 2024

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN IN ITS ENTIRETY, PURSUANT TO 163.3184 (3), FLORIDA STATUTES; PROVIDING FOR ADOPTION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN 2040, INCLUDING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP, THE COMMUNITY DESIGN ELEMENT, THE TRANSPORTATION ELEMENT, THE HOUSING ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE UTILITIES ELEMENT, THE CONSERVATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE RECREATION, & OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE PROPERTY RIGHTS ELEMENT; INCLUSIVE OF ALL ASSOCIATED TABLES, EXHIBITS AND MAPS; AUTHORIZING FINDINGS AND ADMINISTRATIVE ACTIONS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR EFFECTIVE DATE.

Why the action is necessary:

The LPA must hear and recommend all elements of the comprehensive plan to the Town Council.

What the action accomplishes:

This meeting will allow the entire comprehensive plan to move forward as a complete package to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

At the last LPA hearing the entire comprehensive plan was reviewed, except for the Capital Improvement Element. This element has been provided for the LPA to review and discuss. The Property Rights Element was included in the last LPA packet, however it was inadvertently left out of the advertisement.

Attachments:

1. ORDINANCE 24-10 ns edits
2. 24-10, business-impact-estimate-24-10
3. Property Rights Element
4. Capital Improvement Element

Financial Impact:

unknown

6. Alternative Action

propose changes and recommend to the Town Council

7. Staff Recommendations:

Recommend approval

8. Recommended Approval:

Frankie Kropacek, Operations & Compliance Director

Date: April 25, 2024

nancy stuparich, Town Attorney

Date: April 26, 2024

Amy Baker, Town Clerk

Date: April 26, 2024

ORDINANCE 24-10

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN IN ITS ENTIRETY, PURSUANT TO 163.3184 (3), FLORIDA STATUTES; PROVIDING FOR ADOPTION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN 2040, INCLUDING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP, THE COMMUNITY DESIGN ELEMENT, THE TRANSPORTATION ELEMENT, THE HOUSING ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE UTILITIES ELEMENT, THE CONSERVATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE RECREATION, & OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE PROPERTY RIGHTS ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT; INCLUSIVE OF ALL ASSOCIATED TABLES, EXHIBITS AND MAPS; AUTHORIZING FINDINGS AND ADMINISTRATIVE ACTIONS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, The Town of Fort Myers Beach, Florida, has adopted a comprehensive plan by Ordinance **X-X** and subsequently amended by Ordinance 24-08; and

WHEREAS, the Town Council of the Town of Fort Myers Beach, Florida, desires to amend the Town of Fort Myers Beach's Comprehensive Plan in its entirety, in accordance with Chapter 163.3184(3); and,

WHEREAS, the City Council has provided notice of the proposed Comprehensive Plan 2040 Amendment and has conducted the required public hearings to receive citizen input; and,

WHEREAS, the Comprehensive Plan contains goals, objectives, and policies to guide the development of the Town of Fort Myers Beach through the year 2040, addressing future land use map, the community design element, the transportation element, the housing element, the historic preservation element, the utilities element, the conservation element, the coastal management element, the recreation, & open space element, the intergovernmental coordination element, the property rights element and the capital improvements element; inclusive of all associated tables, exhibits and maps; and,

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, held a public hearing at its duly noticed April 9, 2024 public meeting to consider the proposed Comprehensive Plan amendment and recommended that Town Council adopt the same; and,

WHEREAS, the Town Council has reviewed and considered all relevant evidence, information and testimony, as well as the recommendations of the Local Planning Agency, witnesses, the public, and Town staff and has determined that the proposed amendment is in compliance with Chapters 163.3184 and 166.041, Florida Statutes; and,

WHEREAS, the adoption of the Town's Comprehensive Plan furthers the health, safety and welfare of its citizens, local businesses and visitors of the Town; and,

