



Fort Myers Beach Local Planning Agency

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

Agenda

Tuesday, May 14, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. APPROVAL OF MINUTES

A. Local Planning Agency - April 30, 2024

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

A. VAR20240111, 5662/5664 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240111, REQUESTING A VARIANCE FROM LDC 34-1174(b) TO ALLOW AN ACCESSORY APARTMENT, CLOSER TO STREET THAN THE PRINCIPAL BUILDING IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 5662/5664 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

B. VAR20240095, 714 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20240095 TO ALLOW 12.5 FOOT VARIANCE TO THE REQUIRED 25-FOOT STREET SETBACK AND A VARIANCE OF 14.5 FEET FROM THE REQUIRED 20-FOOT REAR SETBACK FOR THE PROPERTY LOCATED AT 714 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. VAR20240094; 21481 Widgeon Terrace

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240094, AVARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED WATERBODY SETBACK BY 10.5 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21481 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

D. CPD20240049, Amending CPD 22-06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING AND RESTATING ORDINANCE NO. 22-06 TO AMEND THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., GENERALLY IDENTIFIED AS STRAP NUMBERS 219-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, AND 19-46-24-W3-0120E.0030 FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL AND DEVIATIONS, AND OTHER CLARIFICATION AS NECESSARY; PROVIDING FOR REPEAL, CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

E. DCI20230246; REZONING FROM CPD TO CPD

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 125, 131-151 SCHOOL ST AND 2661-2681 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 FORT MYERS BEACH TO ALLOW A MIXED USE DEVELOPMENT INCLUDING LODGING, LIVE/WORK UNITS, RETAIL, AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VIII. ADMINISTRATIVE AGENDA

A. Policies and Procedures Update

Schedule review of LPA Resolution 2009-21 and existing LDC provisions at the next LPA meeting.

IX. LPA MEMBERS ITEMS/REPORTS

X. LPA ATTORNEY ITEMS/REPORTS

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XII. ITEMS FOR NEXT MONTHS AGENDA
XIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES A REQUEST FOR A VARIANCE, EXTENSION OR SATISFACTION OF CONDITIONS, A REQUEST FOR AN ADDITIONAL HEARING BEFORE THE TOWN COUNCIL MAY BE MADE BY ANYONE IF THE REQUEST IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION PURSUANT TO SEC. 34-232 OF THE LAND DEVELOPMENT CODE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE LOCAL PLANNING AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED IN ACCORDANCE WITH FLORIDA STATUTE 286.0105.



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. 239-765-0202



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, April 30, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Eckmann, LPA Member McLean, LPA Member Sudduth (via ZOOM) and LPA Member Vanasse.

Excused: LPA Member Plummer

LPA Member Boan moved to permit LPA Member Sudduth to participate via ZOOM due to extraordinary circumstances, seconded by LPA Member Eckmann. The motion carried unanimously.

II. INVOCATION

No invocation.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. April 9, 2024 LPA minutes

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

The motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures. Town Clerk Baker confirmed that all agenda items were properly noticed. LPA Member Vanasse disclosed a conflict of interest with item A. and Form 8b was submitted and will be attached to the minutes. Town Clerk Baker swore in those providing testimony.

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.

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

Community Development Planner Sarah Propst reviewed the background of the request as stated in the yellow sheet.

Ken Gallander, applicant on behalf of 7-11, utilized PowerPoint for his presentation. He indicated that they fully agreed with the staff report and conditions. He was unaware of any public opposition and noted his presentation was in the agenda packet. LPA members agreed to waive the presentation. Mr. Gallander displayed renderings of the building.

LPA Member Boan noted there was more pedestrian traffic in this location and supported granting the variance on parking. Mr. Gallander commented that he would increase the height of the dumpster for consistency before presenting it to the town council.

Chair Cereceda noted that staff recommended approval with conditions.

No public comment.

LPA Member Eckmann moved to approve the ordinance with conditions as set forth in the application, seconded by LPA Member Sudduth.

The motion was carried unanimously by roll call vote, with LPA Member Vanasse recused.

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.

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. He indicated that the applicant requested to replace what was there before the hurricane. He noted that the application mentioned foot washes and showers, but staff could not verify that those existed seaward of the line, so the request did not include them.

Justin Yax represented the Edison Beach House and requested to rebuild what they had. The foot washes and showers were landward of the EC (Environmentally Critical), and Planner Propst commented that the plan showed them as being landward.

No public comment.

LPA Member Vanasse moved to approve the resolution, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

- 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.

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

Planner Propst reviewed the background of the request as stated in the yellow sheet. She noted the applicant was not proposing additional development in the EC zone beyond what existed before lan. However, the lawn would likely require additional chemical applications, which is a concern for staff. Staff received several letters of support from adjacent property owners. Chair Cereceda noted one letter in opposition was recently received. LPA Member Sudduth questioned whether they could condition a low-maintenance grass to reduce irrigation and chemicals. Planner Propst replied that the environmentalist recommended a native grass, but it would still require additional maintenance. She noted that they might want to consider a condition to remove the Chickee huts, especially those with utilities before storms. LPA Member Sudduth suggested adding a condition to require utility shut-offs at those locations. LPA Member Eckmann had an issue with the lawn being on the seaward side of the CCCL (Coastal Construction Control Line). Planner Propst noted that although they were seaward of the CCCL, they would be behind the new dune system.

LPA Member Boan questioned whether they could add a condition today that the approval was based on approval of the vacation and relocation of the easement. Planner Propst agreed that was an option.

Attorney Sarah Spector from Roetzel & Andress represented the applicant and requested a copy of the correspondence received. She utilized PowerPoint for her presentation and slides included a site plan. She commented that the lawn area was previously native vegetation and that the lawn had large trees that were damaged by the hurricane. She displayed a 2017 aerial, which showed the improvements, Clarification, Chickee huts before the hurricane, the lawn, pavers and trees, relocating the beach access

for improved public access and Special Exception Criteria. She commented that the lawn would not go to the property line at the dedicated beach access. Bill Waichulis, President of Pink Shell Beach Resort & Marina, stated that the lawn area was 25 feet shorter than what was displayed. He indicated they would use native plants for the vegetation barrier on the Vacation Villas side. He noted there would be two dunes in front of the lawn area and a vegetation barrier was included around the pool deck. He offered to provide a landscape design plan for the property. Mr. Waichulis stated that one of the Chickee huts was a beach bar approved by the state with power, water and sewer and another was a nature center for education with power and water.

No public comment.

Mr. Waichulis commented that the two Chickee huts were removable and had emergency shut-off valves for all utilities and additional shut-offs at the building structure.

LPA Member Vanasse moved to approve the resolution with staff recommendations and a requirement to provide a landscape plan for the council hearing that would include addressing native vegetation buffering to the northern property, landscaping around the pool deck, the dune plantings secondary to the overall beach dune plantings, approval conditioned on approval of the access easement and requiring a plan regarding shut-off and evacuation, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

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

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

Planner Propst reviewed the background of the request as stated in the yellow sheet. She noted that the staff recommended approval.

Nick Demary, a home builder, represented the applicant and described the setbacks. He noted the structure would be 1,088 square feet.

No public comment.

LPA Member Boan moved to approve the resolution, including the three staff conditions, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

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.

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

Senior Planner Smalley reviewed the background of the request as stated in the yellow sheet. He noted that the applicant proposed to plant buffer materials to help buffer the street and neighbors from the court. The staff included three conditions in the report.

LPA Member Boan commented that the pickleball court was contiguous with the driveway. Senior Planner Smalley reviewed the lighting requirements.

Mike Penn from Potter Homes represented applicants Cary and Laura Kledzik. He noted the property was unique, with a large front yard and the family enjoyed pickleball. Mr. Kledzik said they planned to live there permanently and would not rent it out. Mr. Penn indicated that a revision was submitted for a new driveway design. He did not object to making a landscape plan a condition of approval.

No public comment.

LPA Member Vanasse moved to approve the resolution with staff's conditions and a landscape plan included, seconded by LPA Member Eckmann.

The motion carried unanimously by roll call vote.

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.

Chair Cereceda read the title of the ordinance.

Planner Propst stated that the property rights and capital improvement elements were being discussed today because of an error in advertising. She proposed changing the criteria and policy language to comply with the CIP (Capital Improvement Program) fiscal policies. The LPA was required to see every element before moving it to the town council.

LPA Member Vanasse noted the document referred to the CIP as a Plan and a Program. He requested more specific language be added to the CIP, requesting more details. For example, a broad category of landscape improvements would include a list of projects, costs and exact locations. LPA Member Eckmann agreed. Town Attorney Stuparich suggested that the proposed CIP be developed by the town manager in sufficient detail. LPA Member Vanasse suggested adding a detailed list of proposed projects with estimated costs. LPA Member Eckmann noted that a CIP usually includes a timeline.

Planner Propst stated that the town did not currently have a capital improvement plan, but it was in the works.

LPA Member Eckmann indicated that the sanitation sewer policy was incorrect and suggested changing it to state that sanitary sewer services must be compatible with Lee County utility standards. Planner Propst stated that there was previously a stormwater management plan element, but she did not think it made sense and the state did not require it. She agreed that "element" be replaced with "plan."

Planner Propst reviewed changes to community parks in the recreation element. Keeping the transportation element intact was discussed in terms of impacts on the town and fees. LPA Member Vanasse suggested keeping the public school element and the transportation element, which received unanimous support.

LPA Member Vanasse moved to approve the ordinance, seconded by LPA Member Eckmann.

The motion carried unanimously by roll call vote.

VII. ADMINISTRATIVE AGENDA

No items.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Boan wished LPA Member Vanasse the best and was impressed by his knowledge.

LPA Member Vanasse thanked the LPA and said serving was an honor.

Chair Cereceda reminded the staff to review mobile vendor permits. She asked whether the town council was discussing impact fees. Planner Propst commented that they would be.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

Town Manager Stuparish stated that the expedited variance review was before the council for the second reading. The town council requested that language be added to the agenda to notify the public and to include it in comments made at the beginning of the quasi-judicial hearings. Planner Propst reminded people to update their address with the Lee County Property Appraiser's office because many postcards were being returned. Chair Cereceda suggested that the PIO (Public Information Officer) add a blurb to the town's website.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XI. ITEMS FOR NEXT MONTHS AGENDA

Not listed.

XII. ADJOURNMENT

LPA Member Boan moved to adjourn, seconded by LPA Member Eckmann. The motion carried unanimously.

The meeting was adjourned at 11:02 a.m.

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

Yellow Sheet Number: **2024-76**

1. Request:

Meeting Date: May 14, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240111, REQUESTING A VARIANCE FROM LDC 34-1174(b) TO ALLOW AN ACCESSORY APARTMENT, CLOSER TO STREET THAN THE PRINCIPAL BUILDING IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 5662/5664 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears 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 to construct an accessory apartment, closer to street than the principal building in the RM zoning district.

Attachments:

1. Res 24-XX- 5662-5664 Estero ns
2. 5662-5664EsteroBlvd_20240111- LPA staff report
3. 5662-5554 Estero Blvd_Site Plan
4. 5662-5664 Estero Blvd_ Survey
5. 5662-5664 Estero Blvd_Variance&PH Application
6. LPA AND TC postcard 5662-5664 ESTERO BLVD 1

Financial Impact:

unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Recommended approval with conditions of the request.

8. Recommended Approval:

Date: May 08, 2024

Frankie Kropacek, Operations & Compliance Director

Date: May 10, 2024

nancy stuparich, Town Attorney

Date: May 10, 2024

Amy Baker, Town Clerk

**TOWN COUNCIL
RESOLUTION NUMBER 24-XX**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH FLORIDA RECOMMENDING APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240111, REQUESTING A VARIANCE FROM LDC 34-1174(b) TO ALLOW AN ACCESSORY APARTMENT, CLOSER TO STREET THAN THE PRINCIPAL BUILDING IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 5662/5664 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, 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, Scott Saveraid ("Applicant") is the owner(s) of the property located at 5662/5664 Estero Boulevard (Property), and is requesting a variance from LDC 34-1174(b) to allow an accessory apartment closer to the street than the principal building in the RM zoning district; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W2-00205.0010; and

WHEREAS, the Property is located in the "Low Density" and "Recreational" category of the Future Land Use Map of the Comprehensive Plan and the "Residential, Multi 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 May 14, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA found that the request **is/is not** consistent with the comprehensive plan and the requirements of the LDC and by roll call voted _____ to _____ to recommend **approval/ approval with conditions/ denial** of the variance; and

WHEREAS, on the ____ day of _____, 2024, a request was received from _____ within 10 business days from the LPA decision on the _____ day of _____, 2024 to request an additional hearing before the Town Council of _____ pursuant to Sec. 34-232 of the LDC .

WHEREAS, on _____, 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.

Section 5. This resolution shall be effective upon adoption by the Town Council.

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 roll call 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 ____ 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.

EXHIBIT A: Proposed Site Plan

DRAFT



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240111

CASE NAME: 5662/5664 Estero Blvd; variance from LDC 34-1174(b) to allow an accessory apartment, closer to street than the principal building in the RM zoning district.

LPA

HEARING DATE: May 14, 2024

STAFF

RECOMMENDATION: Approval with conditions

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

I. APPLICATION SUMMARY

Owner/Agent: SAVERAID SCOTT A TR FOR SCOTT A SAVERAID TRUST (Owner)/ Charles Capps (Agent)

Request: Variance from LDC 34-1174(b) to allow an accessory structure/accessory apartment closer to the street than the principal building in RM zoning district.

Subject property: See attached site plan

Physical Address: 5662/5664 Estero Blvd

STRAP #: 33-46-24-W2-00205.0010

FLU: Low Density/ Recreation

Zoning: Residential Multi Family (RM)

Adjacent zoning and land uses:

North:	Residential Conservation (RC)/ Commercial Resort (CR) Mixed Residential/ Boulevard
South:	Environmentally Critical (EC) Recreation
East:	Residential Multi Family (RM) Low Density/ Recreation
West:	Residential Multi Family (RM) Low Density/ Recreation

II. BACKGROUND AND ANALYSIS

Background:

Scott Saveraid, the owner of 5662/5664 Estero Blvd, is 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 RM zoning district.

The square footage of the site is 14,078 (the buildable area plus half of the right of way), which is .32 acres. The site does not have enough density to reconstruct two dwelling units, the property owner(s) are utilizing the Post Disaster Buildback Ordinance to reconstruct the accessory apartment that existed Pre-Ian.

The proposed accessory apartment is considered an accessory structure. The property owner currently has a building permit under review to construct their single-family home and accessory apartment under the provisions of the Post Disaster Buildback Ordinance.

Analysis:

The subject property is approximately 63 to 65 feet wide, and approximately 265 feet deep. It is a nonconforming lot (explain how it is nonconforming, square feet, width, depth?). The proposed guest unit will be 25.17 feet from the Estero Blvd right of way and a minimum of 11.17 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. The accessory structure meets the setbacks outlined for accessory structures on a waterbody lot in the RM zoning district, which

are 25 feet from the street property line, and 7.5 feet from the side property lines but should not be forward of the primary residence.

Neighborhood Compatibility:

The purpose of the RM zoning district is to designate suitable locations for a wide variety of multifamily residences. 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 principal 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** 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.*

This property is located within the VE 14 flood zone and any structural connection would have to be 15 feet above sea level. This issue makes structural connection problematic.

- 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 designed a guest unit without structural connectivity to the principal building. The connectivity of the principal building and accessory apartment will be considered one structure and eliminate the need for a variance from LDC 34-1174(b).

- 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.*

If the applicant chooses to build the accessory apartment forward of the primary structure without a structural connection, this variance is the minimum required.

- 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 the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought **are 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 RM zoning district and found that the variance request **does meet** the requirements set-forth in sec. 34-87.

Therefore, staff recommends **APPROVAL** of the request to allow the proposed accessory apartment 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 adheres to section 34-1178 that discusses accessory apartments for owner-occupied homes.
- 3) The property owner(s) must provide a signed and recorded covenant in a form acceptable to the town to ensure that the accessory apartment is not sold separately from the principal building or subdivided or condominiumized, and that its use, and the use of the principal structure remain fully in compliance with Sec. 34-1178, Fort Myers Beach Town Code which provides:

Sec. 34-1178. - Accessory apartments in owner-occupied homes.

(a) Purpose. The purpose of this section is to recognize and legalize certain existing accessory apartments where the immediate presence of a property owner is presumed to mitigate any negative effects that might result from the use or rental of such apartments.

(b) Applicability. This section sets forth special requirements for a single accessory apartment in an owner-occupied home. Nothing in this section authorizes or legalizes

any construction that is not allowed by the flood-hazard regulations found in §§ 6-401 through 6-475 of this code.

(c) Definition. For purposes of this section, the term "accessory apartment" means a single living unit no larger than 850 square feet, with or without cooking facilities, that was in existence as of December 15, 1997. For such an accessory apartment to remain lawful under this section, the property owner or an immediate family member must be in residence on the premises, or on an immediately adjoining lot, during any period when the apartment is not vacant.

(d) Density. An accessory apartment that meets the requirements of this section is a living unit but not a dwelling unit as defined by the Fort Myers Beach Comprehensive Plan and is not counted in residential density computations (see § 34-632(5)b. of this chapter).

VI. EXHIBITS

Exhibit A - Site plan

Exhibit B- Survey

Exhibit C- Postcards to Adjacent Property Owners

Exhibit D- Complete Application Packet



[illegible]



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: 5662 and 5664 Estero Blvd

STRAP Number: : 33-46-24-W2-00205.0010

Applicant: Scott A Saveraid Revocable Trust UTD 6-1-10 Phone: 563-505-5452

Contact Name: Scott Saveraid, as Trustee Phone: _____

Email: saversc59@gmail.com Fax: _____

Current Zoning District: RM Residential Multifamily

Future Land Use Map (FLUM) Category: Low Density

FLUM Density Range: 4 units 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*: Scott A. Saveraid Revocable Trust UTD 6-11-10 Phone: 563-505-5452

**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: 1205 E River Drive #15 Davenport Ia 52803

Email: saversc59@gmail.com Fax: _____

Contact Name: Scott Saveraid, As Trustee Phone: 5635055452



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: Charles Capps Pavese Law Phone: (239) 334-2195
Address: 1833 Hendry Street, Fort Myers, FL 33901
Email: CBC@paveselaw.com Fax: 239-336-6219

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(b)
- ☐ 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: Scott A Saveraid Revocable Trust UTA dated 6-11-10 Phone: 563-505-5452

Mailing Address: 1205 E River Dr #15, Davenport, IA 52803

Email: saversc59@gmail.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Scott A Saveraid, as Trustee 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.

Scott A Saveraid
Signature

Scott A Saveraid
Printed Name

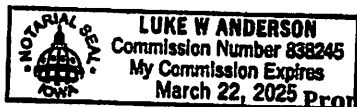
STATE OF Iowa COUNTY OF polk

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

presence OR online notarization, this 11 day of April, 2024, by

Scott A Saveraid, ☒ who is personally known to me OR ☐ who has produced

 as identification.



[Signature]
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

Anne Saveraid

100%

_____	_____
_____	_____
_____	_____
_____	_____

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

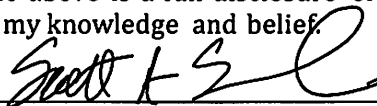
Date of Contract: _____

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

Scott A Saveraid

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, Scott A Saveraid (name), as Trustee (title)
of Scott A. Saveraid Revocable Trust UTD 6-11-10 (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)

Scott A Saverid

Signature

Scott A Saveraid

Typed or Printed Name

Trustee

Title

April 9, 2024

Date

STATE OF FLORIDA COUNTY OF Polk

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 11 day of April, 2024, by Scott A Saveraid, ☒ who is personally known to me OR ☐ who has produced _____ as identification.



[Signature]

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 33-46-24-W2-00205.0010

Property Address: 5662 and 5664 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: Gulf Heights

Book: 6 Page: 39 Unit: _____ Block: 5 Lot(s): 38 & 39

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) 65 feet
Depth (please provide an average width if irregular in shape) 265 feet
Frontage on street: 65 feet. Frontage on waterbody: 65 feet
Total land area: 17225 ☐ acres ☒ square feet

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

5662 and 5664 Estero Blvd

☒ 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 |



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: Saveraid Residence
Authorized Applicant: Scott A Saveraid trust
LeePA STRAP Number: : 33-46-24-W2-00205.0010

Current Property Status: Vacant lot due to Hurricane Ian	
Current Zoning: RM	
Future Land Use Map (FLUM) Category: Low Density	
Comp Plan Density: 4 units per acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

34-1174 (B)	Setbacks from Street

Complete the narrative statements below for EACH variance requested.



Case # _____

Date Received: _____

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:

We are requesting that the smaller dwelling unit be located closer to the street right of way of Estero Blvd than than larger dwelling unit.

Reasons for request

Explain why the variance is needed:

The Applicant's previous structures located at 5662 and 5664 were substantially damaged from Hurricane Ian. There were two structures located at the property previous to Hurricane Ian including one dwelling unit containing 880 square feet of air conditioned base area and the larger dwelling unit closer to the Gulf of Mexico had 2561 square feet of air conditioned base area. The Applicant has applied to restore the structures located on the property pursuant to post-disaster buildback (Section 34-3238) and while the applicant disagrees that a variance is needed on account of the provision of Section 34-3238, the Town's position is that a variance is needed from Section 34-11749 (b) to place the smaller dwelling unit closer to the right of Estero than the larger dwelling unit.



Case # _____

Date Received: _____

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

The Applicant's position is that the the variance, if granted, will have no significant impact on the surrounding properties. The Applicant is attempting to restore the property with substantially similar buildings to what existed previous to Hurricane Ian and meeting all current building codes and floodplain regulations. The Applicant believes the variance will not have an impact to surrounding properties but a benefit as the newly build structures will meet all building and floodplain regulations. The Applicant also argues that pursuant to Section 34-3238 of the Land Development Code and Policy 4-D-1 that a variance is not needed. In particular, Policy 4-D-1 states in pertinent part that "to further implement this policy, the town may establish blanket reductions in non-vital development standards to minimize the need for individual variances prior to reconstruction."

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

Hurricane Ian created a substantial hardship for the Applicant by destroying the buildings located on the Property. If this variance is not granted, the Applicant's property value will be significantly reduced as the Applicant will not be able to build structures that are similar to what existed prior to Hurricane Ian.



Case # _____

Date Received: _____

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

1. The Applicant had dwelling units with separate addresses prior to Hurricane Ian. Section 34-3238 of the LDC and Policy 4-D-1 authorize this variance to be granted.

2. The Applicant would not need to rebuild if it was not for the destruction caused by Hurricane Ian.

3. The variance is the minimum that is needed to be relieved by the unreasonable burden caused by Section 34-1174 (b) of the LDC. The proposed structure meets setback requirements for a dwelling unit from Estero Blvd and will be located further from the right of way than the previous structure.

4. The proposed structures will be a positive improvement to the structures that existed previous to Hurricane Ian and meet all current building regulations.

5. The proposed variance is specific to the property to recreate what existed previous to Hurricane Ian pursuant to Section 34-3238.



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
(Variances, Extensions, Satisfaction of Conditions)**

VAR20240111 – Requesting a variance from LDC 34-1174(b) to allow an accessory apartment, closer to the street than the principal building in the RM zoning district.

ADDRESS: 5662/5664 Estero Blvd

APPLICANT: Scott Saveraid

LOCAL PLANNING AGENCY PUBLIC HEARING

TIME: 9 AM

DATE: May 14, 2024,

LOCATION: 2731 Oak St, FMB, Florida 33931

TOWN CONTACT: SARAH.PROPST@FMBGOV.COM

TOWN COUNCIL PUBLIC HEARING*

TIME: 9 AM

DATE: June 3, 2024

LOCATION: 2731 Oak St., FMB, Florida 33931

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. 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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TIME: 9 AM

DATE: June 3, 2024

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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»

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

Yellow Sheet Number: **2024-77**

1. Request:

Meeting Date: May 14, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20240095 TO ALLOW 12.5 FOOT VARIANCE TO THE REQUIRED 25-FOOT STREET SETBACK AND A VARIANCE OF 14.5 FEET FROM THE REQUIRED 20-FOOT REAR SETBACK FOR THE PROPERTY LOCATED AT 714 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE; 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 requesting a 12.5 foot variance to the required 25-foot street setback and a variance of 14.5 feet from the required 20-foot rear setback.

Attachments:

1. 24- XX 714 Estero Blvd Variance
2. 714 Estero Blvd LPA Staff report
3. Exhibit A Proposed Site Plan
4. Exhibit B Boundary Survey
5. Exhibit C Complete application
6. Exhibit D postcard 714 estero blvd

Financial Impact:

unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Recommended approval with conditions of the request.

8. Recommended Approval:

Date: May 09, 2024

Frankie Kropacek, Operations & Compliance Director

Date: May 10, 2024

nancy stuparich, Town Attorney

Date: May 10, 2024

Amy Baker, Town Clerk

**TOWN COUNCIL
RESOLUTION NUMBER 24-XX**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF THE TOWN OF FORT MYERS BEACH FLORIDA RECOMMENDING APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20240095 REQUESTING A VARIANCE FROM LDC TABLE 34-3 TO ALLOW 12.5 FEET FROM THE REQUIRED 25-FOOT STREET SETBACK AND A VARIANCE OF 14.5 FEET FROM THE REQUIRED 20-FOOT REAR SETBACK FOR THE PROPERTY LOCATED AT 714 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, applicant Mark Raudenbush, on behalf of owner Barry Grossman of property located at 714 Estero Blvd, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3.0400.008D; and

WHEREAS, the Property is located in the “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Multifamily” 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 May 14, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA found that the request **is/is not** consistent with the comprehensive plan and the requirements of the LDC and by roll call voted _____ to _____ to recommend **approval/ approval with conditions/ denial** of the variance; and

WHEREAS, on the ____ day of _____, 2024, a request was received from _____ within 10 business days from the LPA decision on the _____ day of _____, 2024 to request an additional hearing before the Town Council of _____ pursuant to Sec. 34-232 of the LDC .

WHEREAS, on _____ 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 **do/ do 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 to **approve/ approve with conditions/ deny**. 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 Table 34-3 Dimensional Regulations in Conventional Zoning Districts.

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/ 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.

Section 5. This resolution shall be effective upon adoption by the Town Council

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	_____
Bill Veach	_____
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:**

John R. Herin, Jr., 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: VAR20240095

CASE NAME: 714 Estero Blvd; requesting a variance from LDC Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street and rear setbacks in the RM zoning district.

LPA

HEARING DATE: May 14, 2024, at 9 AM

STAFF

RECOMMENDATION: Approval w/conditions

**PREPARED/
SUBMITTED BY:** Jason Smalley- Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Barry Grossman/ Idyll Construction- Mark Raudenbush

Request: Variance from LDC Table 34-3, requesting a 12.5 foot variance to the required 25-foot street setback and a variance of 14.5 feet from the required 20-foot rear setback.

Subject property: See attached site plan

Physical Address: 714 Estero Blvd

STRAP #: 24-46-23-W3.0400.008D

FLU: Mixed Residential

Zoning: Residential Multifamily (RM)

Adjacent zoning and land uses:

North:	COMMERCIAL RESORT (CR) Single-Family Residence/Two-Family
South:	RESIDENTIAL MULTI-FAMILY (RM) Single-Family Residence/ Two-Family
East:	RESIDENTIAL MULTI-FAMILY (RM) Single-Family Residence/Two-Family
West:	RESIDENTIAL MULTI-FAMILY (RM) Single-Family Residence/Two-Family

II. BACKGROUND AND ANALYSIS

Background:

Barry Grossman, the applicant for 714 Estero, is requesting a variance 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 street setback of 25 feet from the front property line, and 20 feet from the rear property line. The applicant is requesting a variance of 12.5 feet from the street setback for a front setback of a minimum of 12.5 feet, and another variance of 14.5 feet from the rear setback to provide a minimum 5.5 feet to build a new single-family structure.

Analysis:

The purpose of the RM zoning district is to designate suitable locations for a wide variety of multifamily residences. The lot is 50.57 feet wide and 62 feet long and is a non-conforming lot. The existing single-family residence was destroyed in Hurricane Ian and the Applicant is proposing to rebuild a residence 2 stories above flood with approximately 200 square feet of enclosed area for storage and an elevator at grade. The Applicant acquired a minimum use determination on February 16, 2024.

As per LDC table 34-3, a single-family home in the RM zoning district shall provide a minimum street setback of 25 feet and a 20-foot rear setback.

The property is located on Estero Boulevard and is accessible via Estero Blvd. There is an existing easement located on the west side of the property boundary that provides access to neighboring properties. The Applicant is proposing the residence to be 12.5 feet from the property line that abuts Estero Blvd and 5.5 feet from the rear property line.

Neighborhood Compatibility:

The subject property is one of the cottage lots in the southeast quadrant formed by the intersection of Estero Blvd and Matanzas Street. All these properties are non-

conforming lots. The proposed cottage is similar in style and nature to the previously existing cottages in this neighborhood.

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 lot is nonconforming for size and is oddly shaped, it is approximately 51 feet wide, with a lot depth of 62 feet. The lot would require a variance for the construction of any home.

- 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 was originally part of a larger parcel that was subdivided in the 1950's creating this parallelogram-shaped lot.

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

Under current zoning codes the actual design of the home would be substantially smaller in design due to the dimensions of the lot.

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

The reduced front yard could result in guest parking extending to the public ROW. Therefore, if approved, Town's staff recommends a condition to keep the first floor open for all personal and guest parking. It does not appear that the request will be injurious to neighbors, as long as parking concerns are addressed.

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

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC Table 34-3 which requires that a lot in the RM zoning district have a minimum 25-foot street setback, and 20-foot rear setback* and found that the variance request does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **approval with conditions** of VAR20240095, a request for variances of 12.5 feet from the street setback, 14.5 feet from the rear setback for a front setback of 12.5 feet and a rear setback of 5.5 feet.

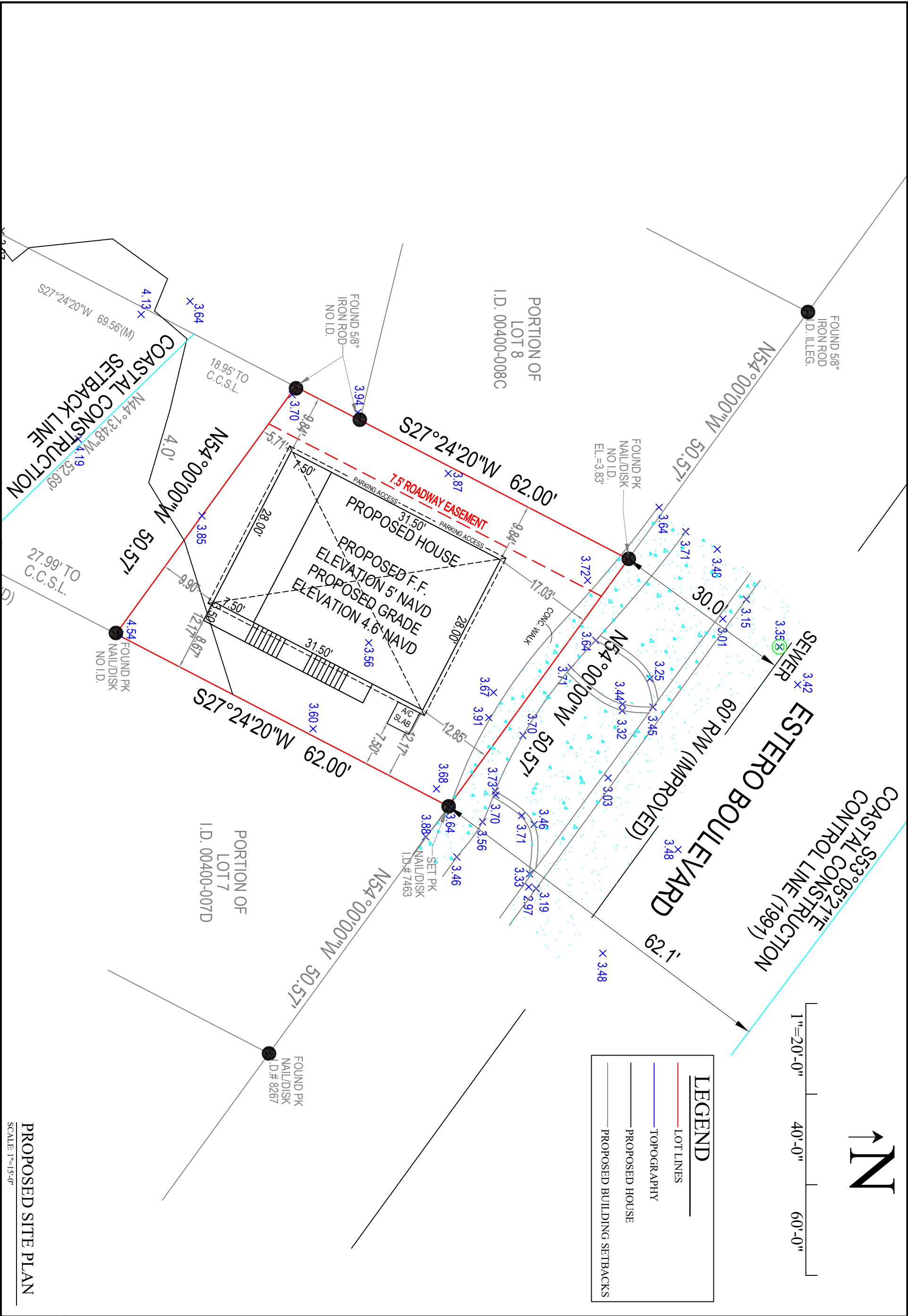
IV. CONDITIONS FOR APPROVAL

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

- 1) The first floor shall not be enclosed. It should be made available as a private car park for the residents and their guests. All parked vehicles must be contained on the site and not encroach on the Town's Right of Way. This does not disallow the 200 square feet of enclosed area for storage and an elevator.
- 2) The provided site plan does not indicate the width of the driveway or how the site will accommodate parking for 2 vehicles. The driveway will be required to meet the Town of Fort Myers Beach Residential driveway requirements.
- 3) The applicant must adhere to Sec. 6-14 Neighborhood flooding for stormwater retention and impervious surface calculations.
- 4) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

V. EXHIBITS

- A. Proposed site plan
- B. Boundary Survey
- C. Complete application
- D. Postcards to adjacent property owners



PROJECT NAME AND ADDRESS GROSSMAN RESIDENCE 714 ESTERO BLVD FORT MYERS BEACH, FL	714 ESTERO BLVD FORT MYERS BEACH, FL	Idyll Construction, Inc. Hereby reserved its common law copyright and other property right in these plans, ideas, and designs. These ideas, designs and plans are not to be reproduced, chagned or copied in any form or manner whatsoever, nor are they to be assigned to any third party without written permission from Idyll Construction, Inc. Written dimensions on these drawings shall have precedence over scale dimensions. Contractor shall verify ad be responsible for all dimensons and conditions of the job and Idyll Construction, Inc. shall be notified in writing of any variations from the dimensions, conditions and specifications shown by these drawings. All construction shall be in accordance with all state and local codes.	Idyll Construction 854 River Point Dr Naples, FL 34102 (239)947-7030 MarkR@IdyllConstruction.com License no. CBC058253
CHECKED BY DRAWN BY DATE PROJECT NO SHEET NAME SHEET NO	MS 12/2024 904 A-3		

LEGAL DESCRIPTION

A PORTION OF LOT 8, UNIT NO. 1 ISLAND SHORES, AS RECORDED IN PLAT BOOK 9, PAGE 24, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS: BEGIN AT A POINT ON THE SOUTHERLY LINE OF ESTERO BLVD. 50.57 FEET WESTERLY OF THE COMMON CORNER OF LOTS 7 AND 8 OF UNIT NO. 1 ISLAND SHORES, THENCE SOUTHERLY PARALLEL TO THE EASTERLY LINE OF LOT 8, 62 FEET; THENCE EASTERLY, PARALLEL TO THE NORTHERLY LINE OF LOT 8, 50.57 FEET TO THE EASTERLY LINE OF LOT 8; THENCE NORTHERLY ALONG THE COMMON LINE OF LOT 7 AND 8, 62 FEET TO THE SOUTHERLY LINE OF ESTERO BLVD.; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOT 8 TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS A STRIP OF LAND 7/14 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF SAID LOT 8 EXTENDED FROM ESTERO BLVD. TO THE WATER OF THE GULF OF MEXICO; SUCH EASEMENT TO BE FOR THE COMMON USE OF THE OWNERS OF EACH SIDE OF LOT 8, THEIR HEIRS AND ASSIGNS

Flood Zone: VE
Community Number: 120673
Panel: 12071C0554
Suffix: G
Base Flood Elevation: 13
FIRM Date: 11/17/2022

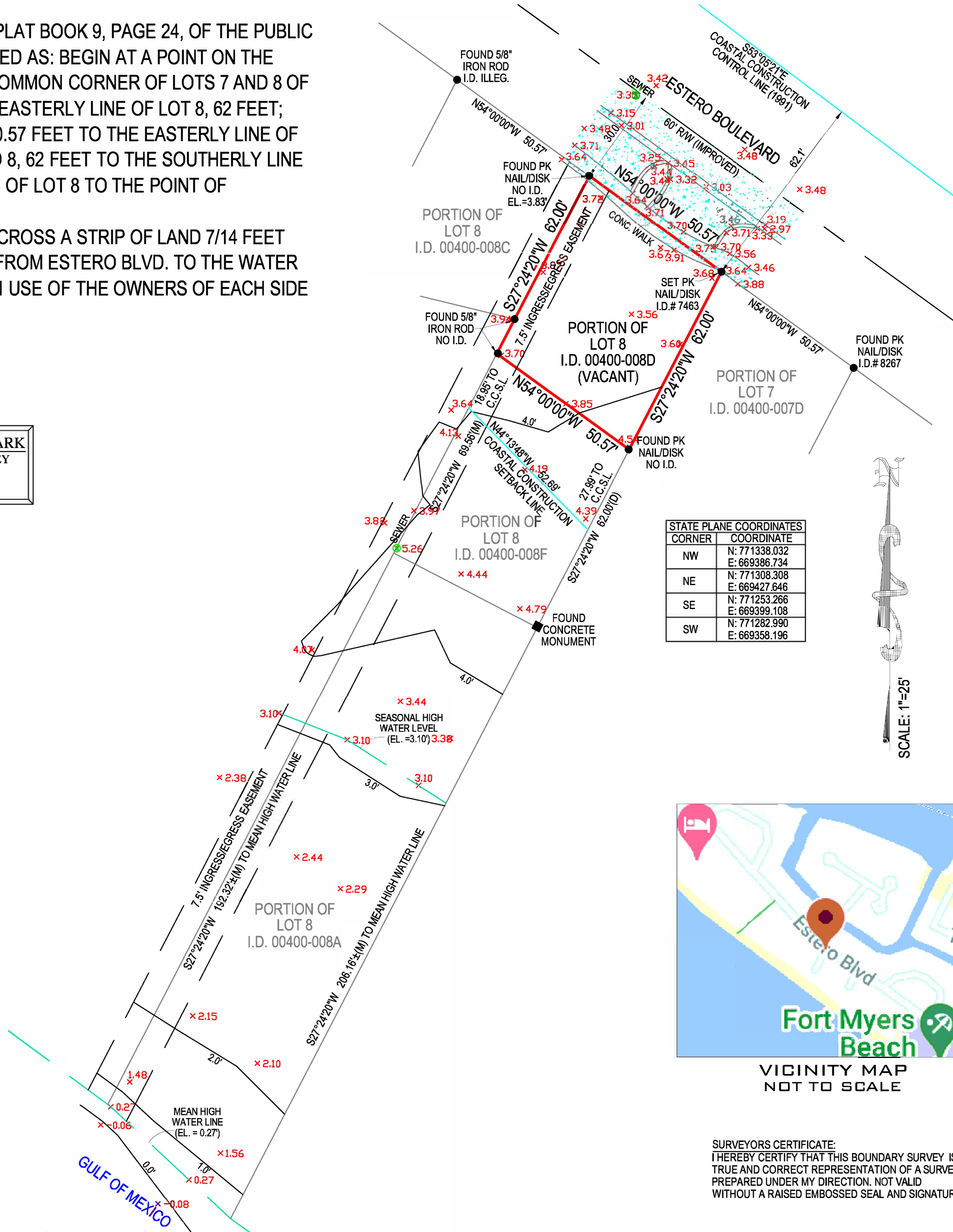
ORIGINATION BENCHMARK
NATIONAL GEODETIC SURVEY
BENCHMARK "G 245"
N.A.V.D. ELEVATION = 4.97'

LEGEND

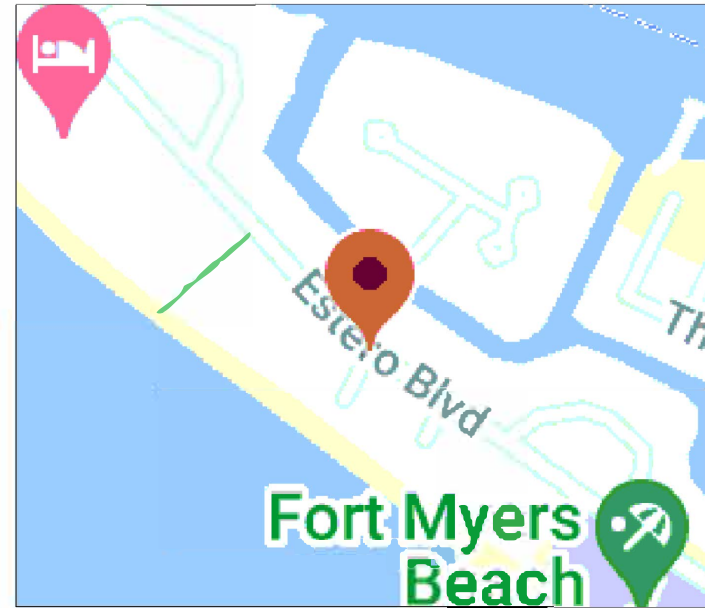
A/C AIR CONDITIONER
B.F.P. BACKFLOW PREVENTER
C.B.S. CONCRETE BLOCK STRUCTURE
ELEV. ELEVATION
F.F. FINISHED FLOOR
I.D. IDENTIFICATION
L. LENGTH
L.B. LICENSED BUSINESS
M. MEASURED
N.T.S. NOT TO SCALE
N&D NAIL & DISC
N.A.V.D. NORTH AMERICAN VERTICAL DATUM
N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
O.R.B. OFFICIAL RECORDS BOOK
P. PLAT
PSM PROFESSIONAL SURVEYOR AND MAPPER
P.R.M. PERMANENT REFERENCE MONUMENT
PG. PAGE
P.B. PLAT BOOK
PK. PARKER KYLON NAIL
R. RADIUS
TAN. TANGENT
T.B.M. TEMPORARY BENCH MARK
C. CENTERLINE
NUMBER
Δ DELTA OR CENTRAL ANGLE
CONC. CONCRETE

NOTES:

1. LEGAL DESCRIPTION PROVIDE BY CLIENT
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTHERLY PROPERTY LINE, HAVING A BEARING OF N54°00'00"W.



CORNER	COORDINATE
NW	N: 771338.032 E: 669386.734
NE	N: 771308.308 E: 669427.646
SE	N: 771253.266 E: 669399.108
SW	N: 771282.990 E: 669358.196



VICINITY MAP
NOT TO SCALE

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)
KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

REVISIONS:
1. ADDED C.C.S.L. ... 11/29/2023
DATE OF FIELD WORK: 11/02/2023
DATE OF MAP: 11/14/2023

BOUNDARY AND TOPOGRAPHIC SURVEY OF
714 ESTERO BOULEVARD
FORT MYERS BEACH, FL 33931
PREPARED FOR:
IDYLL CONSTRUCTION, INC.

Project	C-609315	Sheet	
Date	11/02/2023		1 OF 1
Scale	1"=25'		

6250 N. MILITARY TRAIL
SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576
LB #7463

COMPASS SURVEYING
WWW.COMPASSSURVEYING.NET



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: 714 Estero Blvd
STRAP Number: 244623W300400008D
Applicant: Idyll Construction Phone: 239-253-1068
Contact Name: Mark Raudenbush Phone: _____
Email: Markr@idyllconstruction.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*: Idyll Construction- Mark Raudenbush Phone: 239-947-7030
**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: 28290 Old 41 Rd # 4 Bonita Springs, FL 34135
Email: markr@idyllconstruction.com Fax: _____
Contact Name: Mark Raudenbush Phone: 239-947-7030



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
- ☐ 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: Barry G. Grossman Phone: _____

Mailing Address: 631 Kenilworth St., Philadelphia PA 19147

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Mark Raudenbush 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]
Signature

Mark Raudenbush

Printed Name

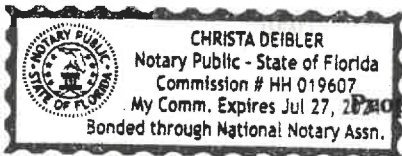
STATE OF FL COUNTY OF Lee

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

presence OR online notarization, this 27 day of March, 2024, by

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

 as identification.



[Signature]
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: 244623W300400008D

Property Address: 714 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): 7 & part 8

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) 50.57 feet

Depth (please provide an average width if irregular in shape) 62 feet

Frontage on street: 50.57 feet. Frontage on waterbody: 0 feet

Total land area: 3135 ☐ 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.



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: 714 Estero Blvd Replacement SFR
Authorized Applicant: Barry G Grossman
LeePA STRAP Number: 244623W300400008D

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

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

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

Explain the specific regulation contained in this section from which relief is sought:
Required front setback is 25'; proposed premanufactured structure will be
setback to 12.5 requiring a reduction of 12.5
Required rear setback is 20' ; proposed structure will be setback between 5.5
and 9.9 thus requiring a 14.5 reduction
See Exhibit "C" Proposed Site plan

Reasons for request

Explain why the variance is needed:
Hurricane Ian destroyed the home. The lot is an irregular small corner lot on
Estero Blvd. The dimensions of the lot 50.57 X 62.00 make it very
difficult to construct a single family home without relief from setback
requirements.
The applicant is looking to have 2 stories above flood and approx 200 sf
of enclosed area for storage and an elevator at grade and therefore does not
meet requirements for an administrative variance.
Additionally the owner is looking to use a pre manufactured building and has
somewhat limitation in design.
See Exhibit "D" Bldg Drawings

Explain the possible effect the variance, if granted, would have on surrounding properties:
The surrounding properties are also small irregular lots. The configuration of the prefabricated replacement single family (28' X 35' plus deck) is very similar in size as to what was previously in place (26'5 X 32' plus deck) .
As the home is on Estero and surrounded by similiar sized lots it will not have any negative impacts on surrounding neighbors.
The location of the proposed structure has been shifted further away from the neighbor than the previous structure.
See Exhibit "B" Pre-lan Conditions

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

The irregularity of the small corner lot makes it difficult to meet setbacks. The property is approx 50.57 X 62 adjacent to Estero Blvd and contains an access easement along one side; requiring a 25' road setback, a 20' side street setback, a 20 rear setback, and a 7.5 side setback. Attempting to construct a useable single family within these restrictions is nearly impossible.
See Exhibit 6-2 Survey
See Exhibit "A" Existing conditons

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
EXTRAORDINARY CONDITIONS EXIST : the size of the lot makes it
unreasonable to replace a usable single family residence without any relief to
current setback requirements
THE RESULT OF THE VARIANCE IS NOT FROM ANY ACTION TAKEN BY :
APPLICANT: Hurricane Ian removed the structure; the size of the lot is
existing and has obtained a favorable MUD; The setbacks in LDC do not work
with this lot configuration to allow a usable single family
MINIMUM VARIANCE REQUIRED: This is the minimum variance needed
in order to construct a comfortable comparable living space as pre Ian.
Setbacks just cannot be met without assistance.
GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE NEIGHBOR:
The replacement of this single family will not be injurious to the neighbors as it
is being replaced in a similar fashion, leaving the access easement
available for others to get to their home; there is adequate parking available
for two vehicles below the structure. And the structure has been proposed a
little further away from adjacent neighbor than previous structure.
THE REQUEST IS SO BROAD TO CHANGE THE CODE: This request is
not so broad to change the code but is unique to the few smaller cottage
lots on the island and is unique in nature.