WHEREAS, all the necessary hearings and public notices, in conformity with the procedural and substantive requirements of Florida Statutes and the Comprehensive Plan have been complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERSBEACH, LEE COUNTY, FLORIDA, as follows:

Section 1. Ratification of Recitals. The Town Council of the Town of Fort Myers Beach, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. Comprehensive plan amendment. The amendment to the Town of Fort Myers Beach Comprehensive Plan 2040 is hereby adopted amending the Goals, Objectives & Policies and Data Inventory & Analysis, including the Future Land Use Maps and all tables incorporated by reference, for the following elements: future land use map, the community design element, the transportation element, the housing element, the historic preservation element, the utilities element, the conservation element, the coastal management element, the recreation, & open space element, the intergovernmental coordination element, the property rights element and the capital improvements element, as set forth in the attached Exhibit "A". A certified copy of the Town of Fort Myers Beach Comprehensive Plan 2040 shall be located in the Town Clerk's office.

Section 3. Transmittal. The Town of Fort Myers Beach shall transmit within ten (10) working days, the amendment and appropriate supporting data and analyses to the reviewing agencies in accordance with 163.31 84(3)(b)1, Florida Statute, and as specified in the State Land Planning Agency's procedural rules.. Also, the Town of Fort Myers Beach shall transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the Town of Fort Myers Beach.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to void or declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Repeal of Laws in Conflict. If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the Town of Fort Myers Beach, Florida, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 6. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent, may be authorized by the Town Manager, or the Town Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 7. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the Town of Fort Myers Beach that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance in accordance with 166.3184 (3)(c)(4), Florida Statute. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

The foregoing Ordinance was moved for passage and transmittal as provided herein following first reading this ____ day of ____, 2024, by Council Member _____. The motion was seconded by Council Member _____. Upon being put to a vote, the vote was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice-Mayor	_____
John R King, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson Council Member	_____

TOWN OF FORT MYERS BEACH

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 ____ 2024.



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Ordinance 24-10 AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN IN ITS ENTIRETY, PURSUANT TO 163.3184 (3), FLORIDA STATUTES; PROVIDING FOR ADOPTION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN 2040, INCLUDING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP, THE COMMUNITY DESIGN ELEMENT, THE TRANSPORTATION ELEMENT, THE HOUSING ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE UTILITIES ELEMENT, THE CONSERVATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE RECREATION, & OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE PROPERTY RIGHTS ELEMENT; INCLUSIVE OF ALL ASSOCIATED TABLES, EXHIBITS AND MAPS; AUTHORIZING FINDINGS AND ADMINISTRATIVE ACTIONS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance amends the comprehensive plan elements and future land use map. This serves the public health, safety, and orderly development.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 24-10.

Ordinance 24-10 does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The Comprehensive plan impacts the entire community. This comprehensive plan update does not increase restrictions on businesses.

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].

PROPERTY RIGHTS ELEMENT

Goal : **The Town of Fort Myers Beach will make decisions with respect for property rights and with respect for people’s rights to participate in decisions that affect their lives and property.**

Objective 1 The Town of Fort Myers Beach will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1 The Town of Fort Myers Beach will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2 The Town of Fort Myers Beach will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.3 The Town of Fort Myers Beach will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 1.4 The Town of Fort Myers Beach will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

GOALS - OBJECTIVES - POLICIES
Capital Improvement Element

Based on the analysis of capital improvements issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 14 CIE-1: To provide major public improvements that help create the safe and beautiful community envisioned in this comprehensive plan.

OBJECTIVE 14-A CIE-1-A CAPITAL IMPROVEMENTS PROGRAM

~~Adopted~~ Each year, as part of the budget process, a capital improvements program () that implements this plan, ensures the availability of services at adopted levels, and carries out the fiscal policies in this element, shall be adopted to achieve and maintain level of service standards identified in the Comprehensive Plan, correct existing deficiencies, accommodate future growth, and provide for necessary replacements, as required.

POLICY 14-A-1 CIE-1-A-1 Role of the CIP

As a part of the town's annual budget process, the town shall adopt a Capital Improvements Program every year that identifies all proposed capital expenditures for the ensuing five-year period, identifies the revenues to fund the expenditures, and describes each project's compliance with the criteria in Policy 11-A-4 below. The proposed CIP shall be balanced, with the proposed expenditures not greater than the amount of revenues available to fund the expenditures. A list of projects that are needed, but unfunded, may be included as an attachment to the balanced CIP. Once adopted, the new five-year schedule of capital improvements shall annually be incorporated into the Capital Improvements Element.

Commented [SP1]: Compliance with what?

POLICY 14-A-2 CIE-1-A-2: CIP Process

The Capital Improvements Program shall be prepared, adopted, and amended according to the following process:

- i. The proposed CIP shall be developed by the Town Manager based on a review of existing facilities, level of service standards, current and projected deficiencies, and the capital needs as identified in this comprehensive plan.
- ii. The proposed CIP shall be reviewed by the Local Planning Agency (LPA) which shall consider the consistency of all proposed CIP expenditures with this comprehensive plan.
- iii. After reviewing the report of the LPA, the Town Council shall modify the CIP as needed and adopt it by resolution in conjunction with the annual budget.
- iv. After its adoption, the CIP may be amended by resolution of the Council. All changes to the CIP must be consistent with this comprehensive plan.

POLICY 14-A-3 CIE-1-A-3: CIP Fiscal Policies

All projects included in the CIP should be evaluated for financial feasibility, their impact on the town's budget, and the town's ability to operate the facility. Operating costs associated with public facilities and services programmed in the CIP shall be incorporated into the town's operating budget. The capital portion of the annual budget shall be consistent with the first year of the adopted CIP. Where an amendment to the CIP affects the first year, the annual operating budget shall also be amended to remain consistent with the CIP.

POLICY 14-A-4 CIE-1-A-4: CIP Priorities

The following priorities shall be used in determining which projects are included in the CIP:

- i. ~~Remove a direct and immediate threat to the public health or safety; Protect public health and provide safety and remove direct and immediate threats.~~
- ii. Capital Improvements that ~~Are~~ directed by a court order or otherwise by law.
- iii. ~~Capital Improvements that Are~~ essential for the maintenance of existing infrastructure and associated level of service standards.
- iv. Remove an existing capacity deficiency; Capital improvements needed to correct existing deficiencies.
- v. Capital Improvements that Will accommodate new development or redevelopment anticipated by this comprehensive plan.
- vi. Capital improvements required by a State or federal mandate.
- vii. Projects that advance existing Town approved plans
- viii. Capital improvements that provide economic benefit by reducing operating and/or maintenance costs.
- ix. Projects that will address sea level rise, flooding, energy efficiency, water quality, water efficiency or other sustainability measures.

POLICY 11-A-5 CIE-1-A-5 Other CIP Criteria

For the purpose of further ranking projects that are otherwise equal, the following should be considered:

- i. Priorities found elsewhere in the comprehensive plan.
- ii. Whether the facility project is needed to satisfy a level of service standard in this plan.
- iii. Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector.
- iv. The revenue generating potential of the project.
- v. Whether the project leverages additional benefits to the town, such as offers to donate land or services by the private sector and/or other governmental entities.

POLICY 11-A-6 CIE-1-A-6 Capital Improvement Defined

A "capital improvement" is a project to acquire, build or improve a major asset that will have in order to preserve long-term value, such as sidewalks, roads, landscaping, beach renourishment, parks, and nature preserves. Capital improvements usually have a determined value of at least \$10,000 and may include planning and design studies that will lead to a physical improvement.