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.

HOLTON LAURETTA E TR
12788 BACCHUS RD
PORT CHARLOTTE FL 33981

DULLARD ROBERT TR
PO BOX 2695
FORT MYERS BEACH FL 33931

ETCHISON CAROLYN +
200 GREEN RD
ALPHARETTA GA 30004

CAMMICK PETER & VIVIAN
1270 PLAYMOOR DR
PALM HARBOR FL 34683

MAGNUM FMB 2 LLC
725 MATANZAS CT
FORT MYERS BEACH FL 33931

SEA SHELL REAL ESTATE II LLC
7211 WINNETKA AVE N
BROOKLYN PARK MN 55428

PARISER KENNETH R TR
3524 MCGREGOR BLVD
FORT MYERS FL 33901

PAYNE DONNA L
501 WILLIN WAY
MOUNT STERLING KY 40353

GRAYBILL PATRICIA TR
6420 CONGRESS AVE #1900
BOCA RATON FL 33487

718 ESTERO LLC
PO BOX 270
ONEIDA NY 13421

MAGNUM FMB 3 LLC
4210 MORREN
WAYLAND MI 49348

DERAMO NANCY A +
1920 BRIAR CREEK PL
SARASOTA FL 34235

WRIGHT HEIDI E
107 ST ANDRE ST
WORTHINGTON OH 43085

716 ESTERO LLC
1999 92ND ST SE
CALEDONIA MI 49316

FMB ASSOCIATES LP
684 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND SHORES UNIT 2
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PAINE FREDERICK L & NANCY K
819 LAGOON ST
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

EDGEWATER INN LLC
1440 BRICKELL BAY DR STE PH3
MIAMI FL 33131

PAYNE DONNA L
501 WILLIN WAY
MOUNT STERLING KY 40353

SAVINO STEPHEN JR & LORI
58 HIGH VALLEY DR
CANTON CT 06019

SMITH STEPHEN E & CYNTHIA
13140 BIRD RD
FORT MYERS FL 33905

COOKS ISLAND HOUSE
PO BOX 792
GRAND HAVEN MI 49417

PAINE FREDERICK L &
12 BELKNAP SHORES
SUPERIOR WI 54880

HIATT KEITH II TR
MICHAEL MILLER
5204 HOLMBY AVE
LAS VEGAS NV 89146

KEITH HIATT TRUST
MICHAEL MILLER
5204 HOLMBY AVE
LAS VEGAS NV 89146

REBER DAVID A TR
527 SUGARPINE DR
INCLINE VILLAGE NV 89451

BEBO PROPERTIES I LLC
1065 TONKAWA RD
ORONO MN 55356

VANFOSSEN TERRI D
724 MATANZAS CT
FORT MYERS BEACH FL 33931

CROW FMB FAMILY TRUST
2705 ODAWA TRL
MUSKEGON MI 49444

ISLAND SHORES HOMEOWNERS ASSOC
MATANZAS ST
FORT MYERS BEACH FL 33931

RICHARDSON DIANE L TR
8727 243RD ST
FOREST LAKE MN 55025

ALN II BEACHVIEW LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

HAYES LAWRENCE R & PAULA D
40W504 ATCHISON DR
HAMPSHIRE IL 60140

PYTLIK PETER J & KIM M
173 WEST ST
NAPLES FL 34108

HAYES LARRY R & PAULA D
40W504 ATCHISON DR
HAMPSHIRE IL 60140

BEACH HOUSE 41734 LLC
1729A E FOREST CIR
BALSAM LAKE WI 54810

SCRJ INVESTMENTS LLC
11279 BIRCH ISLAND RD
EAST GULL LAKE MN 56401

SOLOMON RESULTS LLC
5553 N OCEAN BLVD
OCEAN RIDGE FL 33435

671 ESTERO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

COLUMBIA CITY HOLDINGS LLC
140 N WESTCHESTER DR
COLUMBIA CITY IN 46725

FMBFL ESTERO BLVD 621 LLC
10317 SE 28TH PL
BEAUX ARTS WA 98004

MASTER CHAD L & JENNIFER +
7211 WINNETKA AVE N
BROOKLYN PARK MN 55428

RIPTIDE CONDO ASSOC INC
711 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL BEACH CLUB CONDO ASSN
PO BOX 3427
NORTH FORT MYERS FL 33918

ROYAL BEACH CLUB CONDO
800 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL BEACH CLUB CONDO PH II
800 ESTERO BLVD
FORT MYERS BEACH FL 33931

BEL-AIR BEACH CLUB CONDO
780 ESTERO BLVD
FORT MYERS BEACH FL 33931

BAY TO BEACH ASSN
740 ESTERO BLVD
FORT MYERS BEACH FL 33931

MOOSE CREEK LLC
PO BOX 772
CODY WY 82414

EVANS DOTTIE DARLENE TR
23716 OAKHURST DR
NEWHALL CA 91321

RICE FREDERICK C &
422 PINE HILL RD
KITANNING PA 16201

PAPAS RETREAT LLC
PO BOX 150256
CAPE CORAL FL 33915

EVANS DOTTIE DARLENE TR
23716 OAKHURST DR
NEWHALL CA 91321

FARRELL JOSEPH J & LINDA M L/E
628 ESTERO BLVD
FORT MYERS BEACH FL 33931

FARRELL JOSEPH J & LINDA M L/E
628 ESTERO BLVD
FORT MYERS BEACH FL 33931

LAWRANCE DAVID J & DENISE R
825 HIDDEN LN
EXCELSIOR MN 55331

BUTLER KATHRYN
610 ESTERO BLVD
FORT MYERS BEACH FL 33931

XL REAL PROPERTY SERVICES LLC
5 SHELDON DR
SPENCERPORT NY 14559

SCHULTZ HARRY J & KAREN JO
2324 SUNRISE CIR
WARSAW IN 46580

ANDERSON WILLIAM L
1026 ST. GEORGE DR.
DAVENPORT FL 33837

LONG JEFF LEE & JONI KAY
5869 OXBOW CT
ELKHART IN 46516

STUART ROBERT W JR &
8371 BRANDYWINE RD
NORTHFIELD OH 44067

MARRONE THOMAS G
PO BOX 52
ESTERO FL 33929

SANTILLI DOROTHY A TR
41 BREAKNECK HILL RD UNIT 19
LINCOLN RI 02865

K + S RIPTIDE LLC
6249 147TH AVE
HOLLAND MI 49423

GEIGER PHILLIP J
5 SHELDON DR
SPENCERPORT NY 14559

ASHER DAVID D & VICKI
11610 NE 116TH ST
LIBERTY MO 64068

ALBOHER HEATH M & RAEANN
2601 ATLANTIC AVE
FERNANDINA BEACH FL 32034

STANITZEK JOHN M & ANNE M
2035 MEADOW VALLEY CT
GRAND RAPIDS MI 49504

CORRIGAN ROBERT E &
287 BEECHNUT DR
NORTH CONWAY NH 03860

BEL-AIR BEACH CLUB ASSOC
RAL RESORT PROPERTY MGMT
17810 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

SAWYER WILLIAM R & SONYA L
PO BOX 69
MILTON VT 05468

WILLE BRIAN +
19752 REGAN RD
NEW LENOX IL 60451

CANNY COLLEEN M TR
4536 GRAND AVE
WESTERN SPRINGS IL 60558

DEALEY LARRY & JUDY
PO BOX 259
CONVOY OH 45832

WATTS SHEILA A TR
17274 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RUPERT DONALD F JR &
329 BONNIEMERE RD
SHELBYVILLE KY 40065

RYFINSKI WENDY K TR
780 ESTERO BLVD #PH4
FORT MYERS BEACH FL 33931

ENDRES BRENDA J
5798 EMERALD GROVE LANE
WAUNAKEE WI 53597

BAUMGARTNER VACATION PROPERTIE
KAREN BAUMGARTNER
2700 N FARNSWORTH AVE
AURORA IL 60502

MESSER MICHAEL J TR
2033 MARINETTE AVE
MARINETTE WI 54143

CEDARQUEST LLC
3368 104TH AVE
ZEELAND MI 49464

KRAMER HEIDI & MICHAEL
1800 W SUNNYDALE LN
THIENSVILLE WI 53092

WISCONSIN LAND EXCHANGE LLC
PO BOX 68
LAKE DELTON WI 53940

DURNELL MIKE & KIM
426 COUNTY RD 57 W
BELLEFONTAINE OH 43311

BAY TO BEACH OF FORT MYERS LLC
240 E 8TH ST
HOLLAND MI 49423

SOLANS ENRIC P &
1821 BOULDER DR
MT PROSPECT IL 60056

O BRIEN DANIEL GEORGE
740 ESTERO BLVD #C2
FORT MYERS BEACH FL 33931

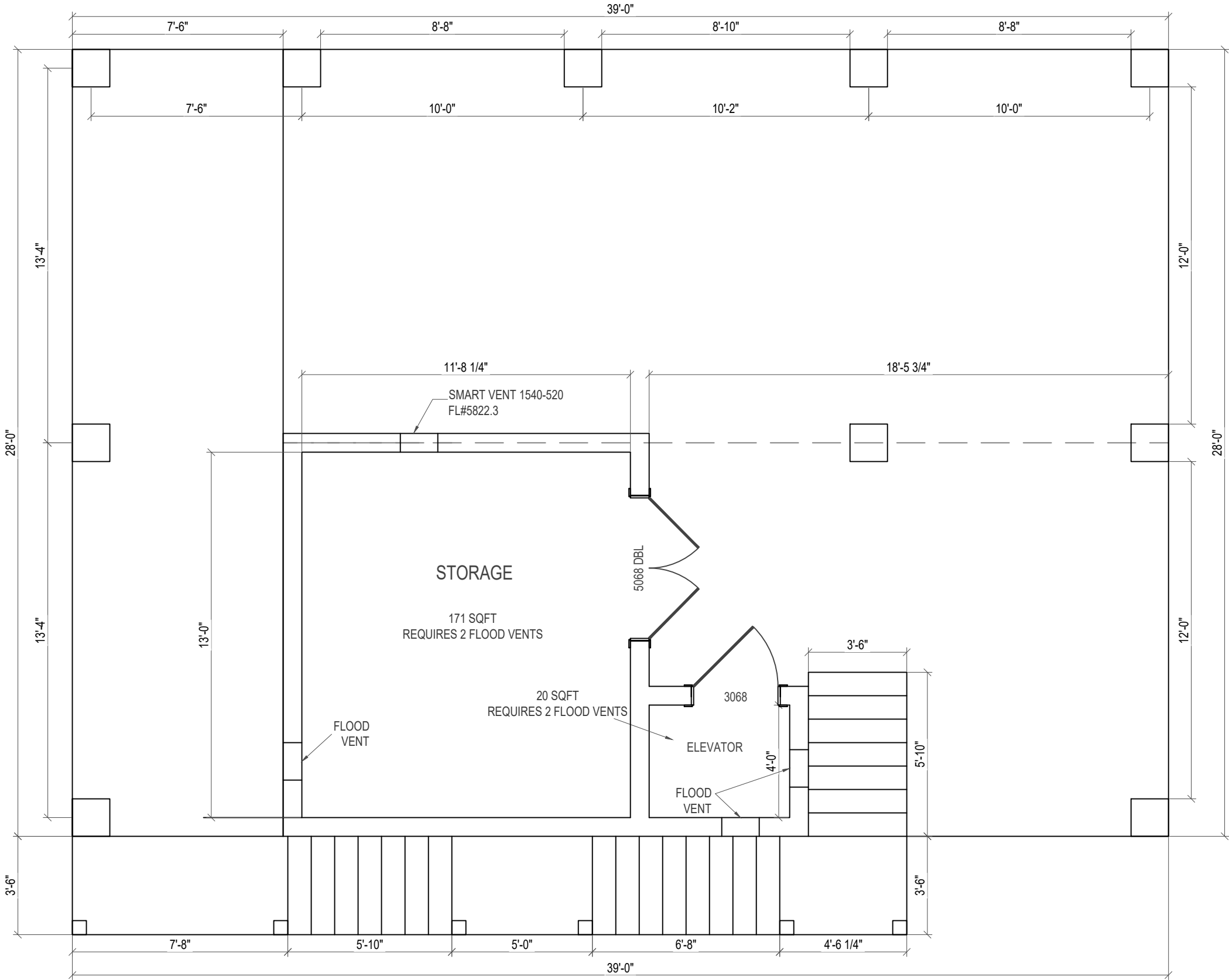
MACKENZIE DAVID L & JENNY H
4105 LIMERICK DR
LAKE WALES FL 33859

OBRIEN DANIEL GEORGE
740 ESTERO BLVD UNIT C2
FORT MYERS BEACH FL 33931

DUFFY DONALD A +
106 EULA ST
WILMINGTON IL 60481

OSTERGAARD PER & ZITA
GASLINGESTIEN 1
VEDBACK DK-2950
DENMARK

EXHIBIT D



GENERAL NOTES:

STRUCTURAL AND NON-STRUCTURAL COMPONENTS BELOW THE DESIGN FLOOD ELEVATION (BFE +1) ARE TO BE CONSTRUCTED OF MATERIALS THAT ARE DURABLE, RESISTANT TO FLOOD FORCES, AND RESISTANT TO DETERIORATION CAUSED BY REPEATED INUNDATION BY FLOOD WATERS.

Note: Any wood contacting block or concrete shall be pressure treated

ANY GROUND LEVEL PLUMBING, IF SHOWN ON DRAWINGS OR INCLUDED IN CONTRACTORS SPECS. (BEACH SHOWER AND HOSE BIBS (FIELD LOCATED)) MUST BE DESIGNED TO PREVENT WATER FROM ENTERING OR ACCUMULATION WITHIN THE COMPONENTS DURING CONDITIONS OF FLOODING AND DESIGNED AND INSTALLED TO RESIST FLOOD LOADS AND PREVENT WATER FROM ENTERING.

DOOR SCHEDULE:

3068 THERMA-TRU FIBERGLASS SINGLE DOOR
FL#20468.1

5068 THERMA-TRU FIBERGLASS DOUBLE DOOR
FL#20470.3

GROUND FLOOR PLAN

SCALE: 1/4"=1'-0"

PROJECT NAME AND ADDRESS

GROSSMAN
RESIDENCE

714 ESTERO BLVD
FORT MYERS BEACH, FL

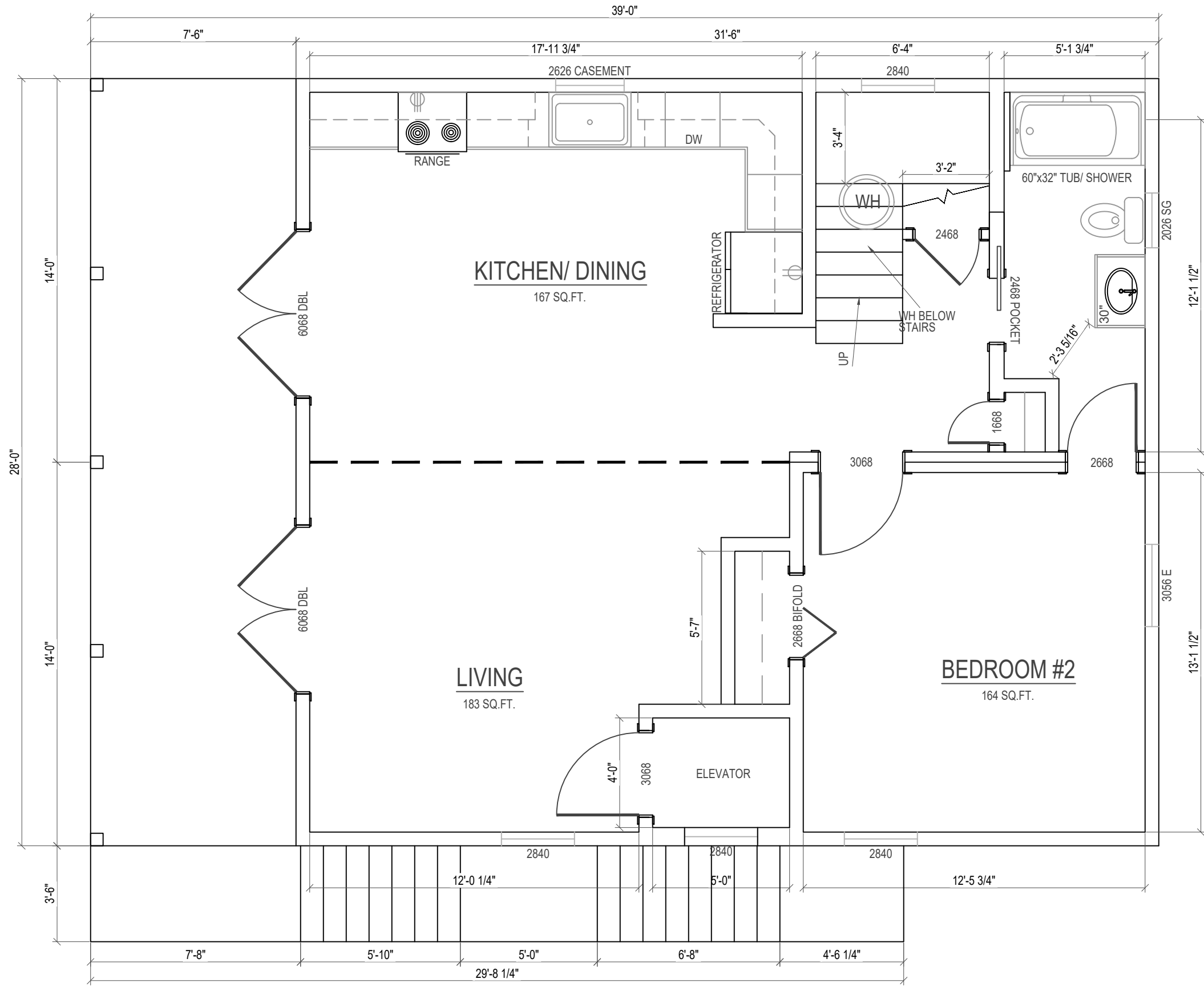
CHECK BY:	
DRAWN BY:	MCS
DATE:	2/21/20
PROJECT NO.	90
SHEET NAME: GROUND FLOOR PLAN	
SHEET NO.	A-3

Idyll Construction

854 River Point Dr
Naples, FL 34102
(239)947-7030
MarkR@IdyllConstruction
License no. CBC0582

lyl Construction, Inc. Hereby reserved its common law copyright and other property right in these plans, ideas, and designs. These ideas, designs and plans are not to be reproduced, changed or copied in any form or manner whatsoever, now or they are to be assigned to any third party without written permission from lyyl Construction, Inc. Written dimensions on these drawings shall have precedence over scale dimensions. Contractor shall verify all dimensions for all dimensions and conditions of the job and lyyl Construction, Inc. shall be notified in writing of any variations from the dimensions, conditions and specifications shown by these drawings. All construction shall be in accordance with all state and local codes.

No.	Issues	Date	No.	Decision	Date
5			5		
4			4		
3			3		
2			2		
1			1		



FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"

PROJECT NAME AND ADDRESS
**GROSSMAN
RESIDENCE**
714 ESTERO BLVD
FORT MYERS BEACH, FL

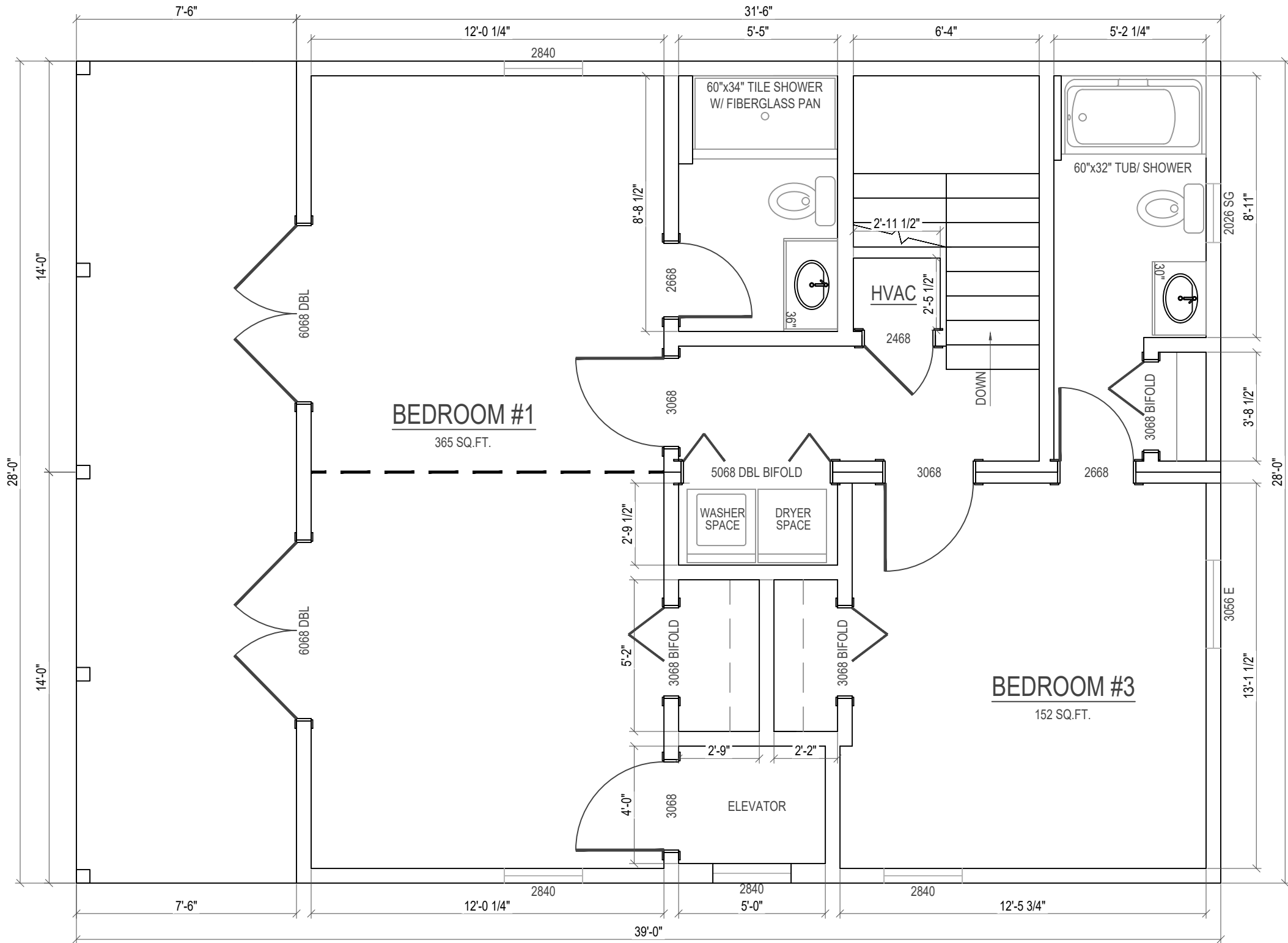
CHECK BY:	
DRAWN BY:	MCS
DATE:	2/21/2024
PROJECT NO:	904
SHEET NAME:	FIRST FLOOR PLAN
SHEET NO:	A-4