POLICY 11-A-7 CIE-1-A-7 Schedule Of Improvements

Table ~~11-7~~ of this element presents the five-year schedule of capital improvements ~~b~~e undertaken by the Town of Fort Myers Beach. This schedule will be updated each year through an amendment to this plan to correspond with revisions to the capital improvements program made by the town during its annual budget process

Commented [SP2]: Does a table still exist?

- i. To comply with the Florida Statue, the required five-year schedule of capital improvements also includes the capacity enhancing school improvements and summary of estimated revenues as presented by the Lee County School District through its Five-Year District Facilities Work Program, ~~as updated each September. For FY 2008/09 through 2012/13, the specific capacity-~~

~~enhancing school improvements are listed in Table 16-7 of the Public Schools Element and the formal demonstration that those improvements meet all requirements of state law is set forth in that element.~~

- ii. To comply with § 163.3177(3)(a)5, F.S., any capital improvements that Lee County Utilities needs to construct to achieve or maintain the potable water level of service in this plan during the next five years will be included in the town's five-year schedule of capital improvements.

OBJECTIVE 11-B CIE-1-B LEVEL-OF-SERVICE STANDARDS

Adopt and maintain a concurrency management system that ensures that public facilities are provided in accordance with the adopted level of service (LOS) standards for potable water, sanitary sewer, solid waste, stormwater, recreation, and transportation.

POLICY 11-B-1 CIE-1-B-1: Utilities LOS Standards

~~(Repeated from Policy 8-B-1 of the Utilities Element):~~ The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be:

i. for potable water service:

- (a) Available supply, treatment, and delivery capacity of ~~275~~260 gallons per capita day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of ~~40~~20 pounds per square inch (psi) at the meter anywhere in the system.
- (b) Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to the town's water distribution system to serve new development at these same rates.

ii. for sanitary sewer service:

- (a) ~~available capacity to collect, treat, and dispose of wastewater of 200~~ 175 gallons per day per capita per equivalent residential connection (ERC); ~~and 160 gallons per day per multi-family or mobile home park unit.~~

iii. for solid waste disposal service:

- (a) the ability to collect and manage 7 pounds of municipal solid waste per person per day.

Commented [SP3]: Make (a), I tried but it wouldn't let me.

POLICY 11-B-2 CIE-1-B-2: Stormwater LOS Standards {Storm Water Master Plan}

~~(Repeated from Policy 9-D-1 of the Storm-water Management Element):~~ Until completion of the evaluation under ~~Stormwater Management Element Policy 9-F-1 to 6~~, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

- i. During a 3-day rainfall accumulation of 13.7 inches or less (3-day, 100-year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.
- ii. During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.
- iii. During coastal flooding of up to 4.0 feet above mean sea level, all lanes

Commented [SP4]: Do we have a stormwater management element? Am I missing that or is it just not an element that we have?

of evacuation routes should remain passable. Emergency shelters should not be flooded.

POLICY 11-B-3 CIE-1-B-3: Recreation LOS Standard

~~(Repeated from Policy 10-D-3 of the Recreation Element):~~ The town adopts the following standard for community parks: for each 7,500 permanent residents or visitors staying at hotels, motels and resorts on the island, 1 centrally located recreation complex that includes 2 ballfields, 2 tennis courts, outdoor basketball courts, play equipment, an indoor gymnasium, and community meeting spaces. Programming shall address all age groups and encompass active recreation, physical improvement, and social, educational, and cultural activities.

- i. The Town shall adopt and maintain a measured level of service standards for parks, recreation and open space facilities upon completion of and in accordance with the Master Recreation Plan. As needed, the Town will arrange for interlocal agreements to provide additional facilities.

POLICY 11-B-4 CIE-1-B-4: Transportation LOS Standard

~~(Repeated from Policy 7-I-2 of the Transportation Element):~~ The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level of service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.