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No.	Issue	Date	No.	Revision	Date
5			5		
4			4		
3			3		
2			2		
1			1		

Idyll Construction

854 River Point Dr
Naples, FL 34102
(239)947-7030
MarkR@idyllconstruction.com
License no. CBC058253



SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

PROJECT NAME AND ADDRESS
**GROSSMAN
RESIDENCE**
714 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	2/21/2024
PROJECT NO:	904
SHEET NAME:	SECOND FLOOR PLAN
SHEET NO:	A-5

No.	Issue	Date	No.	Revision	Date
5			5		
4			4		
3			3		
2			2		
1			1		

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Idyll Construction

854 River Point Dr
Naples, FL 34102
(239)947-7030
MarkR@idyllconstruction.com
License no. CBC058253



FRONT



REAR

FRONT & REAR ELEVATIONS
COMPOSITE
SCALE: 1/8"=1'-0"

PROJECT NAME AND ADDRESS
**GROSSMAN
RESIDENCE**
714 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	2/21/2024
PROJECT NO:	904
SHEET NAME:	FRONT & REAR ELEVATIONS - COMPOSITE
SHEET NO:	A-9

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No.	Issue	Date	No.	Revision	Date
5			5		
4			4		
3			3		
2			2		
1			1		

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Naples, FL 34102
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MarkR@idyllconstruction.com
License no. CBC058253



LEFT



RIGHT

LEFT & RIGHT ELEVATIONS
COMPOSITE
SCALE: 1/8"=1'-0"

PROJECT NAME AND ADDRESS
**GROSSMAN
RESIDENCE**
714 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	2/21/2024
PROJECT NO:	904
SHEET NAME:	LEFT & RIGHT ELEVATIONS - COMPOSITE
SHEET NO:	A-10

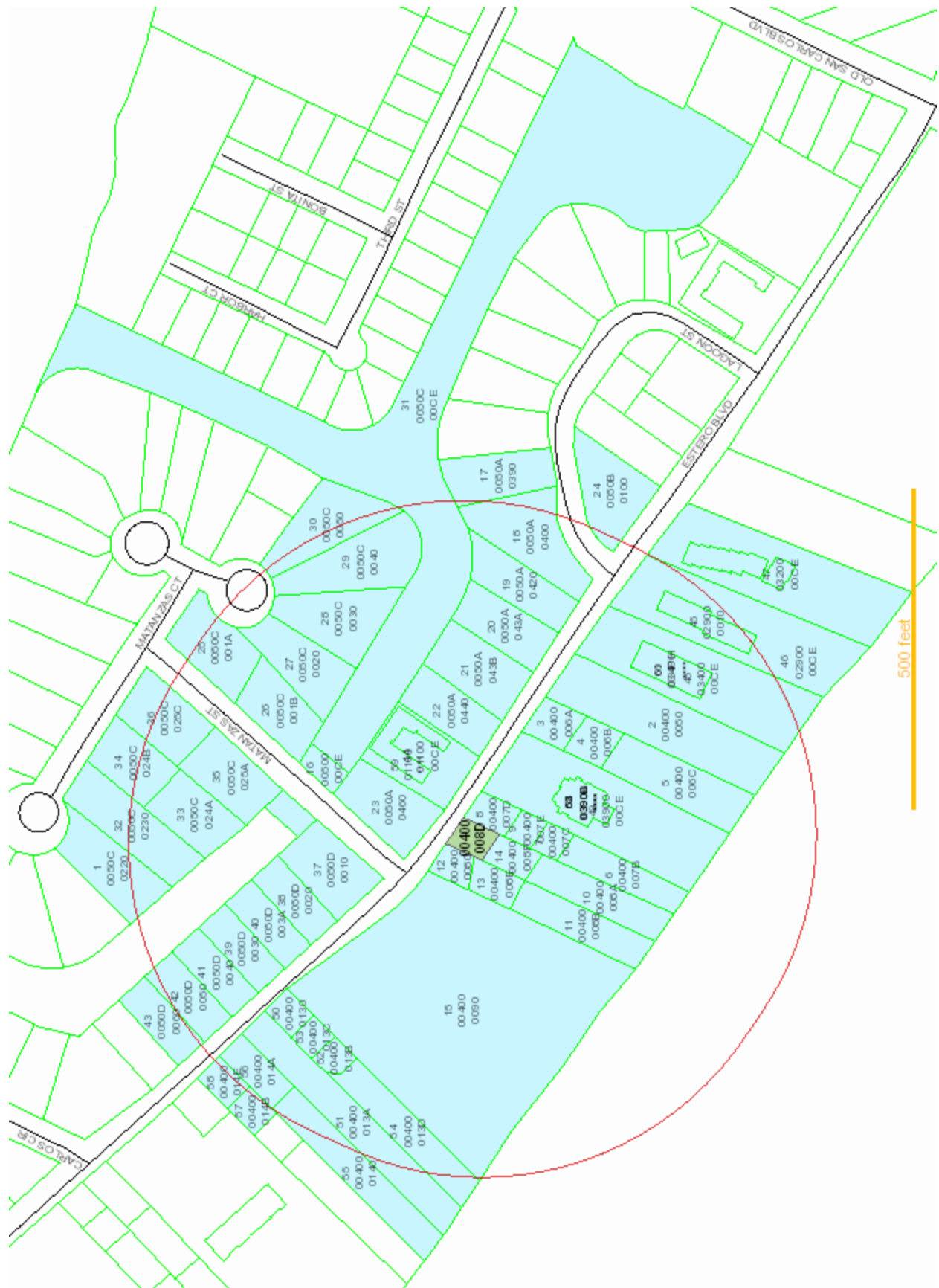
No.	Issue	Date	No.	Revision	Date
5			5		
4			4		
3			3		
2			2		
1			1		

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EXHIBIT 6-7



500 feet



Tools

N

E

S

W

Images year: 2023

◀

01/05/2023
View 1

▶

-

+

☒ Display Parcels



Tools

N

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E

S

Images year: 2021

◀

01/29/2021

▶

View 1

-

+

☒ Display Parcels





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
(Variances, Extensions, Satisfaction of Conditions)**

VAR20240095 – Requesting a variance from LDC Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street and rear setbacks in the RM zoning district.

ADDRESS: 714 Estero Blvd

APPLICANT: Mark Raudenbush

LOCAL PLANNING AGENCY PUBLIC HEARING

TIME: 9 AM

DATE: May 14, 2024,

LOCATION: 2731 Oak St, FMB, Florida 33931

TOWN CONTACT: SAARH.PROPST@FMBGOV.COM

TOWN COUNCIL PUBLIC HEARING*

TIME: 9 AM

DATE: June 3, 2024

LOCATION: 2731 Oak St. , FMB, Florida 33931

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Transcripts of the proceedings are not provided by the Town. Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



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

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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»

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

Yellow Sheet Number: **2024-83**

1. Request:

Meeting Date: May 14, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240094, AVARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED WATERBODY SETBACK BY 10.5 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21481 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears and recommends approval of a variance to the Town Council.

What the action accomplishes:

The LPA recommendation will be forwarded on to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Owner of 21481 Widgeon Terrace, is requesting a variance from the Town's Land Development Code (LDC) LDC section 34-638(d)(3)c.3.(iii) which requires unroofed, at grade accessory structures including swimming pools to provide a minimum 25-foot setback from the mean high water line of a nonseawalled natural waterbody. The applicant is requesting a variance of 10.5 feet from the waterbody for a setback of 14.5 feet, to build an elevated, attached swimming pool and screen enclosure in the west side yard of an existing single-family home.

Attachments:

1. Resolution 24-___ VAR20230162 21481 Widgeon (1) ns
2. Staff report
3. Exhibit A site plan
4. Exhibit B boundary survey
5. Exhibit C Combined Application
6. LPA AND TC VAR postcard 21481 Widgeon terr

Financial Impact:

unknown

6. Alternative Action

deny

7. Staff Recommendations:

Recommend approval of the request with attached conditions.

8. Recommended Approval:

Date: May 09, 2024

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: May 10, 2024

Date: May 10, 2024

RESOLUTION NUMBER 24-##

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS VARIANCE VAR20240094, ONE VARIANCE FROM LDC SECTION 34-638(d)(3)c.3.(iii) TO DECREASE THE REQUIRED NONSEAWALLED NATURAL WATERBODY SETBACK BY 14.5 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21481 WIDGEON TERRACE; 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, Janet Shobe Trust, owner of the property at 21481 Widgeon Terrace, is requesting one variances from LDC Section 34-638(d)(3)c.3.(iii) which requires nonroofed swimming pools to provide a minimum 25-foot setback from the mean high water line; and

WHEREAS, the STRAP number for the subject property is 34-46-24-W1-0220D.0000; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" 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 May 14, 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 by roll call vote ____ to ____ to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on the ____ day of _____, 2024, a request was received from _____ within 10 business days from the LPA decision on the ____ day of _____, 2024 to request an additional hearing before the Town Council of _____ pursuant to Sec. 34-232 of the LDC .

WHEREAS, on June 3, 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 meet the requirements of the Town Comprehensive Plan and LDC and approving with conditions 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 this variance from LDC section 34-638(d)(3)c.3.(iii) requires nonroofed accessory structures including swimming pools, to provide a minimum 25 foot setback from a nonseawalled natural waterbody.

Section 3. In approving with conditions 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/ 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/ approves with conditions/ denies the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- 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 proposed location of riprap along the shoreline in relation to wetland delineation and the mean high-water line is not depicted. Placement of riprap along the shoreline will likely require environmental resource permitting from the Florida Department of Environmental Protection and the US Army Corps of Engineers. Authorization of riprap by the Town shall require separate Dock and Shoreline permitting from the Town.

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 3rd day of June 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2023.



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TYPE OF CASE: Variance

CASE NUMBER: VAR20240094

CASE NAME: 21481 Widgeon Terrace; requesting a variance from LDC Section 34-638(d)(3)c.3.(iii) to decrease the natural waterbody pool setback for an at-grade pool.

LPA

HEARING DATE: May 14, 2024

STAFF

RECOMMENDATION: APPROVAL

**PREPARED/
SUBMITTED BY:** Sarah Propst, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: Gina R Green, P.E./Janet L. Shobe Trust

Request: Variance from LDC section 34-638(d)(3)c.3.(iii) to decrease the required 25 foot setback for nonroofed accessory structure setback from an nonseawalled natural waterbody to allow a pool 14.5 feet from the mean high water line.

Subject property: See attached site plan

Physical Address: 21481 Widgeon Terrace

STRAP #: 34-46-24-W1-0220D.0000

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	MIXED RESIDENTIAL RC, Residential conservation
South:	MIXED RESIDENTIAL RC, Residential conservation
East:	WETLANDS RC, Residential conservation
West:	WETLANDS EC, Environmental Conservation

II. BACKGROUND AND ANALYSIS

Background:

Gina Green, P.E., on behalf of the owner Janet Shobe Trust, of 21481 Widgeon Terrace, is requesting a variance from the Town's Land Development Code (LDC) LDC section 34-638(d)(3)c.3.(iii) which requires unroofed, at grade accessory structures including swimming pools to provide a minimum 25-foot setback from the mean high water line of a nonseawalled natural waterbody. The applicant is requesting a variance of 10.5 feet from the waterbody for a setback of 14.5 feet, to build an elevated, attached swimming pool and screen enclosure in the west side yard of an existing single-family home.

Analysis:

The property is approximately 90 feet wide by 100 feet deep lot, zoned Residential Conservation (RC). This particular neighborhood includes the right of way within the properties, decreasing the usable depth of the lot. The purpose of the RC zoning district is to provide stable neighborhoods where single-family/two-family homes are the predominant land use.

The subject property currently contains a single-family residence and is a waterbody lot situated along Widgeon Terrace. The proposed use, requiring a variance, is an at grade pool. According to Section 34-638(d)(3)c.3.(iii) of the LDC, at grade, nonroofed pools must be setback a minimum of 25 feet from a nonseawalled natural waterbody.

The existing single-family home does meet the waterbody setback requirement of the Town's LDC; however, due to the location of the mean high water, a pool would be difficult to accommodate in the rear yard. The Applicant is requesting a variance of 10.5 feet for the construction of a pool in the west side of the rear yard that is 14.5 feet from the mean high-water line.

Neighborhood Compatibility:

The subject property is part of the Widgeon Terrace residential neighborhood. The existing house is similar in style and nature to the neighboring residences. Most of the

properties in this neighborhood include a pool in the rear yard with waterbody setbacks less than required by the Town's LDC. The existing residence does comply with the LDC's required waterbody setback of 25 feet from the mean high-water line. However, a pool would only fit in a small portion west side yard, the size of the pool proposed, will only fit in this location with approval of these variances. The site plan does show the 25 foot setback from the mean high water line to indicate where the pool would fit without a variance.

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.*

There are exceptional conditions inherent to the property. The subject property has a usable depth of approximately 75 feet, due to the right of way along the front of the property. Additionally, the mean high water setback of 25 feet does not allow for most of the backyard to be used for the pool.

- 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 lots in this neighborhood are particularly narrow and because they back up to a natural waterbody, the rear setback for any structure is 25 feet.

- 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.*

The narrow lot, backing on to a natural waterbody requires a variance to construct a reasonable size pool. The variance request is minimal.

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

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

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

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC 34-638(d)(3)c.3.(iii) which requires an at grade non-roofed swimming pool to be a minimum of 25 feet from a nonseawalled natural waterbody and found that the variance request meets the requirements set-forth in sec. 34-87.

Staff recommends **APPROVAL** of VAR20240094, a request for a variance of 10.5 feet from a nonseawalled natural waterbody for a setback of 14.5 feet, to build an at-grade non-roofed swimming pool, in the rear yard of an existing single-family home.

IV. CONDITIONS FOR APPROVAL

If the variance is approved, the condition below is recommended by staff.

- 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 proposed location of riprap along the shoreline in relation to wetland delineation and the mean high-water line is not depicted. Placement of riprap along the shoreline will likely require environmental resource permitting from the Florida Department of Environmental Protection and the US Army Corps of Engineers. Authorization of riprap by the Town shall require separate Dock and Shoreline permitting from the Town.

V. EXHIBITS

Exhibit A: Site Plan

Exhibit B: Boundary Survey

Exhibit C: Complete Application

Exhibit D: Postcards to Adjacent Property Owners

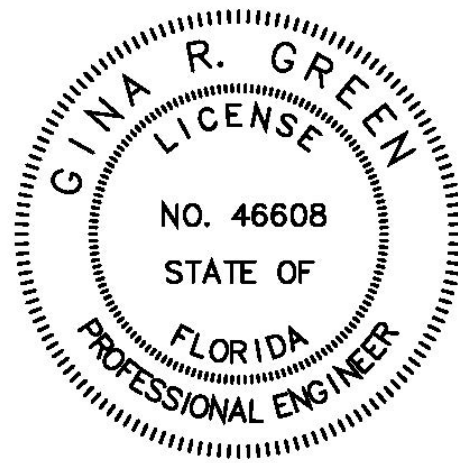
CONCEPTUAL SITE PLAN

SCALE 1" = 20'

**** VARIANCE REQUEST -VARIANCE FROM LDC
TABLE 34-3 AND LDC SEC. 34-638(3)b. -
MINIMUM SETBACKS TO DECREASE THE
ACCESSORY STRUCTURE SETBACKS TO
CONSTRUCT AN AT GRADE POOL CLOSER THAN
25 FEET FROM A NATURAL WATER BODY MEAN
HIGH WATER LINE.**

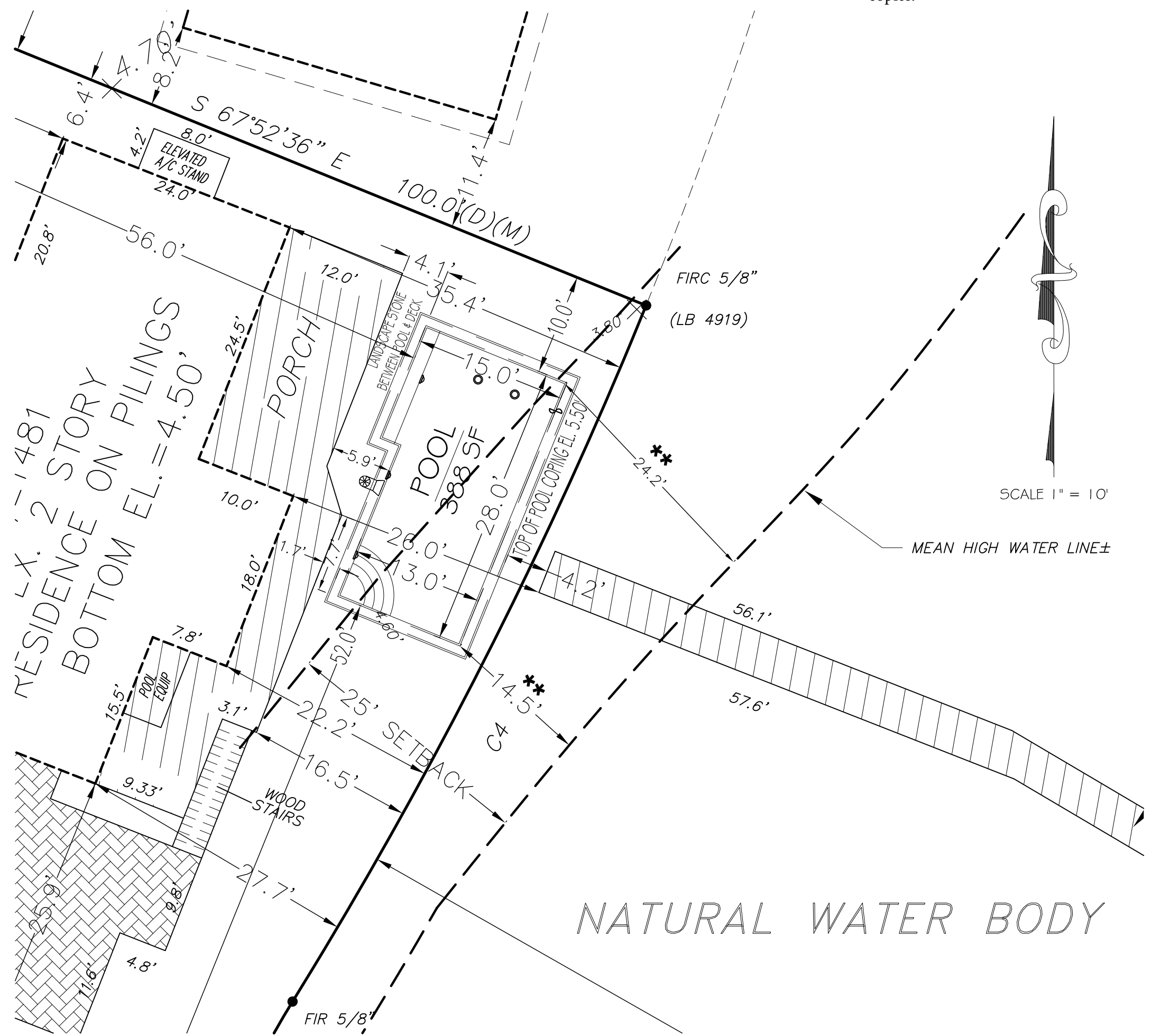
SETBACK CHART (LDC TABLE 34-3)		
DESCRIPTION	REQUIRED	PROVIDED
FRONT	25'	56.0'
SIDE	10'	10'
REAR **	25'	14.5'

C1	C2
$\Delta = 09^{\circ}35'38''$	$\Delta = 09^{\circ}36'24''$
$R = 360.00'(P)$	$R = 180.00'(P)$
$A = 60.28'(P)$	$A = 30.18'(P)$
$CH.BR. = N26^{\circ}55'13''E(M)$	$CH.BR. = N26^{\circ}55'13''E(M)$
$CH. = 60.21'(M)$	$CH. = 30.14'(M)$
C3	C4
$\Delta = 02^{\circ}07'58''$	$\Delta = 09^{\circ}35'38''$
$R = 360.00'(P)$	$R = 460.00'(P)$
$A = 13.40'(P)$	$A = 77.02'(P)$
$CH.BR. = N26^{\circ}55'13''E(M)$	$CH.BR. = N26^{\circ}55'13''E(M)$
$CH. = 13.38'(M)$	$CH. = 76.93'(M)$



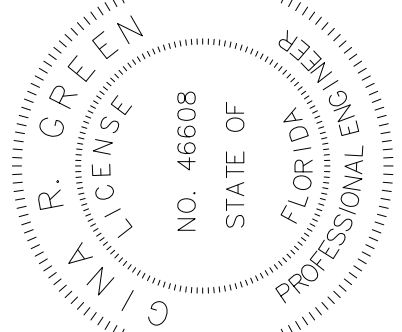
Digitally
signed by
Gina R Green
Date:
2024.03.26
16:38:54
-04'00'

This item has been digitally signed and sealed by Gina R. Green, P.E. on the date adjacent to the seal.
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



VARIANCE AREA
SCALE 1" = 10'

DRAWN BY :	G4H
CHECKED BY :	ORG
DATE :	MAR 2024
SCALE :	AS NOTED
PROJECT NO.	240309
DWG FILE:	SNOBE SITE PLAN



GINA R. GREEN, P.A.

CIVIL ENGINEERING
3310 1ST AVE. N.W.
NAPLES, FLORIDA 34120
(239) 348-0500 FAX (866) 720-4823

SHEET:1 OF 1

REPEATED FOR:	JANET SHOBE	PROJECT:	SHOBE POOL VARIANCE
			21481 WIDGEON TERRACE, FORT MYERS BEACH, FL 33931
		DESCRIPTION:	VARIANCE CONCEPTUAL SITE PLAN
COPYRIGHT © 2024 BY GINA R. GREEN P.A. ALL RIGHTS RESERVED			

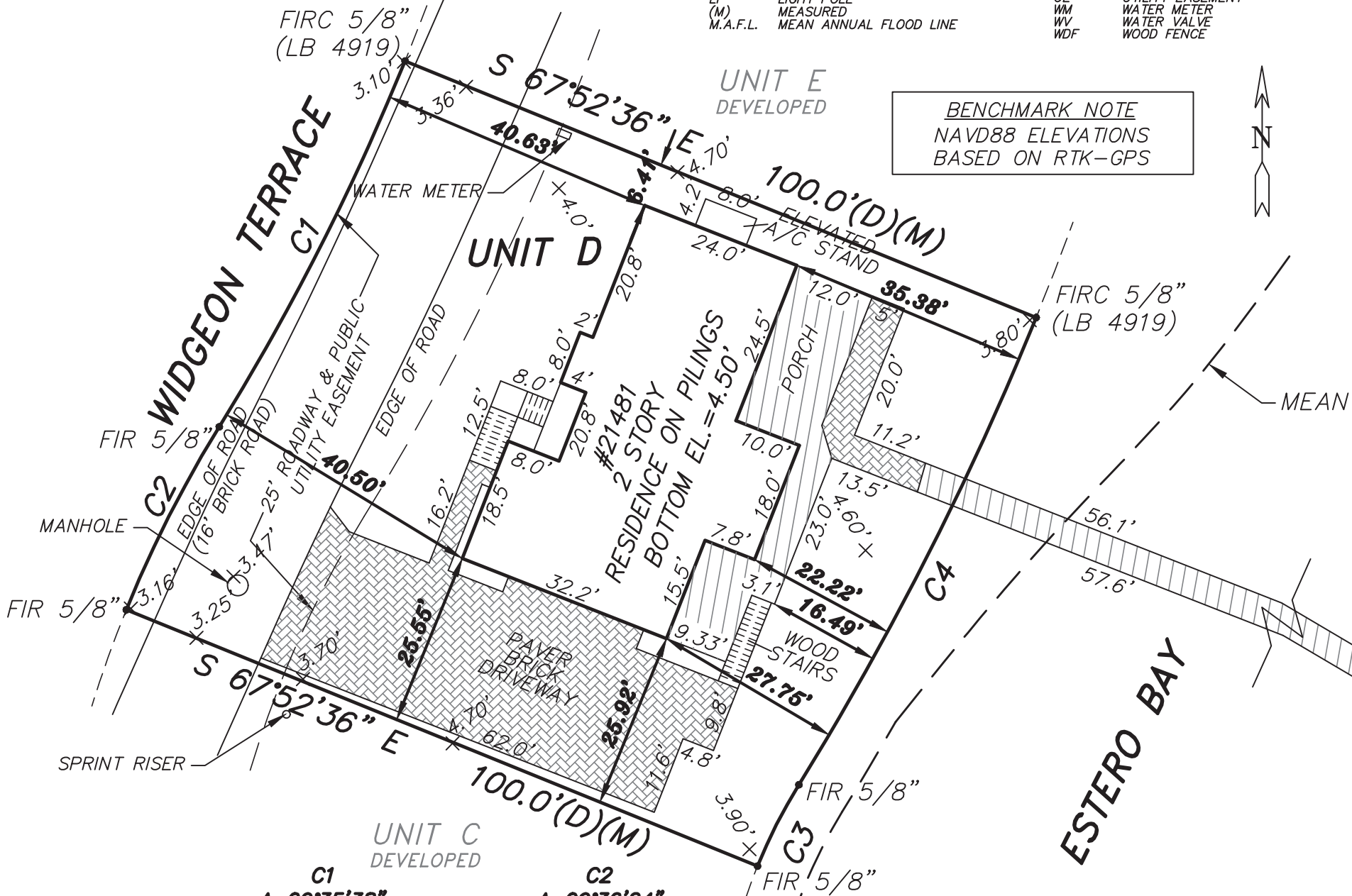
BOUNDARY AND LOCATION SURVEY
WITH NAVD88 ELEVATIONS OF
21481 WIDGEON TERRACE
FORT MYERS BEACH, FLORIDA 33931

EXHIBIT 6-2

LEGAL DESCRIPTION:

UNIT D, FLAMINGO HARBOUR CONDOMINIUM, A
CONDOMINIUM ACCORDING TO THE DECLARATION OF
CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS
BOOK 1357, PAGE 1089, AND ALL AMENDMENTS THERETO,
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA,
TOGETHER WITH ITS UNDIVIDED INTEREST IN THE COMMON
ELEMENTS APPURTENANT THERETO.

A/C	AIR CONDITIONER	MH	MANHOLE
B.M.	BENCHMARK	NCF	NO CORNER FOUND
(C)	CALCULATED	OHW	OVERHEAD WIRES
CB	CABLE BOX	O/A	OVER-ALL
CLF	CHAIN LINK FENCE	(P)	PLAT
CONC	CONCRETE	P.C.P.	PERMANENT CONTROL POINT
CSW	CONCRETE SIDEWALK	P.C.	POINT OF CURVATURE
(D)	DEED	PE	POOL EQUIPMENT
DE	DRAINAGE EASEMENT	PK NAIL	CONCRETE NAIL STAMPED PK
D.P.U.E.	DRAINAGE/PUBLIC UTILITY EASEMENT	P.O.B.	POINT OF BEGINNING
EB	ELECTRIC BOX	P.O.C.	POINT OF COMMENCEMENT
EOW	EDGE OF WATER	PP	POWER POLE
EP	EDGE OF PAVEMENT	P.R.M.	PERMANENT REFERENCE MONUMENT
FCM	FOUND CONC MONUMENT	R/W	RIGHT OF WAY
FIP	FOUND IRON PIPE	SIR	SET 1/2" IRON ROD WITH CAP- LB 6912
FIR	FOUND IRON ROD	SND	SET NAIL AND DISK LB 6912
FIRC	FOUND IRON ROD/CAP	TOB	TOP OF BANK
FN	FOUND NAIL	TOS	TOE OF SLOPE
FND	FOUND NAIL AND DISK	TP	TELEPHONE PEDESTAL
FXC	FOUND X CUT	UE	UTILITY EASEMENT
LP	LIGHT POLE	WM	WATER METER
(M)	MEASURED	WV	WATER VALVE
M.A.F.L.	MEAN ANNUAL FLOOD LINE	WDF	WOOD FENCE

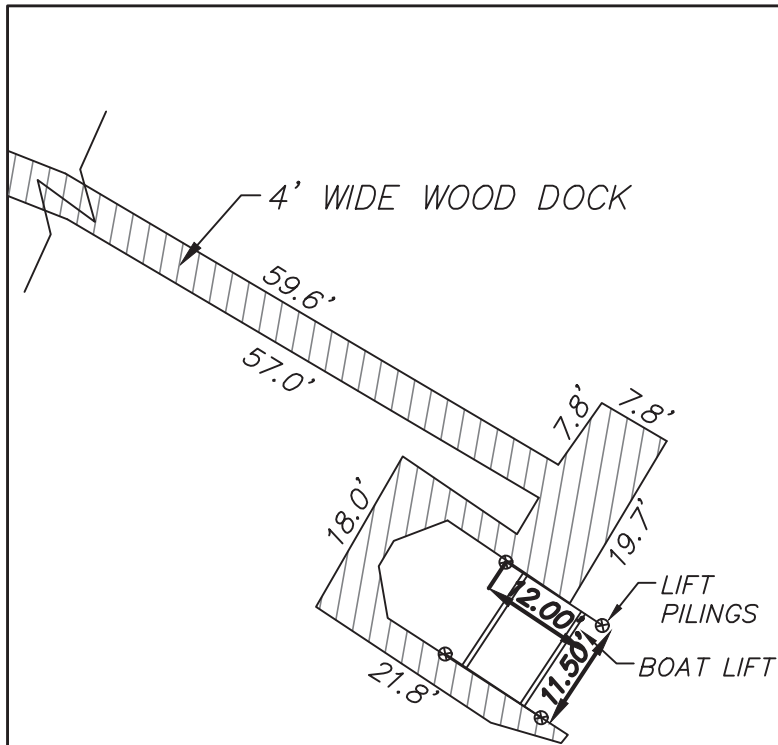


C1 $\Delta=09^{\circ}35'38''$ $R=360.00'(P)$ $A=60.28'(P)$ $CH.BR.=N26^{\circ}55'13''E(M)$ $CH.=60.21'(M)$	C2 $\Delta=09^{\circ}36'24''$ $R=180.00'(P)$ $A=30.18'(P)$ $CH.BR.=N26^{\circ}55'13''E(M)$ $CH.=30.14'(M)$
C3 $\Delta=02^{\circ}07'58''$ $R=360.00'(P)$ $A=13.40'(P)$ $CH.BR.=N26^{\circ}55'13''E(M)$ $CH.=13.38'(M)$	C4 $\Delta=09^{\circ}35'38''$ $R=460.00'(P)$ $A=77.02'(P)$ $CH.BR.=N26^{\circ}55'13''E(M)$ $CH.=76.93'(M)$

SURVEYORS NOTE:

-SURVEY WAS MADE OF THE R/W AND PARCEL MARKERS SHOWN AND MATCHES
THE ADDRESS AND LOCATION PER TAX INFORMATION AND LEGAL PROVIDED US.
-PARCEL BOUNDARY LINES SHOWN PER PLAT OR LEGAL DESCRIPTION WITH THE
IMPROVEMENTS FIELD LOCATED BY HAND MEASUREMENTS OR FIELD EQUIPMENT
-FIELD MEASUREMENTS SURVEY CLOSURE BETTER THAN 1:10000 FEET
-SURVEY CAN BE USED FOR ALL NEEDS

FEMA MAP - 120673 / 12071C0567F
FLOOD ZONE - AE
BASE ELEV. - 10' NAVD88
DRAWN BY: C.WHITED



(C) 2022 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE
FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED,
THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY
- OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.
(1)UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

**AFFORDABLE
SURVEYS**
239-283-1518

3366 STRINGFELLOW ROAD
SAINT JAMES CITY, FL 33956

AFFORDABLE SURVEYS IS OWNED BY KNOW IT NOW, INC., 2011 HEIDELBERG AVENUE, DUNEDIN, FL 34698

CERTIFIED EXCLUSIVELY TO:
JANET L. SHOBE

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT
USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

DATE OF FIELD SURVEY 06/08/2022



BILL HYATT
2022.06.23
12:53:17 -04'00'

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

FLORIDASURVEYOR@AOL.COM
727-415-8305



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: 21481 Widgeon Terrace
STRAP Number: 34-46-24-W1-0220D.0000
Applicant: Janet L Shobe Trust Phone: 434-962-3106
Contact Name: Janet L Shobe Phone: 434-962-3106
Email: shobehome@gmail.com Fax: _____
Current Zoning District: RC Residential Conservation
Future Land Use Map (FLUM) Category: Mixed Residential
FLUM Density Range: _____ 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*: Janet L Shobe Trust Phone: 434-962-3106
**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: 3035 Blandemar Drive, Charlottesville, VA 22903
Email: shobehome@gmail.com Fax: _____
Contact Name: Janet L Shobe Phone: 434-962-3106



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: Gina R. Green, P.E. Phone: 239-348-0500
Address: 3310 1st Ave NW, Naples, FL 34120
Email: ggreeneng@aol.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(3)b. - Minimum Setbacks
- ☐ 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: _____ 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

_____	_____
_____	_____
_____	_____
_____	_____

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

Janet L Shobe

100%

_____	_____
_____	_____
_____	_____
_____	_____

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

Janet L. Shobe
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, Janet L Shobe, (name), as Trustee (title)
of Janet L Shobe Trust (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

Janet L Shobe Trust

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

Signature Janet L Shobe

Janet L Shobe

Typed or Printed Name

Trustee

Title

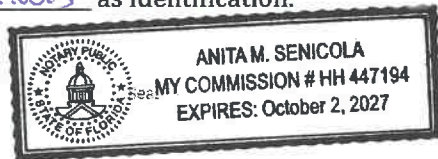
3-27-24

Date

STATE OF Florida COUNTY OF Collier

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☒ online notarization, this 27th day of March, 2024, by

Janet L Shobe ☐ who is personally known to me OR ☒ who has produced Virginia Davis Liscose as identification.



Anita M. Senicola
Notary Public Signature
Anita Senicola

PART VI- Property Information

A. Legal Description:

STRAP: 34-46-24-W1-0220D.0000

Property Address: 21481 WIDGEON TER 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: _____

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) 90 feet

Depth (please provide an average width if irregular in shape) 100 feet

Frontage on street: 90 feet. Frontage on waterbody: 90 feet

Total land area: 9,043 ☐ acres ☒ square feet

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

From Big Carlos Pass Bridge, 2.4 miles north turn right on Mound Rd,
400 ft turn left onto Noddy Tern Dr which becomes Widgeon Terrace, 0.3 miles to
21481 Widgeon Terrace.

☒ 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



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: SHOBE POOL ADDITION
Authorized Applicant: GINA R GREEN, P.E.
LeePA STRAP Number: 34-46-24-W1-0220D.0000

Current Property Status: IMPROVED	
Current Zoning: RC (RESIDENTIAL CONSERVATION)	
Future Land Use Map (FLUM) Category: MIXED RESIDENTIAL	
Comp Plan Density:	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

Sec. 34-638(3)b. - Minimum Setbacks

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from Sec. 34-638(3)b. (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
Relief is sought to decrease the accessory structure rear setback to a natural
water body of a non-roofed swimming pool from 25 feet to 14.5 feet.

Reasons for request

Explain why the variance is needed:
The property has only one location for a pool as demonstrated on the
Conceptual Site Plan marked as Exhibit 1.

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

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property on the pool side will have a side setback of 10 feet which is the current required side side setback. The nearest structure on the pool side is an elevated house with a substantial hedge on the common property line between the houses which will shield this pool from the adjacent property. An open rear yard is adjacent to the pool location. See Exhibit 2 for the proximity of the applicant's house and the potentially affected neighboring property.

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

Without this variance the applicant would not be able to fully enjoy her home. There is no other place on her property to place this pool due to the unique location of the mean high water line of the natural water body behind this home.



See attached explanation on separate sheet labeled Exhibit 3.

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.

GINA R. GREEN, P.A.

March 26, 2024

Town of Fort Myers Beach
Zoning Dept

RE: Shobe Pool Variance 21481 Widgeon Terrace, Fort Myers, FL
Variance Request—Project Narrative

To Whom It May Concern:

Please accept this letter as a request for review and approval for a Variance for the Shobe Pool Variance to construct a swimming pool in the rear yard. The Variance request is for a reduction in LDC Sec. 34-638(3)b. - Minimum Setbacks from 25 feet to 14.5 feet measured from the mean high water line of a natural water body.

The request is located on Unit D in the Flamingo Harbour Condominium. This is a land condominium of 14 single-family homes. This site is located on a natural water body with tidal influence and does not have a seawall. The shoreline is riprap and mangroves. The mean high water line is the base line for the 25 foot rear setback line for this site. The area between the rear lot line and the mean high water line is a limited common element for the use of the homeowner adjacent to this area. This 25 foot requirement creates an unreasonable burden for this site to add a swimming pool due to its close proximity to the rear property line. There is only approximately 100 square feet to build a swimming pool between this setback line the existing house. A typical residential swimming pool varies from 350 to 400 square feet. This pool is proposed at 388 square feet. This is a customary size for a pool in this location. The proposed pool will be placed at the required 10 foot minimum side yard as required by the LDC. The design of the pool will be a raised pool beam that will extend approximately 18" above grade and act as a seawall adjacent to the natural water body. There will also be the rip-rapped shoreline at the face of this pool and along the entire rear property line.

The neighbor to the south, located at 21471 Widgeon Terrace, has a swimming pool adjacent to this house and located in close proximity to the mean high water line. It appears that there is thick vegetation between their pool and the subject property.

The neighbor to the north does not have a swimming pool but does have a large rear yard. This pool will be located adjacent to their property line, but will be placed at the minimum 10 foot side setback. There is heavy vegetation as buffer between the yards of these two sites.

This swimming pool is placed at the only area of the yard that can accommodate the pool. Granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The request is the minimum needed in order to relieve the unreasonable burden on this site that was not caused by the applicant.



Please call me if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Gina R. Green".

3310 1st Avenue NW
Naples, Florida 34120

Phone: 239-348-0500
Mobile: 239-229-6238
Fax: 866-720-4823
Email: ggreeneng@aol.com

EXHIBIT 3
SHOBE POOL VARIANCE
EXPLANATION TO THE GUIDELINES FOR DECISION-MAKING
IN LDC Section 34-87

(c) *Findings.* Before granting any variance, the town council must find that all of the following exist:

(1) That there are 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 exceptional or extraordinary conditions or circumstances that are inherent to the property in question. The natural water body mean high water line is exceptional close to the rear property line of this property. Due to the required 25 feet rear setback for a swimming pool as measured from this mean high water line, it reduces the buildable area for a swimming pool to such a small area that a conventional residential swimming pool cannot be built on this lot. In order to meet the side yard setback of 10 feet and the rear yard setback of 25 feet, this leaves an envelope of approximately 100 sf for a swimming pool. This area is too small to allow for a reasonable size residential swimming pool for the site. This request is for a de minimis variance for reduction of the rear setback for the construction of this pool and not essential to protect public policy. This reduction will not adversely affect the public in any way. This rear yard is on a natural water body which is only accessible by boat and this rear area faces onto open waters with no neighbors in close proximity to this rear property line.

(2) That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;

There are no actions of the applicant taken after the adoption of the of the regulation in question to require the variance. The site was constructed in accordance with the regulations at the time of initial construction of the house. The original owner opted to not build a swimming pool and the time of construction of the house. This owner would like to add a pool to the house. The present regulations limits the size of the pool to a footprint that is well below the average size of a residential swimming pool.

(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;

The granting of the variance is the minimum needed to allow the construction of a residential swimming pool that is a reasonable size for a single family home. The pool has been placed at the required side yard setback of 10 feet and is 1.7 feet from the existing porch. The pool cannot be placed any closer to the house to allow for its construction. The owner does not want to add an additional variance for the side setback, so they opted to place it at the required side yard setback of 10 feet.

(4) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The granting of the variance will not be injurious to the neighborhood nor detrimental to the public welfare. The rear of the property is a natural body of water and there are no neighboring properties in close proximity to this rear property line. The adjacent property on the pool side of the property is buffered by a hedge and the pool meets the required side yard setback. This

development has many other lots with this same issues and variances have been granted on several sites to construct pools, both on grade and elevated.

(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.

The conditions or circumstances on the specific piece of property for which the variance is sought are not common for most single family homes. This subdivision is a land condominium for each single family house. Most subdivisions record a plat of the property, delineating the individual lots with all dedication of easements and common lands. The area behind the lot from the rear property line to the mean high water line is a Limited Common Element of the Condominium for use by the owner that it is adjacent and contiguous to the rear property line. The distance from the mean high water line to the rear property line varies greatly throughout the 14 lots in this subdivision. This particular lot is one of the most restrictive in this subdivision. Due to the infrequency of this type of situation, there is no need to amend the regulation in question.

EXHIBIT 6-1

LEGAL DESCRIPTION:

UNIT D, FLAMINGO HARBOUR CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 1357, PAGE 1089, AND ALL AMENDMENTS THERETO, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH ITS UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO.

1212327

THIS INSTRUMENT PREPARED BY:
RICHARD D. DEBOEST
ATTORNEY AT LAW
P. O. BOX 1480
FORT MYERS, FLORIDA 33902

DECLARATION OF CONDOMINIUM

OF

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FLAMINGO HARBOUR CONDOMINIUM

Flamingo Bayou, Inc., a Florida corporation, herein called "developer" on behalf of itself, its successors, grantees and assigns, to its grantees and assigns and their heirs, successors and assigns hereby make this Declaration of Condominium:

1. SUBMISSION TO CONDOMINIUM - The lands located in Lee County, Florida, owned by Developer and described in attached Exhibit "D", are submitted to the condominium form of ownership.

2. NAME AND SCOPE - The name of the condominium is FLAMINGO HARBOUR CONDOMINIUM, and will consist of 13 residential units consisting of land only (a Land Condominium).

3. NAME - ASSOCIATION - The name of the condominium association is FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC. This association shall be incorporated as a non-profit Florida corporation.

4. DEFINITIONS - The terms used herein shall have the meanings stated in the Condominium Act (Florida Statutes, Chapter 718) and as follows unless the context otherwise requires:

A. UNIT - A part of the condominium property which is subject to exclusive ownership.

B. UNIT OWNER - The owner of a Condominium parcel.

C. UNIT NUMBER - The letter, number, or combination thereof which is designated upon the surveyor plans, and which is used as the identification of a unit.

D. ASSESSMENT - Means a share of the funds required for the payment of common expenses which from time to time is assessed against the unit owner.

E. ASSOCIATION - The corporation responsible for the operation of the condominium.

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BY G. WORKMAN, REC. 7

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F. BOARD OF ADMINISTRATION - means the Board of Directors responsible for administration of the association.

G. COMMON ELEMENTS - The portions of the condominium property not included in the units as defined in Florida Statute 718.108, including:

(.1) Those portions of the land that do not constitute the units.

(.2) Improvements which are not included within the units.

(.3) Easements.

(.4) Installations for the furnishing of services to more than one unit or to the common elements, such as electricity, gas, water and sewer.

(.5) Personal property - tangible personal property may be purchased, sold, leased, replaced and otherwise dealt with by the association, through its Board of Directors, on behalf of the members of the association, without the necessity of any joinder by the members.

H. LIMITED COMMON ELEMENTS - means and includes those portions of the common elements which are reserved for the use of a certain unit or units to the exclusion of other units.

I. COMMON EXPENSES - All expenses and assessments properly incurred by the association for the condominium.

J. COMMON SURPLUS - means the excess of all receipts of the association including but not limited to assessments, rents, profits and revenues on account of the common elements over the amount of the common expenses.

K. PERSON - means an individual, corporation, trustee, or other legal entity capable of holding title to real property.

L. SINGULAR, PLURAL, GENDER - Whenever the context so permits, the use of the plural shall include the singular, the plural, and use of any gender shall be deemed to include all genders.

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M. CONDOMINIUM DOCUMENTS - means the declaration and its attached exhibits, which set forth the nature of the property rights in the condominium and the covenants running with the land which govern these rights. All the condominium documents shall be subject to the provisions of the declaration.

N. CONDOMINIUM PARCEL - means a unit together with the undivided share in the common elements which is appurtenant to the unit.

O. CONDOMINIUM PROPERTY - means the lands and personal property subject to condominium ownership, whether or not contiguous and all improvements thereon and all easements and rights appurtenant thereto.

P. OPERATION - means and includes the administration and management of the condominium property.

5. UNITS SHALL BE CONSTITUTED AS FOLLOWS:

A. REAL PROPERTY - Each unit (which is the parcel of land graphically depicted and numbered on the surveyor plans), all appurtenances thereto, for all purposes, constitute a separate parcel of real property, which may be owned in fee simple and which may be conveyed, transferred and encumbered in the same manner as any other parcel of real property, independently of all other parts of the property, subject only to the provisions of the Condominium Documents and applicable laws.

B. BOUNDARIES - Since the unit has been defined herein as land, the only boundary each unit shall have is its perimeter boundary as shown on the surveyor plans.

C. EXCLUSIVE USE - Each unit owner shall have the exclusive use of his unit, subject to easements.

D. APPURTENANCES - The ownership of each unit shall include, and there shall pass as appurtenances thereto whether or not separately described, all of the right, title and interest of a unit owner in the condominium property which shall include but not be limited to:

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(.1) COMMON ELEMENTS - an undivided share of the common elements as defined in Chapter 718.108, Florida Statutes.

(.2) ASSOCIATION MEMBERSHIP and an undivided share in the common surplus and property, real and personal, held by the association.

E. EASEMENTS - The following non-exclusive easements are hereby granted from the Developer to each unit owner, to the association and its employees, agents and hired contractors, to utility companies, unit owners' families in residence, guests, invitees and to governmental and emergency services are hereby granted and created:

(.1) INGRESS AND EGRESS - Easement as shown on the plot plan for ingress and egress, to units and public ways.

(.2) MAINTENANCE, REPAIR AND REPLACEMENT - Easements through the units and common elements for maintenance, repair and replacements. Such access is to be only during reasonable hours except that access may be had at any time in case of emergency.

(.3) UTILITIES - Easement as shown on the plot plan for conduits, ducts, plumbing, wiring and other facilities for the furnishing of services to other units and the common elements.

(.4) Emergency, regulatory, law enforcement and other public services in the lawful performance of their duties upon the condominium property.

G. MAINTENANCE - The responsibility for the maintenance of a unit shall be as follows:

(.1) BY THE ASSOCIATION - The association shall maintain, repair, and replace at the association's expense:

(i) The roads and all other common elements;

(ii) Provided that if the maintenance and repair and replacement of any of the above shall be made necessary because of the negligence, act or omission of a unit

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owner, his family, lessees, invitees and guests, in that event the work shall be done by the association at the expense of the unit owner; and the cost shall be secured as an assessment.

(iii) All incidental damage caused to a unit by work done or ordered by the association shall be promptly repaired by and at the expense of the association.

(.2) BY THE UNIT OWNER - The responsibility of the unit owner shall be as follows:

(i) To maintain, repair and replace at his expense, all portions of the unit and improvements placed upon the unit by or at the order of the owner except the portions to be maintained, repaired and replaced by the association.