POLICY 11-B-5 CIE-1-B-5: Public School Los Standard

~~Repeated from Policy 16-B-1 of the Public Schools Element):~~ The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:

- i. ~~Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.~~
- ii. ~~Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.~~
- iii. ~~High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.~~
- iv. ~~Special Purpose Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.~~ The uniform, district-wide LOS shall be 110 percent of the permanent Florida Inventory of School Houses (FISH) capacity for each elementary, middle and high school.
- v. "Permanent capacity" of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district's South Student Assignment Zone, as depicted in Figure 3 of the Public Schools element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education's Office of Educational Facilities. "Measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools, and special educational programs.
- vi. Educational Facilities Plan (DEFP) shall contain a five year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted LOS in all concurrency service areas. This financially

feasible schedule shall be updated on an annual basis and annually adopted into the CIE.

OBJECTIVE CIE-1-C CONCURRENCY

The town will enforce concurrency requirements to mitigate impacts of new development on infrastructure and services.

POLICY 11-B-5 POLICY CIE-1-C-1: CONCURRENCY REQUIREMENTS

The Town will enforce these levels of service under the concurrency requirements of Florida law by:

- i. Withholding development orders or building permits that might cause the adopted levels of service to fall below the minimum standards; or by
- ii. Issuing development orders or building permits subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized (or are guaranteed to be in place through an enforceable development agreement pursuant to Section 163.320 FS or through an agreement or development order pursuant to Chapter 380 FS). However, for parks/recreation, transportation, and public schools, the following requirements will apply:
- iii. For parks and recreation, the facilities needed to serve new development must be in place or under actual construction within 1 year after issuance of a certificate of occupancy; any required acreage must meet the requirements of 163.3180(2)(b), Florida Statutes.
- iv. For transportation, the facilities needed to serve new development must be in place when a building permit is issued, or under actual construction within 3 years after issuance of a building permit that results in traffic generation if the required facility is listed in Table 11-7, is included in the Five-Year Schedule of Capital Improvements.
- v. For public schools, the facilities needed to serve new development must be in place when a final site plan is issued; or under actual construction within 3 years after issuance if the required facility is listed in Table 11-7, the Five-Year Schedule of Capital Improvements; or mitigation may be accepted by the school district in accordance with the Public Schools Element of this plan. Consistent with the Interlocal Agreement, the uniform, district-wide level of service standards shall be based upon the Florida Inventory of School Houses (FISH) maintained by the Department of the Education (DOE).

~~POLICY 11-B-6 CONCURRENCY MANAGEMENT SYSTEM — The town's concurrency management system shall comply with the revisions of Rule 9J-5.0055 FAC to include:~~

- ~~i. The town's commitment to maintain the adopted level of service standards for potable water, sanitary sewer, solid waste, stormwater, recreation, and transportation.~~
 - ~~ii. The town's commitment that future CIEs and amendments to this element maintain this element's financially feasible plan to maintain these levels of service.~~
 - ~~iii. A system for monitoring and ensuring adherence to the adopted level of service standards, the schedule of capital improvements, and the availability of public facility capacity.~~
- ~~Standards for interpreting and building permits and specifying when the test for concurrency must be met (which will be no later than issuance of a~~

development order or permit which contains a specific plan for development, including densities and intensities);

- iv. ~~The concurrency management system shall be implemented through the Land Development Code and ensure that development orders and building permits that are issued will not result in a reduction in the levels of service below the adopted levels of service.~~

POLICY 11-C-2 CIE-1-C-2: Annual Concurrency Assessment

The town manager shall annually prepare a formal assessment of the current status of the adopted level of service standards, including existing usage of public facilities.

- i. available capacity (committed or uncommitted); and
- ii. additional public facilities that are being planned.