H. ALTERATION AND IMPROVEMENT - No owner shall make any alterations in the portions of the improvements which are to be maintained by the association or remove any portion thereof or make any additions thereto, or do any work which would jeopardize the safety or soundness of the common elements, or impair any easements.

J. COMMON ELEMENTS -

(.1) The common elements shall be owned by the unit owners in such undivided shares as are set forth in Exhibit "D".

(.2) No action for partition of the common elements shall lie.

(.3) The maintenance and operation of the common elements shall be the responsibility of the association which shall not, however, prohibit management contracts.

(.4) Each unit owner and the association shall be entitled to use the common elements in accordance with the purposes for which they are intended, but no such use shall hinder or encroach upon the lawful rights of owners of other units.

(.5) Enlargement or material alteration of or substantial additions to the common elements may be effectuated only by amendment to the declaration.

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6. FISCAL MANAGEMENT - The fiscal management of the condominium including budget, fiscal year, assessments, lien for and collection of assessments, and accounts shall be as set forth in the By-Laws.

7. ASSOCIATION - The administration of the condominium by the Board of Directors and its powers and duties shall be as set forth in the By-Laws.

8. INSURANCE - The insurance which shall be carried upon the property shall be governed by the following provisions:

A. UNIT OWNERS - Each unit owner shall obtain and maintain insurance at his own expense, affording coverage upon buildings and other insurable improvements constructed upon his unit against loss due to fire, windstorm and extended coverage, and flood insurance, if available.

B. ASSOCIATION - The Association shall maintain public liability and property damage insurance in such amounts as shall be decided by the association. The association may purchase such other insurance as they may deem necessary.

C. PREMIUMS - Premiums upon insurance policies purchased by the association shall be paid by the association and charged as common expenses.

D. ALL INSURANCE POLICIES PURCHASED by the association shall be for the benefit of the association and the unit owners and their mortgagees as their respective interests may appear.

E. INSURANCE ADJUSTMENTS - Each unit owner shall be deemed to have delegated to the Board of Directors his right to adjust with insurance companies all losses under policies purchased by the Association.

9. USE RESTRICTIONS - The use of the property of the condominium shall be in accordance with the following provisions:

A. LAWFUL USE - All valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the require-

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ments of governmental bodies which require maintenance, modification or repair upon condominium property shall be the same as the responsibility for the repair and maintenance of the property concerned as expressed earlier in this Declaration.

B. REGULATIONS - Reasonable regulations concerning the use of the condominium property may be made and amended from time to time by a majority vote of the association. Copies of such regulations and amendments thereto shall be posted conspicuously and shall be furnished by the association to all unit owners. No regulation may discriminate against any group or class of users.

C. ALL UNITS shall be used for residential purposes only.

D. THE BOARD OF DIRECTORS of the association shall constitute the architectural control committee and no houses or other structures may be erected upon the units without the prior written approval of the committee. The committee may consider size, setback, style, color, landscaping and any other factor they consider to be pertinent in making their decision.

E. NO HOUSE TRAILER or mobile home shall be used as a residence upon the condominium property.

F. NO UNIT may be subdivided.

G. IN ORDER TO PROTECT the value of all the units, the association may enter upon units to perform groundskeeping and exterior maintenance of structures so that they are at all times presentable and in good condition and appearance if the owner fails to do so after 30 days' written notice delivered or mailed to the owner's last known address and the costs thereof shall be secured as an assessment against the unit.

H. UNITS A THROUGH L, inclusive, are restricted to single family or duplex residential purposes only, and Unit M to fourplex residential purposes only.

10. LIENS -

A. PROTECTION OF PROPERTY - All liens against a unit other than for mortgages, taxes or special assessments, will be satisfied or otherwise removed within 30 days from the

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date the lien attaches. All taxes and special assessments upon a unit shall be paid before becoming delinquent.

B. NOTICE OF LIEN - An owner shall give notice to the association of every lien upon his unit other than for mortgages, taxes and special assessments within seven (7) business days after the attaching of the lien.

C. NOTICE OF SUIT - An owner shall give notice to the association of every suit or other proceedings which may affect the title to his unit, such notice to be given within seven (7) business days after the owners receives knowledge thereof.

D. FAILURE TO COMPLY with this section concerning liens will not affect the validity of any judicial sale.

11. COMPLIANCE AND DEFAULT - Each owner and the association shall be governed by and shall comply with the terms of the condominium documents as they may be amended from time to time.

A. FAILURE TO COMPLY shall be grounds for relief, which relief may include but shall not be limited to an action to recover sums due for damages or injunctive relief or both, and which actions may be maintained by the association or by an aggrieved owner.

B. IN ANY SUCH PROCEEDING the prevailing party shall be entitled to recover the costs of the proceeding and such reasonable attorney fees as may be awarded by the Court.

C. IN THE EVENT that the grievance is that of an owner or owners against the Board of Directors or a member thereof, prior to the institution of litigation, written notice in detail of the grievance shall be given the Directors and they shall be allowed a period of 20 days in which to cure or correct.

D. NO WAIVER OF RIGHTS - The failure of the association or any owner to enforce any covenant, restriction or other provision of the condominium documents shall not constitute a waiver of the right to do so thereafter as to later infractions.

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12. AMENDMENTS - Amendments to any of the condominium documents shall be in accordance with the following:

A. AN AMENDMENT may be proposed either by the Board of Directors or by any owner and may be considered at any meeting of the owners, regular or special, of which due notice has been given according to the By-Laws, which notice includes notice of the substance of the proposed amendment. Passage shall be evidenced by a certificate executed with the formalities of a deed signed by the President or Vice-President and Secretary of the association that it has been enacted by the affirmative vote of the required percentage of unit owners (which vote may be evidenced by written approval of owners not present and the separate written joinder of mortgagees where required; shall include the recording data identifying the Declaration and which shall become effective when recorded according to law.

B. CORRECTORY AMENDMENT - Whenever it shall appear that there is a defect, error or omission in any of the condominium documents amendment of which will not materially adversely affect the property rights of unit owners, a 51% vote of the owners shall be the required percentage, or the procedure set forth in F. S. 718.110(5) may be used.

C. REGULAR AMENDMENTS - An amendment which does not change the configuration or size of any condominium unit in any material fashion, materially alter or modify the appurtenances to such unit, change the proportion or percentage by which the owner of the parcel shares the common expenses and owns the common surplus or materially adversely affects the property rights of owners may be enacted by a 66 2/3% vote.

D. EXTRAORDINARY AMENDMENTS - An amendment which will have the effect of doing any of the things mentioned in "C" above shall require the affirmative vote of all the record owners of the affected units and all record owners of liens thereon and the affirmative vote of the owners of all other units. This section shall be deemed to include enlarge-

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ment of, material alteration of or substantial additions to the common elements only if the same will have a material adverse effect on the owners' property rights; which shall otherwise be treated as regular amendments. Any vote changing the percentage of ownership of the common elements or sharing the common expenses shall be conducted by secret ballot.

13. TERMINATION - The condominium shall be terminated if at all, in the following manner:

A. BY THE AGREEMENT of 66 2/3% of the owners which agreement shall be evidenced by an instrument or instruments executed in the manner required for conveyance of land. The termination shall become effective when such Agreement has been recorded according to law.

B. SHARES OF UNIT OWNERS AFTER TERMINATION - After termination of the condominium, the owners shall continue to own the parcels which were formerly their units in fee simple and also the limited common elements land abutting their unit shown on the plot plan and the holders of mortgages and liens against the former unit or units owned by such owners shall have mortgages and liens upon such parcels. All funds held by the association except for the reasonably necessary expenses of winding up shall be disbursed to the unit owners in the shares set forth in Exhibit "D". The costs incurred by the association in connection with a termination shall be a common expense.

C. FOLLOWING TERMINATION - The road shall remain burdened with a non-exclusive easement for ingress and egress and public utilities in favor of the property parcels which were units and limited common elements in the condominium prior to the termination, or in the alternative the owners may elect to deed the road to the county as a public road if the county will accept it or to a non-profit corporation in which all the owners would be members, formed to maintain the road.

D. THE MEMBERS OF THE LAST BOARD OF DIRECTORS shall continue to have such powers as in this Declaration are granted,

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notwithstanding the fact that the association itself may be dissolved upon a termination, subject to the limitations of F. A. Chapter 617 (1977).

14. PROVISIONS PERTAINING TO THE DEVELOPER -

A. SO LONG AS THE DEVELOPER holds more than one unit for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the Developer:

(.1) Assessment of the Developer as a unit owner for capital improvements.

(.2) Any action by the association that would be detrimental to the sale of units or the completion of the project by the Developer including such use of unsold units and common areas as may facilitate completion and/or sale, maintenance of a sales office, showing the property and display of signs.

B. UNTIL A MAJORITY OF THE BOARD OF DIRECTORS of the association is elected from owners other than the Developer or its nominees, the Developer reserves the right for itself, or its nominees, to provide and charge for management which shall be fair and reasonable.

15. RIGHTS OF MORTGAGEES - Where a mortgagee of a first mortgage of record obtains title to a unit by foreclosure, such mortgagee and its successors and assigns shall not be liable for such unit's assessments or share of the common expenses which become due prior to acquisition of title unless such share is secured by a claim of lien for assessments recorded prior to the recordation of the subject mortgage. In a voluntary conveyance, the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor for his share of the common expenses up to the time of the conveyance, without prejudice to any right the grantee may have to recover from the grantor the amounts paid by the grantee. See F. S. 718.116(1)(a).

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Also, such mortgagee may occupy, lease, sell or otherwise dispose of such unit without the approval of the association.

16. ENFORCEMENT OF ASSESSMENT LIENS - Liens for assessments may be foreclosed by suit brought in the name of the association in like manner as a foreclosure of mortgage on real property. During his occupancy, the foreclosed owner shall be required to pay a reasonable rental and the association shall be entitled to the appointment of a receiver to collect the same, and the association shall have all the powers provided in F. S. 718.116, including specifically interest at ten (10) percent per annum on unpaid assessments and reasonable attorney's fees incident to the collection of such assessment or enforcement of such lien, with or without suit.

17. MEMBERS - The qualification of members, the manner of their admission and voting by members shall be as follows:

A. ALL OWNERS OF UNITS in the condominium shall be members of the Association, and no other persons or entities shall be entitled to membership.

B. MEMBERSHIP IN THE ASSOCIATION shall be established by the recording in the Public Records of Lee County, Florida, a deed or other instrument establishing a change of record title to a unit in the condominium and delivery to the association of a copy of such instrument, the new owner thereby becoming a member of the association. The membership of the prior owner shall be thereby terminated. Provided, however, that the change of ownership and occupancy of the new owner must have been in compliance with this declaration and the association need not recognize membership or ownership in any person until its requirements have been complied with.

18. INDEMNIFICATION - Every Director of the association shall be indemnified by the association against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon him in connection with any proceedings to which

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he may be a party, or in which he may become involved by reason of his being or having been a Director of the association, or any settlement thereof, whether or not he is a Director at the time such expenses are incurred, except in cases wherein the Director is adjudged guilty of nonfeasance, misfeasance or malfeasance in the performance of his duties, or shall have breached his fiduciary duty to the members of the association. Provided however, that the association shall not be liable for payment of a voluntary settlement unless it is first approved by the Board of Directors.

19. COMMON EXPENSES AND COMMON SURPLUS - The percentage of sharing common expenses and the percentage of ownership of common surplus are shown on Exhibit "C" to this declaration and are based on the approximate square footage within each unit. The manner of sharing the common expenses will be such that units of approximately equal square footage will pay the same dollar assessment, and the dollar assessments on units of different sizes will be fair in relation to the others.

20. SEVERABILITY - If any provision of this declaration or the exhibits thereto, as now constituted or as later amended, or any section, sentence, clause, phrase or word, or the application thereof in any circumstances is held invalid, the validity of the remainder and of the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

21. UNTIL THE COMPLETION OF THE CONTEMPLATED IMPROVEMENTS to the condominium property, the Developer specifically reserves the right, without joinder of any person, to make such changes in the declaration and its attachments or in the plan of development, as may be required by any lender, governmental authority or as may be, in its judgment, necessary or desirable. This paragraph shall take precedence over any other provision of the declaration or its attachments.

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THIS DECLARATION OF CONDOMINIUM and attachments hereto
made and entered into this 13th day of June,
1979.

FLAMINGO BAYOU, INC.,
A Florida Corporation

(Corporate Seal)

By C. A. Cartwright (SEAL)
President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this
13th day of June, 1979, by C. A. CARTWRIGHT,
President of FLAMINGO BAYOU, INC., a Florida corporation, on
behalf of the corporation.

Sharon M. Welles
Notary Public

My Commission expires:

Notary Public, State of Florida at Large
My Commission Expires Nov. 8, 1980

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EXHIBIT "A"

OFF. REC. 1357 1103

BY-LAWS

OF

FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC.

1. IDENTITY - These are the By-Laws of FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC., a non-profit Florida corporation formed for the purpose of administering Flamingo Harbour Condominium, which is located at Fort Myers Beach, Florida, upon the lands described in the Declaration of Condominium. (The corporation shall hereafter be referred to as the Association).

(.1) OFFICE - The office of the Association shall be at the Condominium.

(.2) FISCAL YEAR - The fiscal year of the Association shall be the calendar year.

(.3) SEAL - The seal of the Association shall bear the name of the Association, the word "Florida", and the year of establishment.

2. MEMBERS' MEETINGS -

(.1) ANNUAL MEMBERS' MEETINGS shall be held at the Condominium or at such other convenient location as may be determined by the Board of Directors, at such hour and upon such date each year as may be determined by the Board, for the purpose of electing Directors and of transacting any business authorized to be transacted by the members.

(.2) SPECIAL MEMBERS' MEETINGS shall be held whenever called by the President, Vice President, or by a majority of the Board of Directors, and when called by written notice from ten (10) percent of the entire membership. As

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to the meeting required when unit owners other than the Developer are entitled to elect a member or members of the Board of Directors, the meeting may be called and notice given by any unit owner if the Association fails to do so.

(.3) NOTICE OF MEMBERS' MEETINGS - Notice of the annual meeting shall be sent to each unit owner by United States mail at least 14 days prior to the annual meeting. A post office certificate of mailing shall be obtained and retained as proof of such mailing. Written notice of the meeting shall also be posted in a conspicuous place on the condominium property at least 14 days prior to the annual meeting.

The Board of administration shall also mail a meeting notice and copies of the proposed annual budget of common expenses to the unit owners not less than 30 days prior to the meeting at which the budget will be considered.

Notice of a special meeting to elect a director or directors from the unit owners other than the Developer is specified in By-Law 3(.2)(D)(ii).

Notice of a special meeting called by the Board at the written request of ten (10) percent of the owners because of a budget exceeding 115% of that of the preceding year requires not less than 10 days' written notice to each unit owner.

Notice of other special meetings not covered above shall be in writing and mailed to each member first class, postage pre-paid not less than 10 days prior to the meeting.

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However, unit owners may waive notice of specific meetings and may take action by written agreement without meetings where it is in the best interest of the condominium to do so.

All notice of meetings shall state clearly and particularly the purpose or purposes of the meeting.

(.4) A QUORUM at members' meetings shall consist of persons entitled to cast a majority of the votes of the entire membership. The joinder of a member in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such member for the purpose of determining a quorum. Decisions made by owners of a majority of the units represented at a meeting at which a quorum is present shall be binding and sufficient for all purposes except an amendment to the condominium documents or such other decision as may by law or said documents require a larger percentage in which case the percentage required in the documents or law shall govern.

(.5) EACH UNIT shall have one indivisible vote, and the vote of the owners of a unit owned by more than one person or by a corporation or other entity shall be cast by the person named in a certificate signed by all of the owners of the unit and filed with the Secretary of the Association. The certificate shall be valid until revoked by a

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subsequent certificate. If such a certificate is not on file, the vote of such unit shall not be considered in determining the requirement for a quorum nor for any other purpose. No certificate is required for a unit owned by husband and wife and either spouse may cast the vote of that unit.

(.6) PROXIES Votes may be cast in person or by proxy. Proxies shall be in writing, signed and dated and shall be valid only for the particular meeting designated therein and must be filed with the Secretary before or at the appointed time of the meetings.

(.7) APPROVAL OR DISAPPROVAL of a unit owner upon any matter, whether or not the subject of an Association meeting, shall be by the same person who would cast the vote of such owner if in an Association meeting.

(.8) ADJOURNED MEETINGS - If any meeting of members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

(.9) THE ORDER OF BUSINESS AT ANNUAL MEMBERS' MEETINGS, and, as far as applicable at all other members' meetings, shall be:

- (a) Election of Chairman of the meeting, unless the President or Vice-President of the Association is present when he (or she) shall preside.
- (b) Calling of the roll and certifying of proxies.
- (c) Proof of Notice of meeting or waiver of notice.

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- (d) Reading and disposal of any unapproved minutes.
- (e) Reports of Directors.
- (f) Reports of Committees.
- (g) Election of Directors.
- (h) Unfinished business.
- (i) New business.
- (j) Adjournment.

3. BOARD OF DIRECTORS -

(.1) MEMBERSHIP - The affairs of the Association shall be managed initially by a Board of three Directors selected by the Developer. Boards elected subsequent to the time members other than the Developer are entitled to elect a majority of the Directors shall be composed of any odd number of Directors that the Owners may decide. Other than Directors selected by the Developer, each Director shall be a person entitled to cast a vote in the meetings of the Association. The Developer shall be entitled to select at least one Director as long as it holds at least 5% of the units that will ultimately be operated by the Association for sale in the ordinary course of business.

(.2) DESIGNATION OF DIRECTORS shall be in the following manner:

(a) Members of the Board of Directors except those selected by the Developer shall be elected by a majority of those present and voting at the annual meeting of the members of the Association or at a special meeting called

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for pursuant to Paragraph 3 (.2)(D)(ii) under F.S. 718.301.

(b) Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by a majority vote of the remaining Directors.

(c) Any Director except those selected by the Developer, may be removed with or without cause by concurrence of a majority of the members of the Association, either by written agreement or at a special meeting of the members called for that purpose either by a majority of the Board of Directors or by 10% of the members. The vacancy in the Board of Directors so created shall be filled by the members of the Association at the same meeting.

(d)

(i) When unit owners other than the Developer own fifteen percent (15) or more of the units that will be operated ultimately by the Association, the unit owners other than the Developer shall be entitled to elect not less than one-third of the members of the Board of Directors of the Association. Unit owners other than the Developer shall be entitled to elect not less than a majority of the members of the Board of Directors 3 years after 50% of the units that will be operated ultimately by the Association have been conveyed to purchasers, or 3 months after 90% of the units that will be operated ultimately by the Association have been conveyed to purchasers, or when all of the units that will be operated ultimately by the Association have been completed and some of them have been sold and none of

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the others are being offered for sale by the Developer in the ordinary course of business or when some of the units have been conveyed to purchasers, and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business, whichever shall first occur.

(ii) Within 60 days after unit owners other than the Developer are entitled to elect a member or members of the Board of Directors, the Association shall call and give not less than 30 or more than 40 days' notice of a meeting of the unit owners for this purpose.

(iii) Prior to or not more than 60 days after unit owners other than the Developer elect a majority of the members of the Board of Directors of the Association, the Developer shall relinquish control of the Association and shall deliver to the Association all property of the unit owners and of the Association held by or controlled by the Developer, as specified in F.S. 718.301.

(.3) THE TERM OF EACH DIRECTOR'S SERVICE shall extend until the next annual meeting of the members and thereafter until his successor is duly elected and qualified or until he is removed in the manner elsewhere provided. Provided however, that in order to provide a continuity of experience, the members at the first annual meeting after the Developer has relinquished control of the Association may vote to give up to one-half of the Board members terms of two years so that a system of staggered terms will be

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initiated.

(.4) THE ORGANIZATION MEETING of the newly elected Board of Directors shall be held at such place and time as shall be fixed by the Directors, provided a quorum shall be present.

(.5) REGULAR MEETINGS OF THE BOARD OF DIRECTORS may be held at such time and place as shall be determined from time to time, by a majority of the Directors, but not less than quarterly. Notice of regular meetings shall be given to each Director personally or by mail, telephone or telegraph, at least three (3) days prior to the day named for such meeting.

(.6) SPECIAL MEETINGS OF THE DIRECTORS MAY BE called by the President and must be called by the Secretary at the written request of one-third of the Directors. Not less than three (3) days' notice of the meeting shall be given personally or by mail, telephone or telegraph, which notice shall state the time, place and purpose of the meeting, except in an emergency.

(.7) WAIVER OF NOTICE - Any Director may waive notice of a meeting before, at or after the meeting and such waiver shall be deemed equivalent to the giving of notice.

(.8) MEETINGS OF THE BOARD OF DIRECTORS shall be open to all unit owners to attend and listen but not be heard or participate (unless a majority of the Directors consent thereto) and notice of meetings shall be posted conspicuously

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on the condominium property forty-eight (48) hours in advance for the attention of unit owners except in an emergency.

(.9) A QUORUM AT DIRECTORS' meetings shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board. If at any meeting of the Board there be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business which might have been transacted at the meeting as originally called may be transacted without further notice. The joinder of a Director in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such Director for the purpose of determining a quorum.

(.10) THE PRESIDING OFFICER at Directors' meetings shall be the President of the Board if such an officer has been elected; and if none, then the Vice-President shall preside. In the absence of the presiding officer, the Directors present shall designate one of their number to preside.

(.11) DIRECTORS SHALL SERVE WITHOUT PAY, but shall be entitled to reimbursement for expenses reasonably incurred.

4. POWERS AND DUTIES OF THE BOARD OF DIRECTORS - All of the powers and duties of the Association existing under the Condominium Act, Declaration of Condominium, and these By-Laws shall be exercised exclusively by the Board of Directors.

OFF. REC. 1357 PG 1112

or its duly authorized agents, contractors, or employees subject only to the approval by unit owners when such is specifically required. Such powers and duties of the Directors shall include but shall not be limited to the following:

(.1) TO MAKE AND COLLECT ASSESSMENTS AGAINST members to defray the costs of the condominium.

(.2) TO USE THE PROCEEDS OF ASSESSMENTS in the exercise of its powers and duties.

(.3) THE MAINTENANCE, REPAIR, REPLACEMENT AND OPERATION of the condominium property.

(.4) THE RECONSTRUCTION OF IMPROVEMENTS AFTER CASUALTY and the further improvement of the property.

(.5) TO APPROVE OR DISAPPROVE PROPOSED TRANSACTIONS in the manner provided by the Condominium Declaration.

(.6) TO ENFORCE by legal means the provisions of applicable laws, the condominium documents, the Bylaws of the Association, and the regulations for the use of the property in the condominium.

(.7) TO CONTRACT FOR MANAGEMENT of the condominium.

(.8) TO PAY TAXES AND ASSESSMENTS which are liens against any part of the condominium other than individual units and the appurtenances thereto, and to assess the same against the unit subject to such liens.

(.9) TO CARRY INSURANCE for the protection of the unit owners and the Association against casualty and liabilities.

OFF REC. 1357 PG 1113

(.10) TO PAY THE COST OF ALL POWER, WATER, SEWER and other utility services rendered to the condominium and not billed to owners of individual units.

(.11) TO EMPLOY PERSONNEL and designate other officers for reasonable compensation and grant them such duties as seems appropriate for proper administration of the purposes of the Association.

(.12) TO BRING SUIT, EXECUTE CONTRACTS, DEEDS, MORTGAGES, LEASES and other instruments by its officers and to own, convey and encumber real and personal property.

(.13) THE DIRECTORS MAY, pursuant to F.S. 617.10 (3) impose fines in such reasonable sums as they deem appropriate, not to exceed \$100.00, against unit owners for violations of the Condominium Documents, including the Rules and Regulations, by owners or their guests or lessees.

5. OFFICERS

(.1) THE EXECUTIVE OFFICERS of the Association shall be the President, a VicePresident, a Secretary and a Treasurer, all of whom shall be elected annually by and from the Board of Directors and who may be peremptorily removed by a majority vote of the Directors at any meetings. Any person may hold two or more offices except that the President shall not also be the Secretary or Assistant Secretary.

(.2) THE PRESIDENT shall be the chief executive officer of the Association. He shall have all of the powers and duties which are usually vested in the office of President of a corporation.

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(.3) THE VICEPRESIDENT shall in the absence or disability of the President exercise the powers and perform the duties of the President. He shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Directors..

(.4) THE SECRETARY shall keep the minutes of all proceedings of the Directors and the members. He shall attend to the giving and serving of all notices to the members and Directors and other notices required by law. He shall have custody of the seal of the Association and affix the same to instruments requiring a seal when duly signed. He shall keep the records of the Association, except those of the Treasurer, and shall perform all other duties incident to the office of Secretary of the Association and as may be required by the Directors or the President. The Assistant Secretary will perform the duties of the Secretary when the Secretary is absent.

(.5) THE TREASURER shall have custody of all property of the Association, including funds, securities and evidences of indebtedness. He shall keep the assessment rolls and accounts of the members; he shall keep the books of the Association in accordance with good accounting practices; and he shall perform all other duties incident to the office of the Treasurer of a corporation.

(.6) THE COMPENSATION of all officers and employees of the Association shall be fixed by the Directors. This

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provision shall not preclude the Board of Directors from employing a Director as an employee of the Association or preclude the contracting with a Director for the management of the condominium.

7. MINUTES OF ALL MEETINGS OF UNIT OWNERS and of the Board of Directors shall be kept in a businesslike manner and these plus records of all receipts and expenditures and all other records shall be available for inspection by unit owners and Board members at all reasonable times.

8. FISCAL MANAGEMENT shall be in accordance with the following provisions:

A. BUDGET A proposed annual budget of

(.1) common expenses shall be prepared by the Board of Directors which shall include all anticipated expenses for operation, maintenance and administration of the condominium including insurance, management fees, if any, and which may accrue a reserve for deferred maintenance and depreciation. It will contain a reasonable allowance for contingencies, and provide funds for all unpaid operating expense previously incurred.

(.2) A copy of the proposed annual budget shall be mailed to the unit owners not less than thirty days prior to a meeting of the owners at which the budget will be considered together with a notice of the meeting. Should a quorum fail to be present or represented at the meeting or fail to adopt the budget presented or a revised budget, then and in that

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event the Directors shall have the authority to adopt a budget.

(.3) The first budget shall be made by the Developer.

B. ASSESSMENTS The shares of the unit owners of the common expenses shall be made payable monthly in advance or, in the discretion of the Directors, quarterly in advance and shall become due on the first day of each month or the first day of each quarter. The amounts shall be no less than are required to provide funds in advance for payment of all the anticipated current operating expenses and for all of the unpaid operating expense previously incurred.

C. EMERGENCY ASSESSMENTS - Assessments for the expenses of emergencies which cannot be paid from the contingency account shall be made only by the Board of Directors and the time of payment shall likewise be determined by them.

D. ASSESSMENT ROLL - The assessments for common expenses according to the budget shall be set forth upon a roll of the units which shall be available for inspection at all reasonable times by unit owners. Such roll shall indicate for each unit the name and address of the owner, the assessments paid and unpaid. A certificate made by a duly authorized representative of the Directors as to the status of a unit's account may be relied upon for all purposes for any person for whom made other than the unit owner.

E. LIABILITY FOR ASSESSMENTS - A unit owner shall be liable for all assessments coming due while he is the owner of a unit, and such owner and his grantees after a

voluntary conveyance, shall be jointly and severally ^{OFF 1357} ^{FILE 1117} liable for all unpaid assessments due and payable up to the time of such voluntary conveyance. Such liability may not be avoided by waiver of the use or enjoyment of any common elements, or by abandonment of the unit for which the assessments are made, per Florida Statute 718.116.

F. LIEN FOR ASSESSMENTS - The unpaid portion of an assessment which is due together with interest thereon and reasonable attorney's fees for collection, shall be secured by a lien upon:

(.1) THE UNIT, and all appurtenances thereto when a notice claiming the lien has been recorded by the Association in accordance with the requirements of Florida Statute 718.116. Such lien shall be subordinate to any prior recorded mortgage on the unit.

(.2) ALL TANGIBLE PERSONAL PROPERTY located in the unit except that such lien shall be subordinate to prior liens and security interests of record.

(.3) COLLECTION:

(i) INTEREST: APPLICATION OF PAYMENTS - Assessments paid on or before ten (10) days after the date due shall not bear interest, but all sums not paid on or before ten (10) days shall bear interest at the rate of 10% per annum from the date due until paid. All payments upon account shall be first applied to interest and then to the assessment payment first due. All interest collected shall be credited to the common expense account.

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(ii) SUIT - The Association, at its option, may enforce collection of delinquent assessment accounts by suit at law or by foreclosure of the lien securing the assessments, or by any other remedy available under the laws of the State of Florida, and in either event the Association shall be entitled to recover the payments which are delinquent at the time of judgment or decree, together with interest thereon at the rate of 10% per annum, and all costs incident to the collection and the proceedings, including reasonable attorney's fees. Per F.S. 718.116(5)(b) the Association must deliver or mail by certified mail to the unit owner a written notice of its intention to foreclose the lien 30 days before commencing foreclosure.

G. ACCOUNTS All sums collected from assessments may be mingled in a single fund, but they shall be held in trust for the unit owners in the respective shares in which they are paid and shall be credited to accounts from which shall be paid the expenses for which the respective assessments are made. These accounts shall be as follows:

(.1) COMMON EXPENSE ACCOUNT - to which shall be credited collections of assessments for all common expenses.

(.2) ALTERATION AND IMPROVEMENT ACCOUNT - to which shall be credited all sums collected for alteration and improvement assessments, if any.

(.3) CONTINGENCY ACCOUNT - which shall be credited all sums collected for contingencies and emergencies.

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SEC.

H. THE DEPOSITORY of the Association shall be such bank or banks in Florida as shall be designated from time to time by the Directors and in which the monies for the Association shall be deposited. Withdrawal of monies from such accounts shall be only by checks signed by such persons as are authorized by the Directors.

I. AN AUDIT of the accounts of the Association shall be made annually and a copy of the report shall be furnished to each member within 30 days after its completion and delivery to the Directors, or at the annual meeting.

J. FIDELITY BONDS shall be required by the Board of Directors from all officers and directors of the Association who control or disburse Association funds. The amount of such bonds shall be determined by the Directors. The premiums on such bonds shall be paid by the Association.

9. PARLIAMENTARY RULES - Roberts Rules of Order (latest edition) shall govern the conduct of corporate proceedings when not in conflict with the Declaration, the By-Laws of the Association or with the Laws of the State of Florida.

10. AMENDMENTS Amendments to the By-Laws shall be proposed in the following manner:

(.1) NOTICE of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

(.2) A RESOLUTION adopting a proposed amendment must receive approval of a majority of the votes of the

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entire membership of the Association. Directors and members not present in person or by proxy at the meeting considering the amendment may express their approval in writing.

(.3) INITIATION - An amendment may be proposed by either a majority of the Board of Directors or by ten (10) percent of the membership of the Association.

(.4) EFFECTIVE DATE - An amendment when adopted shall become effective only after being recorded according to law.

(.5) THESE BY-LAWS shall be deemed amended, if necessary, so as to make the same consistent with the provisions of the Declaration of Condominium, or the Condominium Act.

(.6) PROPOSAL TO AMEND EXISTING BY-LAWS shall contain the full text of the By-Laws to be amended. New words shall be underlined and words to be deleted shall be lined through with hyphens. If the proposed change is so extensive that this procedure would hinder rather than assist understanding, a notation must be inserted immediately preceding the proposed amendment saying "SUBSTANTIAL REWORDING OF BY-LAW. SEE BY-LAW #_____ FOR PRESENT TEXT."

11. WEIGHT OF VOTES cast by members of the Association shall be one vote for each unit.

12. IN THE EVENT THE DIRECTORS DEEM IT NECESSARY to do so, they and the owners may act by written agreement without meetings, which written agreement may be executed in counterparts.

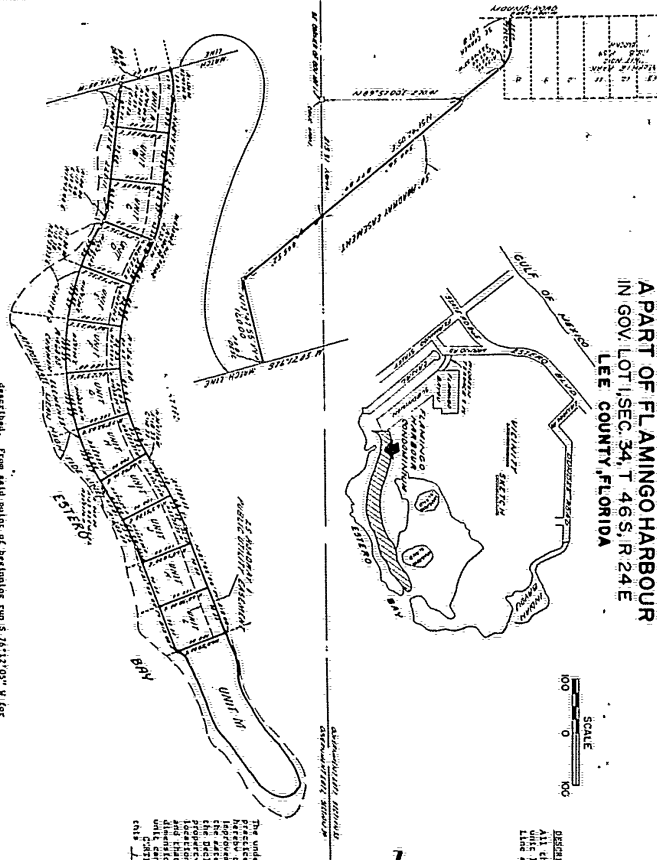
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The foregoing was adopted as the By-Laws of Flamingo
Harbour Condominium Association, at the first meeting of the
Board of Directors.

C. A. Cartwright

A PART OF FLAMINGO HARBOUR
IN GOV. LOT 1, SEC. 34, T. 46S, R. 24E

COMP. 5 PAGE 372
PLAT. BOOK



DESCRIPTION OF LIMITED COMMON ELEMENTS:
All those lands lying East of the plateted unit line and West of the Main High Tide Line along Encero Bay.

SURVEYOR'S CERTIFICATE

The undersigned, a surveyor duly authorized to practice under the laws of the State of California, hereby certify that the construction and the improvement is substantially complete and that the Declaration describing the subdivision proposed is an accurate representation of the location and dimensions of the improvement, and that the identification, location and dimensions of the common elements and of each unit can be determined from these particulars.

Witness my hand and seal this 10th day of June, 1937.

Ernest Hall
Duane Hall
Registered Food Supervisor
Florida Certificate #115

[illegible][illegible]

On the north side of the road, about 100 feet north of the intersection, a shallow, irregularly shaped depression was observed. This depression was approximately 10 feet long and 5 feet wide. It contained a small amount of water and some debris. The depression appeared to be a natural feature of the terrain, possibly a result of erosion or a small stream bed. The surrounding area was relatively flat and covered with grass and some low-lying vegetation. The depression was located about 10 feet north of the intersection and about 10 feet west of the road.

DUNN M.L. & ASSOCIATES, INC.
 One, Cambridge and South Street, Suite 200
 New York, New York 10003
 Tel: 212-333-3333 Fax: 212-333-3333

1357 #1123

FLAMINGO HARBOUR CONDOMINIUM

EXHIBIT "C"

PERCENTAGES OF OWNERSHIP

Units A through L, inclusive	1/14th of the whole
Unit M	2/14ths of the whole
	14/14ths

ALLEN, KNUDSEN,
SWARTZ,
DEBOEST, RHODES
& EDWARDS, P. A.
ATTORNEYS AT LAW
P. O. BOX 1480
COLLIER ARCADE
FORT MYERS, FLORIDA

1357 1124

FLAMINGO HARBOUR CONDOMINIUM

EXHIBIT "D"

LEGAL DESCRIPTION

A tract of land lying in Government Lot 1, Section 34, Township 46 South, Range 24 East, Estero Island, Florida, which tract is described as follows: From the southeast corner of Lot 8, Block H., Unit 2, McPhie Park, according to the plat recorded in Plat Book 8 at page 59 of the public records of Lee County, Florida, run westerly along the south line of said Lot 8 for 10 feet; thence run northerly perpendicular to said south line and along the east line of a roadway easement 50 feet wide for 55.54 feet to a point of curvature; thence run northeasterly along the southeasterly line of said roadway easement along the arc of a curve to the right with a radius of 50 feet (said curve have a central angle of 51°45'05") for 45.16 feet to a point of tangency; thence run N 51°42'05" E along said southeasterly line of said roadway easement along a line 295 feet (measured on a perpendicular) northwesterly of and parallel with the northwesterly line of Block C of Flamingo Park (now the center-line of Flamingo Street) as shown on the plat recorded in Plat Book 9 at page 66 of said public records for 877.84 feet; thence run N 13°47'55" W along the northeasterly line of said roadway easement for 160 feet to the point of beginning of the lands herein described. From said point of beginning run S 76°12'05" W for 60 feet; thence run northwesterly, northerly and northeasterly along the westerly line of a roadway easement 25 feet wide along the arc of a curve to the right having a radius of 130 feet (chord bearing N 2°44'00" W - chord distance 49.90 feet) for 50.21 feet to a point of tangency; thence run N 8°19'55" E along said westerly line of said roadway easement for 225.11 feet to a point of curvature; thence run northeasterly along said westerly line of said roadway easement along the arc of a curve to the right having a radius of 180.00 feet (chord bearing N 20° 01'28" E - chord distance 72.96 feet) for 73.47 feet to a point of reverse curvature; thence run northeasterly, northerly and northwesterly along said westerly line of said roadway easement along the arc of a curve to the left having a radius of 360.00 feet (chord bearing N 0°15'53" E - chord distance 381.35 feet) for 401.89 feet to a point of reverse curvature; thence run northwesterly along the arc of a curve to the right having a radius of 700.00 feet (chord bearing N 26°28'24" W - chord distance 136.78 feet) for 137.00 feet to a point of tangency; thence run N 21°02'00" W along said westerly line of said roadway easement for 212.00 feet; thence

ALLEN, KNUDSEN,
SWARTZ,
DEBOEST, RHOADS
& EDWARDS, P. A.
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COLLIER AVENUE
FORT MYERS, FLORIDA

1357 1125

run S 0°68'58" W for 10 feet more or less to the waters of Flamingo Harbor; thence run northwesterly, northerly and northeasterly along said waters to the waters of Estero Bay; thence run in a southerly direction along said waters to an intersection with a line bearing N 76°12'05" E passing through the point of beginning; thence run S 76°12'05" W along said line to the point of beginning. TOGETHER WITH the hereinabove described roadway easement 50 feet wide extending from Mound Road to the southerly line of the hereinabove described parcel.

ALLEN, KNUDSEN,
SWARTZ,
DEBOEST, RHOADS
& EDWARDS, P.A.
ATTORNEYS AT LAW
P. O. BOX 1480
COLLIER ARCADE
FORT MYERS, FLORIDA

State of Florida



Department of State

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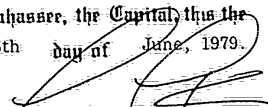
I certify that the attached is a true and correct copy of the Articles of Incorporation of FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC., a corporation not for profit organized under the Laws of the State of Florida, filed on June 5, 1979, as shown by the records of this office.

The charter number for this corporation is 747514.



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Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 6th day of June, 1979.


Secretary of State

FLORIDA — STATE OF THE ARTS

ARTICLES OF INCORPORATION

OF

FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC.

(A NONPROFIT FLORIDA CORPORATION)

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FLORIDA SECRETARY OF STATE

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ARTICLE I.

The name of this corporation is FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC.

ARTICLE II.

The purpose for which this corporation is organized is to act as the governing association of Flamingo Harbour Condominium, located at Fort Myers Beach, Florida.

ARTICLE III.

The qualification of members and the manner of their admission shall be as follows: Any person or persons who hold title in fee simple to a condominium unit in the Condominium shall by virtue of such ownership be a member of this corporation.

ARTICLE IV.

This corporation shall exist perpetually.

ARTICLE V.

The names and residences of the subscribers to these Articles of Incorporation are as follows:

Green Keltner
4253 Bay Beach Lane S. W.
Apt. H-6
Fort Myers Beach, Florida 33931

C. A. Cartwright
Carnoustie Drive
General Delivery
Bonita Springs, Florida

Sharon M. Willis
6308 Panther Drive
Apartment I-5
Fort Myers, Florida 33907

ARTICLE VI.

The affairs of the corporation are to be managed initially by a Board of three (3) Directors who will be elected each year at the annual meeting of the Condominium Association as provided

for in the By-Laws. At such time as the Developer has relinquished control of the Association as provided by the Condominium Act, the Board may be composed of any odd number of Directors that the members decide (as provided for in the By-Laws).

ARTICLE VII.

The names of the officers who are to serve until the first election or appointment under the Articles of Incorporation are:

President - Green Keltner

Vice President - C. A. Cartwright

Secretary-Treasurer - Sharon M. Willis

ARTICLE VIII.

The number of persons constituting the first Board of Directors shall be three (3) and their names and addresses are as follows:

Green Keltner
4253 Bay Beach Lane S. W.
Apt. H-6
Fort Myers Beach, Florida 33931

C. A. Cartwright
Carnoustie Drive
General Delivery
Bonita Springs, Florida

Sharon M. Willis
6308 Panther Drive
Apartment T-5
Fort Myers, Florida 33907

ARTICLE IX.

The By-Laws of the corporation are to be made, altered or rescinded by a majority vote of the members and Directors of the corporation.

ARTICLE X.

Amendments to these Articles of Incorporation may be proposed and adopted as follows:

An Amendment may be proposed by either the Board of Directors or by any owner and may be considered at any meeting of the owners, regular or special, of which due notice has been given according to the By-Laws, which includes a notice of the substance of the proposed amendment.

The Amendment must be approved by a vote of a majority of the members of the corporation.

REC: 1357 PG 1129

ARTICLE XI.

Each unit in the condominium shall have one (1) full vote, which vote shall be cast by a designated owner as provided for in the Declaration of Condominium.

ARTICLE XII.

This corporation reserves the right to amend or repeal any provisions contained in these Articles of Incorporation.

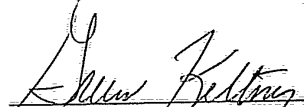
ARTICLE XIII.

This corporation shall have all the powers permitted by law together with such additional specific powers as are contained in the Declaration and ByLaws.

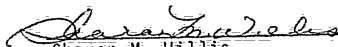
ARTICLE XIV.

No part of the net earnings of this corporation shall inure to the benefit of any member or individual, except through the acquisition, construction, management, maintenance, or care of association property or through the rebate of the excess membership due, fees, or assessments.

IN WITNESS WHEREOF, the undersigned subscribers have executed these Articles of Incorporation this 21st day of May, 1979.


Green Keltner (SEAL)


C. A. Cartwright (SEAL)


Sharon M. Willis (SEAL)

STATE OF FLORIDA
COUNTY OF LEE

Before me, the undersigned, a Notary Public authorized to take acknowledgments in the State and County aforesaid, personally appeared Green Keltner, C. A. Cartwright and Sharon M. Willis, known to me and known to be the persons who executed the foregoing

REC-1357 PG1130

Articles of Incorporation, and they acknowledged before me that they
executed those Articles of Incorporation.

WITNESS my hand and seal this 21st day of MAY, 1979.



[Signature]
Notary Public

My Commission Expires:
Notary Public, State of Florida at Large
My Commission Expires Aug. 24, 1981

1357 1131

CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN FLORIDA, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

IN COMPLIANCE WITH SECTION 48.091, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED:

FIRST--THAT FLAMINGO HARBOUR CONDOMINIUM ASSOCIATION, INC.,
a Florida Corporation
(NAME OF CORPORATION)

DESIRING TO ORGANIZE OR QUALIFY UNDER THE LAWS OF THE STATE OF FLORIDA,
WITH ITS PRINCIPAL PLACE OF BUSINESS AT CITY OF FORT MYERS BEACH,
(CITY)

STATE OF FLORIDA, HAS NAMED: C.A. CARTWRIGHT,
(STATE) (NAME OF RESIDENT AGENT)

LOCATED AT 2800 ESTERO BOULEVARD,
(STREET ADDRESS AND NUMBER OF BUILDING,
POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE)

CITY OF FORT MYERS BEACH, STATE OF FLORIDA, AS ITS AGENT TO
ACCEPT SERVICE OF PROCESS WITHIN FLORIDA.

SIGNATURE [Signature]
(CORPORATE OFFICER)

TITLE PRESIDENT

DATE May 21, 1979

SAL GERACI
CLERK OF CIRCUIT COURT
JUN 19 11 21 AM '79
RECORDED
LEE COUNTY, FLORIDA
RECORD VERIFIED

HAVING BEEN NAMED TO ACCEPT SERVICE OF PROCESS FOR THE ABOVE
STATED CORPORATION, AT THE PLACE DESIGNATED IN THIS CERTIFICATE, I
HEREBY AGREE TO ACT IN THIS CAPACITY, AND I FURTHER AGREE TO COMPLY
WITH THE PROVISIONS OF ALL STATUTES RELATIVE TO THE PROPER AND COM-
PLETE PERFORMANCE OF MY DUTIES.

SIGNATURE [Signature]
(RESIDENT AGENT)

DATE May 21, 1979

[illegible]



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
(Variances, Extensions, Satisfaction of Conditions)**

VAR20240094 – Requesting a variance of 10.5 feet from a non-seawalled waterbody.

ADDRESS: 21481 Widgeon Terr

APPLICANT: Janet Shobe

LOCAL PLANNING AGENCY PUBLIC HEARING

TIME: 9 AM

DATE: May 14, 2024,

LOCATION: 2731 Oak St, FMB, Florida 33931

TOWN CONTACT: SARAH.PROPST@FMBGOV.COM

TOWN COUNCIL PUBLIC HEARING*

TIME: 9 AM

DATE: June 3, 2024

LOCATION: 2731 Oak St. , FMB, Florida 33931

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. 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,
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«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

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

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

Yellow Sheet Number: **2024-82**

1. Request:

Meeting Date: May 14, 2024

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING AND RESTATING ORDINANCE NO. 22-06 TO AMEND THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., GENERALLY IDENTIFIED AS STRAP NUMBERS 219-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, AND 19-46-24-W3-0120E.0030 FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL AND DEVIATIONS, AND OTHER CLARIFICATION AS NECESSARY; PROVIDING FOR REPEAL, CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA recommends CPD amendments to the Town Council

What the action accomplishes:

The amendment to the existing CPD will allow additional uses, different conditions and additional deviations to the site.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The Neighborhood Company on behalf of the owners, 1249 Estero Adventures LLC, are proposing an amendment to the existing CPD resolution to allow the construction of an expanded outdoor seating area with an attached tiki structure. The applicant proposes amendments to Ord. 22-06 amendments to the schedule of uses, the deviations, and conditions.