~~Based on this assessment, the Town Council shall determine after a public hearing whether there is cause to withhold or condition building permits or development orders during the following year. Such action, as updated periodically by the Town Council, shall empower the issuance of development permits where this assessment reasonably demonstrates that sufficient capacity will be available to serve all development that is reasonably expected to occur during the period of time approved by the town council. This assessment and its conclusions shall be published by the town at least annually.~~

POLICY 11-B-8 — CONCURRENCY SHORTFALLS —

~~Should the annual concurrency assessment indicate problems with maintaining one or more of the adopted level of service standards during the coming year, the Town Council shall immediately take one or more of the following actions:~~

- i. ~~initiate a comprehensive plan amendment to modify the adopted level of service; or determine which types of development permits will have significant impacts on service levels, direct that such permits shall not be granted or shall be granted conditionally (with occupancy dependent upon achievement of the adopted level of service), and set a schedule for the re-assessment of that level of service; or~~
- ii. ~~immediately begin or accelerate capital improvements or other measures to offset any apparent deficiencies in levels of service. Examples would include upgrading potable water lines to improve water pressure; increasing sewage disposal or solid waste capacity; improving drainage or elevating evacuation routes at problem locations; adding recreational facilities; or improving public transit service, bicycle routes, and/or sidewalks to improve non-vehicular mobility.~~

~~The third alternative just listed is the preferred response of the Town of Fort Myers Beach to deficiencies in an adopted of service, provided that the minimum concurrency requirements of this plan and state law are still met.~~

— POLICY 11-B-9 CONCURRENCY DEFERRALS AND EXEMPTIONS — ~~The town's concurrency management system shall allow deferrals and exemptions only as follows:~~

- i. ~~Some types of development applications do not contain a specific plan for development or authorize any actual development. Such applications shall not approve for concurrency compliance until a later stage of approvals where such impacts can be measured and then deducted from available capacity. The town may, however, evaluate probable concurrency impacts at these earlier stages as one factor in determining whether to approve such activities.~~
- ii. ~~Development applications will be exempted from the concurrency management system~~

~~only if they will create zero or insignificant impacts on public facilities; any such exemptions shall be defined in the Land Development Code.~~

POLICY 11-C-3 CIE-1-C-3: Concurrency Application

The Town's concurrency management system shall be administered in accordance with the remainder of the Land Development Code. The preparation of the annual concurrency assessment shall be the responsibility of the Town Manager, and all decisions resulting from that assessment shall be made directly by the Town Council.

OBJECTIVE 11-D CIE-1-D: CAPITAL FINANCING POLICIES

Manage the fiscal resources of the town to ensure the equitable financing of needed public facilities and services.

POLICY 11-D-1 CIE-1-D-1: Existing Development

Existing development shall be responsible for the costs of repairing and replacing existing public facilities and for capital improvements needed to eliminate pre-1998 deficiencies. This responsibility shall be discharged through the payment of property taxes, utility fees, gas taxes, sales taxes, user fees, and taxes and fees.

POLICY 11-D-2 CIE-1-D-2: New Development

New development and redevelopment shall bear a proportionate share of the cost of providing new or expanded public facilities and infrastructure required to maintain service levels through payment of impact fees, connection fees, site-related developer dedications, developer contributions, and other lawfully imposed charges.

POLICY 11-D-3 CIE-1-D-3: Impact Fees

Impact fees for designated public facilities shall be set to capture a substantial proportion of the full and real cost of the designated facility and shall be reviewed and updated regularly.

POLICY 11-D-4 CIE-1-D-4: General Fund

The town will develop specific policies as to the use of general governmental revenues for capital purposes, such as setting aside each year a portion of ad valorem taxes or other general revenues (such as sales taxes, gas taxes, or utility service taxes) for capital improvements.

POLICY 11-D-5 CIE-1-D-5: Grants

The town will actively seek grants from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations and restrictions involved in such grants.

POLICY 11-D-6 CIE-1-D-6: Internal Consistency

Amendments and updates to the CIP and this Capital Improvements Element shall continue to support the Future Land Use Element, be consistent with all other elements of the comprehensive plan, and where appropriate, be consistent with all other state and regional plan.