Attachments:

1. 24-XX; Sandy Bottoms Ordinance ns
2. Staff Report
3. Exhibit A Application
4. Exhibit B Uses and Conditions
5. Exhibit C Master Concept Plan
6. Exhibit D 22-06, Amending Tuckaway Cafe CPD to Allow On-site Brewing of Beer
7. LPA AND TC postcard 2301-2307 ESTERO BLVD

Financial Impact:

unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Recommend approval without Deviation #11

8. **Recommended Approval:**

Date: May 09, 2024

Frankie Kropacek, Operations & Compliance Director

Date: May 09, 2024

nancy stuparich, Town Attorney

Date: May 10, 2024

Amy Baker, Town Clerk

ORDINANCE 24-XX

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING AND RESTATING ORDINANCE NO. 22-06 TO AMEND THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., GENERALLY IDENTIFIED AS STRAP NUMBERS 219-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, AND 19-46-24-W3-0120E.0030 FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL AND DEVIATIONS, AND OTHER CLARIFICATION AS NECESSARY; PROVIDING FOR REPEAL, 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, 1249 Estero Adventures, LLC ("Applicant") is the owner of the property generally located at 2301, 2307 & 2311 Estero Blvd., and 111 and 121 Mango St. and identified by STRP numbers 19-46-24-W3-0110D.0010, I 9-46-24-W3-0120E.0010, I 9-46-24-W3-01 20E.0020 and I 9-46-24-W3-0120E.0030 - comprising .66 - acre of land ("Property"); and

WHEREAS, the Applicant filed an application to amend the Property's Commercial Planned Development ("CPD") to allow additional uses, amended deviations, and amended conditions; and

WHEREAS, the Property is in the Boulevard Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the Applicant as evidenced in the public records of the Lee County Property Appraiser; and

WHEREAS, Exhibit A provides the approved property development regulations, the schedule of uses and conditions of approval for this amended and restated CPD to be used during the permitting process; and

WHEREAS, Exhibit B is the approved Master Concept Plan ("MPC"), updated per the adopted Ordinance 24-XX; and

WHEREAS, the Town Council finds that the request to amend and restate Ordinance 22-06 is a unique project, which does not set precedent for future development or rezoning applications; and

WHEREAS, as amended and restated, the proposed ordinance, inclusive of its Exhibits are in the best interest of the public health, safety, and welfare and consistent with and in compliance with the requirements of the Town of Fort Myers Beach Comprehensive Plan ("CP") and the Land Development Code ("LDC"); and

WHEREAS, a public hearing was held before the Local Planning Agency (“LPA”) on May 14, 2024, at which 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, and the LPA voted by roll call ___ to ___ to recommend **approval/ approval with conditions/ denial** of the amended and restated CPD to the Town Council; and

WHEREAS, on June XX, 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 Section 34-85 of the LDC; and

WHEREAS, the Town Council scheduled a second reading of the proposed Ordinance and a held an advertised public hearing before the Town Council on June XX, 2024, at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, at the advertised public hearing, the Town Council determined the proposed ordinance to amend and restate Ordinance 22-06 is/ is not **consistent** with the CP and LDC and by roll call voted ___ to ___ to **approve/ approve with conditions/ deny** the Application.

NOW, THEREFORE, BE IT 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 has determined that the Applicant **did/ did not** meet its burden of proof that the requested zoning amendment meets the requirements of the CP and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/ APPROVES WITH CONDITIONS/ DENIES** the requested amendment to the CPD zoning of the Property, which will allow on-site brewing and consumption of malt liquor.

Section 3. Ordinance 22-06 is repealed in its entirety replaced by this Ordinance inclusive of its attached Exhibits, which are incorporated herein by reference.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements of the LDC or other lawfully existing Town Code provision, or statute as of the date of adoption of this Ordinance, the most restrictive provision shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of 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 XXX and seconded by XXX, 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	_____

DULY PASSED AND ADOPTED on this _____ day of June, 2024.

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:**

Gretchen R. H. Vose, Town Attorney

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

Exhibits

Exhibit "A" Schedule of Uses, Conditions of Approval and Deviations

Exhibit "B" Master Concept Plan

EXHIBIT A

Summary: The proposed project was formerly known as Tuckaway Café, and is now known as Sandy Bottoms. The proposed project will provide required parking on-site for the existing restaurant uses, stormwater management improvements, and landscape buffers. The proposed project is subject to the following items:

Schedule of Allowable Uses:

- Residential – Open
- Lodging - Limited
- Office – Limited
 - Offices, General or Medical
 - Personal Services
- Retail – Limited
 - Restaurant (limited to 2) with outdoor seating as indicated on the MCP
 - On-Premises consumption of alcoholic beverages served only in conjunction with restaurant(s) and including approximately 2,750 square feet of outdoor seating area as indicated on the MCP
 - On-Site Brewing of Beer for Consumption on Premises.
 - 4COP and GMBP Florida Department of Alcoholic Beverages and Tobacco permits
 - Transient Merchant/Mobile Vendor - Food Truck/Trailer Only
- Civic - Open
- Entertainment – Indoor and Outdoor, limited to music both live and recorded.
- Typical Accessory Uses Incidental and Subordinate to the Principal Uses.

Conditions of Approval:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3 and 4 will become null and void. Any new buildings replaced on the Property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34- 2017(b) of the LDC.

4. Any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval shall require approval by the LPA and Town Council. Approval of an expansion shall address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required in the event of an expansion by the LPA or Town Council, including but not limited to payment of additional impact fees.
5. Bicycle racks shall be provided for a minimum of 8 bicycles.
6. The hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area.
7. Amplified music or entertainment is permitted outdoors until 10 pm within the designated areas on the master concept plan and will not be oriented toward residential uses.
8. All brewing activities shall be contained within the building.
9. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except: a) spent grain may be placed outdoors for a period not to exceed 24 hours; b) spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
10. The project must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the "CMBP" permit and any applicable state laws.
11. Only vertical support posts for the outdoor seating structure will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.
12. No outdoor seating or entertainment area will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.

Approved Deviations:

Approval of this rezoning does not exempt the Property from the provisions of Chapter 6, Article IV "Floodplain Regulations" of the LDC or any other provisions of the LDC, with the exception of the following 9 deviations:

Deviation #1

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a type c/f buffer where proposed commercial and parking uses abut single family residential uses, to allow the following as indicated on the MCP:

- A. An existing 8-foot-high opaque fence adjacent to the existing building.
- B. A minimum 5-foot buffer adjacent to the dumpster enclosure area providing 10 trees and 30 shrubs per 100 linear feet with an 8-foot-high opaque fence.

C. A minimum 12-foot buffer adjacent to the northern parking lot Spaces providing 10 trees and 30 shrubs per 100 linear feet with a 4- to 8-foot-high opaque fence.

Deviation #2

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15 foot type D buffer between parking areas and right-of-way, to allow for a 5 foot type D buffer between parking areas and right-of-way

Deviation #3

Deviation from the requirement of LDC Section 34-704(A), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a build-to distance between three (3) to ten (10) feet from Estero Boulevard.

Deviation #4

Deviation from the requirements of LDC Section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a minimum 2.3 foot street setback from Fairweather Lane to the existing building and a minimum 5 foot street setback from Fairweather Lane for the proposed outdoor seating area structure.

Deviation #5

Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20-foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.

Deviation #6

Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area and a reduction of 2 spaces for 8 bicycle spaces (for a total of 52 required parking spaces) to allow for a 35% reduction from the LDC requirement for a total of 34 provided spaces.

Deviation #7

Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.

Deviation #8

Deviation from LDC Section 34-285 and Table 10-1 which requires 125 feet of connection separation along local roads, to allow for 96-feet of connection separation along Mango Street.

Deviation #9

Deviation from the requirements of LDC Section 34-662(b)(4)(a) and Figure 34-5 requiring that

visibility triangles must be maintained on both sides of intersecting streets and exiting driveway as shown in figures 34-4 and 34-5 or to provide equivalent visibility, to allow for a reduction in the depth of the sight visibility triangle along the other Street or existing driveway from 10 feet to 3 feet.

EXHIBIT B

[TO BE INCLUDED]



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TYPE OF CASE: CPD AMENDMENT

CASE NUMBER: CPD20240049

CASE NAME: 2301/ 2307 Estero Blvd (incl. all associated “Sandy Bottoms” CPD properties) to allow development of a new restaurant with outdoor seating and a structurally-connected shade structure

LPA

HEARING DATE: May 14th, 2024, at 9 AM

STAFF

RECOMMENDATION: APPROVAL

**PREPARED/
SUBMITTED BY:** Jason Smalley- Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: 1249 Estero Adventures LLC

Request: An amendment of Ord. 22-06

Subject property: See attached Master Concept Plan

Physical Address: 2301/ 2307, 2311 Estero Blvd & 111 and 121 Mango St.

STRAP #: 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, and 19-46-24-W3-0120E.0030

FLU: Boulevard

Zoning: Commercial Planned Development (CPD)

Adjacent zoning and land uses:

North: Commercial Boulevard (CB)

	Vacant
South:	Commercial Boulevard (CB) Damaged Retail Building
East:	Residential Multi-Family (RM) Single-Family Home
West:	Commercial Boulevard (CB) Vacant Commercial

II. BACKGROUND AND ANALYSIS

Background:

The Neighborhood Company on behalf of the owners, 1249 Estero Adventures LLC, are proposing an amendment to the existing CPD resolution to allow the construction of an expanded outdoor seating area with an attached tiki structure. The applicant proposes amendments to Ord. 22-06 amendments to the schedule of uses, the deviations, and conditions

The proposed changes include: extending outdoor hours of operation –including outdoor music-- an additional hour from 7am to 11pm, and limiting amplified music past 11pm while clarifying that the Town’s noise ordinance would apply to the new hours. The applicant is proposing a bundle of relatively minor changes to previously approved deviations dealing with fence placement and height, build-to line and setback reductions on Estero and Fairweather. Also proposed is a reductions to minimum parking requirements and reduction of the 10-foot site-triangle setback along Estero to provide only 3-feet of clear viewing area.

The previously approved ordinances for this site are listed below. Resolution 22-06 is attached for reference.

Original CPD Approval (Res. 12-07): May 7th, 2012

- 8 Conditions of Approval
- 11 Deviations

Repeal and Replacement of CPD (Ord. 22-06): May 5th, 2022

- 11 Conditions of Approval included
- 11 Deviations

Analysis:

Schedule of Uses

- Residential – Open
- Lodging - Limited
- Office – Limited
 - o Offices, General or Medical
 - o Personal Services
- Retail – Limited
 - o Restaurant (limited to 2) with outdoor seating as indicated on the MCP
 - o On-Premises consumption of alcoholic beverages served only in conjunction with restaurant(s) and including approximately 2,750 square feet of outdoor seating area as indicated on the MCP
 - o On-Site Brewing of Beer for Consumption on Premises.
 - o 4COP and GMBP Florida Department of Alcoholic Beverages and Tobacco permits
 - o Transient Merchant/Mobile Vendor - Food Truck/Trailer Only
- Civic - Open
- Entertainment – Indoor and Outdoor, limited to music both live and recorded.
- Typical Accessory Uses Incidental and Subordinate to the Principal Uses.

Deviation #1:

Existing: Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14-15 foot Type C buffers without a wall, as indicated on the MCP and landscape plan.

Proposed: Deviation from the requirements of LDC section 10-416(d)(2) and LDC table 10-8, which requires a type c/f buffer where proposed commercial and parking uses abut single family residential uses, to allow the following as indicated on the MCP:

- A. An existing 8-foot-high opaque fence adjacent to the existing building.
- B. A minimum 5-foot buffer adjacent to the dumpster enclosure area providing 10 trees and 30 shrubs per 100 linear feet with an 8-foot-high opaque fence.
- C. A minimum 12-foot buffer adjacent to the northern parking lot Spaces providing 10 trees and 30 shrubs per 100 linear feet with a 4- to 8-foot-high opaque fence.

Applicant Justification: A. This deviation was previously approved due to the existing building's 2ft. setback from the property line.
B. This deviation exceeds the Type "C" buffer previously approved by including the proposed plantings with a wall. The only difference is the 5 ft. width instead of the

previously approved 14 ft. The overall intent of the Type “C” buffer will be exceeded within the 5 ft. width. This 5 ft. width accommodates the new dumpster enclosure location.

C. This deviation exceeds the Type “C” buffer previously approved by including the proposed plantings with a wall. The only difference is the 12 ft. width instead of the previously approved 15 ft. The previous approval permitted a Type “C” buffer without a wall. The fencing has already been installed and the existing plantings will be augmented to meet the requirements, if needed. The 4-foot segment of the fence accommodates the visibility triangle required at connections to a public road. The only change from the previous approval is the width going from 15 ft. to 12 ft. The 3 ft. difference allowed the parking area to accommodate the two-way circulation.

Staff: Applicant already has a previously approved 8-foot high fence adjacent to the neighbors behind them on Fairview and Mango, they have also proposed the reduction of buffer widths from 14-feet in width to 5-feet to accommodate a full-size dumpster enclosure and to allow for driveway widths to accommodate two-way traffic in the parking lot.

Deviation #2 to remain:

Deviation from the requirements of LDC section 10-416(d)(2) and LDC table 10-8, which requires a 15 foot type D buffer between parking areas and right-of-way, to allow for a 5 foot type D buffer between parking areas and right-of-way

Deviation #3:

Existing: Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.

Proposed: Deviation from the requirement of LDC section 34-704(A), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a build-to distance between three (3) to ten (10) feet from Estero Boulevard.

Applicant Justification: This deviation was previously approved to accommodate the existing building which is 46 ft. from Estero Boulevard. With the proposed tiki structure, which will be structurally integrated with the existing primary structure, the revised deviation is proposed to allow a 3 ft. build-to distance. This deviation will allow a greater presence along Estero Boulevard and add to the ambience of the public realm.

Staff: The current CPD language provided a deviation to maximum built-to line distances from the Estero property line, the applicant’s plan includes the development of a new tiki shade covering which is proposed to be approximately 3-feet from the Estero property line, this change would allow the structure to be closer than the previously approved 5-feet to the property line.

Deviation #4:

Existing: Deviation from the requirements of LDC Section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a 2.39 foot street setback from Fairweather Lane to accommodate the existing building.

Proposed: Deviation from the requirements of LDC section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a minimum 2.3 foot street setback from Fairweather Lane to the existing building and a minimum 5 foot street setback from Fairweather Lane for the proposed outdoor seating area structure.

Applicant Justification: This deviation was previously approved to accommodate the existing building which is 2.39 ft. from Fairweather Lane. With the proposed tiki structure, which will be structurally integrated with the existing primary structure, the revised deviation is proposed to also allow a 5 ft. setback from Fairweather Lane for this portion of the structure. There will be a 5 ft. landscape buffer along Fairweather Lane and a 3 ft. landscape buffer along Estero Boulevard in front of the tiki structure. This deviation will allow a greater presence along Estero Boulevard and add to the ambience of the public realm and pedestrian experience.

Staff: The existing CPD language allows for the building to be 2.39-feet from Fairweather, the new proposed language would retain the allowance for the existing footprint of the building but add language allowing for the placement of the tiki and seating area to be 5-feet setback from Fairweather.

Deviation #5 to remain:

Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20-foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.

Deviation(s) #6, 7 & 11 to be removed:

Existing #6: Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal facade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade to be 16 feet in length.

Existing #8: Deviation from the requirements of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane.

Existing #11: Deviation from LDC Section I 0-289(d) which requires an 8-foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5-foot wide sidewalk.

Staff: This existing CPD language would be removed since the newly proposed CPD and Master Concept Plan calls for a tiki structure to be closer to the property lines/ right-of-way, making these limitations moot if the CPD amendment is approved.

Deviation #8 (to be renumbered 6):

Existing: Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required parking spaces) to allow for a 30% reduction from the LDC requirement for a total of 34 provided spaces.

Proposed: Deviation from LDC section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area and a reduction of 2 spaces for 8 Bicycle spaces (for a total of 52 required parking spaces) to allow for a 35% reduction from the LDC requirement for a total of 34 provided spaces.

Applicant Justification: This deviation was previously approved to for a 30% reduction. The project has refined the parking area to provide two-way access for improved vehicle access management and maneuverability on-site, 4 bicycle racks (16 spaces) overall racks, a direct connection to the 8 ft. sidewalk along Estero Boulevard and the transit stop. These elements meet the Comprehensive Plan goals to accommodate more pedestrian traffic and alternative modes of transportation rather than vehicular traffic. Approving an additional reduction will not significantly impact diminish the pedestrian, bicycling and transit improvements accommodations to enhance other modes of transportation and will minimize the need for any further impervious areas within the project. In addition, the restaurant has previously demonstrated that it is mainly a pedestrian and bicycle-oriented destination and as a result the need for onsite parking would actually be less than the LDC

Staff: This language is a request to reduce the number of parking spaces required by the restaurant use from 52 to 34, the reduction is being justified by the placement of 4 bike racks (16 total bike spaces) directly adjacent to the Estero sidewalk. The application of this code has never allowed the reduction of more than a single parking space in exchange for a bike rack, staff feels that this requested number is incorrect but feels that a reduction in parking could be appropriate with the correction to the number of spaces required by the code.

Deviation #9 to remain (will be renumbered to 7):

Existing: Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.

Deviation #10 to remain (will be renumbered to 8):

Deviation from LDC Section 34-285 and Table 10-1 which requires 125 feet of connection separation along local roads, to allow for 96-feet of connection separation along Mango Street.

New Deviation #11 (will be renumbered to 9):

Deviation from the requirements of LDC section 34-662(b)(4)(a) and figure 34-5 requiring that visibility triangles must be maintained on both sides of intersecting streets and exiting driveway as shown in figures 34-4 and 34-5 or to provide equivalent visibility, to allow for a reduction in the depth of the sight visibility triangle along the other Street or existing driveway from 10 feet to 3 feet.

Applicant Justification: This deviation request would allow the depth of the sight visibility triangle at the intersection of Fairweather Lane and Estero Boulevard to be 3 feet rather than 10 feet, while maintaining the length to remain at 150 feet as shown in the amended Figure 34-5. Prior to Hurricane Ian, the Tuckaway Café had outdoor seating with umbrellas and landscaping located along Estero Boulevard (See Figure 1). The patrons, seating/tables/umbrellas and landscaping were partially located within the code-required visibility triangle (See Figure 2). While those features were not structures and therefore allowed within the visibility triangle, they still represented potential visual obstructions. However, as discussed further below, those features did not create unsafe conditions nor is there evidence of any elevated traffic conflicts at this intersection.

The applicant is proposing that the 10-foot required site-triangle area at the corner of Estero and Fairweather be reduced to 3-feet to allow for the placement of a tiki structure with outdoor service beneath it, this reduction would put at least one of the tiki poles into the required safety triangle and may constitute a hazard, the applicant has asserted that their design at that intersection should be considered to provide “equivalent visibility” for motorists as provided-for in LDC sec. 34-662(b)(4)(a).

Remainder of applicant justification found in Schedule of Deviations in application packet attached.

Staff: While the applicant has changed their plans to mitigate some of the risk, there still exists the possibility that drivers entering or existing Fairweather and Estero may have their view obscured by the proposed tiki structure.

Neighborhood Compatibility:

The previously existing residential and commercial properties in the area were destroyed by Hurricane Ian. The restaurant use has been in existence in this area for many years. However, the additional outdoor space with increased hours may have additional impacts on adjacent residential properties.

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 damaged 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 in the existing CPD zoning.

(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.

(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 restaurant is permitted use by right in existing CPD 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 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 are predominantly existing. The new deviations will allow reduced parking and will allow the tiki structure closer to the right of way

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

Staff response: The deviation #11, to reduce the visibility triangle does not promote safety.

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

Staff response: The only deviation that may be a detriment to the public interest is deviation #11 to reduce the sight visibility triangle.

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

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

I. RECOMMENDATION

Staff finds that the CPD with all deviations other than Deviation #11 meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends approval of DCI20230197 without the inclusion of Deviation #11, with the attached conditions.

IV. CONDITIONS

The below conditions were provided by the applicant with two adjustments: 1) The applicant had proposed outdoor entertainment until midnight, staff has amended the condition to reflect the time that outdoor music was permitted at this location previously.

2) Condition 5 is being removed, the applicant was provided an administrative waiver for a Traffic Impact Study (TIS) on this amendment, the previous language referred to designated seating areas which are not consistent with the proposed uses, and reference to a previous determination by the Town Council which isn't consistent with the determinations made by the current Community Development Director.

3) Conditions 12 & 13 were items that the applicant agreed to in their request to allow deviation to the sight visibility triangle. Conditions 12 & 13 are only necessary if the deviation to the sight visibility triangle is granted.

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3 and 4 ~~5, 6, and 7~~ will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34-2017(b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
5. ~~A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.~~
6. Bicycle racks shall be provided for a minimum of 8 bicycles.

7. ~~The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week. The hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area.~~
8. ~~No amplified music or entertainment is permitted outdoors.~~ Amplified music or entertainment is permitted outdoors until 10 pm within the designated areas on the master concept plan and will not be oriented toward residential uses.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.
12. Only vertical support posts for the outdoor seating structure will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.
13. No outdoor seating or entertainment area will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.

V. EXHIBITS

- A. Complete application
- B. Applicant-proposed CPD Conditions & Uses
- C. Proposed Master Concept Plan



February 7, 2024

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

**Subject: Sandy Bottoms Restaurant
2301/2307 & 2311 Estero Boulevard, and 111 & 121 Mango St.
Commercial Planned Development (CPD) Amendment – Submittal #1**

Intake Team:

The Neighborhood Company is pleased to submit on behalf of our client, 1249 ESTERO ADVENTURES LLC, a Planned Development Rezone (Amendment) Application associated with the subject property located at 2301/2307 & 2311 Estero Boulevard, and 111 & 121 Mango St., Ft Myers Beach, FL 33931. The proposed request is to seek the following:

- Planned Development Rezone Application to request an amendment to the existing CPD Ordinance 22-06. to allow flexibility in the re-establishment of a restaurant in the existing 4,000 sq. ft. building and to expand the outdoor seating area.

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

1. Application Filing Fee;
2. Application for Public Hearing:
 - Disclosure of Interest Affidavit & Authorization Form;
 - Letter of Authorization;
 - Approved TIS Waiver
 - Exhibit 6-1 – STRAP # and Legal Description (Platted Lots)
 - Exhibit 6-2 – Boundary Survey;
 - Exhibit 6-3 – Area Location Map;
 - Exhibit 6-6 – List of Surrounding Property Owners within 500';
 - Exhibit 6-7– Map Surrounding Property Owners within 500'; and
 - Mailing Labels Surrounding Property Owners within 500'.
3. Planned Development Zoning - Supplement PH-D:
 - Narrative and Applicable Supplements
 - Master Concept Plan
 - Architectural Elevations
 - Section F: Schedule of Deviations and Justifications;
 - Schedule of Uses; and
 - Ordinance 22-06 Tuckaway Cafe



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: Mike and Dawn Miller, 1249 Estero Adventures LLC



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

FILING FEE

Town Fee Schedule 2023:

- PD Rezone = \$6,500

TOTAL: \$6,500



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: 2301, 2307, & 2311 Estero Blvd. and 111 & 112 Mango St.

STRAP Number: 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030

Applicant: 1249 ESTERO ADVENTURES LLC Phone: _____

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

Email: kg@theneighborhood.company Fax: _____

Current Zoning District: CPD

Future Land Use Map (FLUM) Category: Boulevard

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*: Kenrick Gallander, AICP 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, AICP 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, Fort 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: _____ 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: 20210115
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____

**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**



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

1249 Estero Adventures LLC

100%

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, Michael R. Miller (name), as Manager (title)
of 1249 ESTERO ADVENTURES 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.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

1249 Estero Adventures, LLC

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

Signature

Michael R. Miller

Typed or Printed Name

Manager

Title

02-02-23

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 2nd day of February 2024, by Michael Miller ☒ who is personally known to me OR ☐ who has produced _____ as identification.



Lori Maroney
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030

Property Address: 2301, 2307, & 2311 Estero Blvd. and 111 & 112 Mango 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: see below

2301& 2311 Estero Blvd. PB 6, Pg 68 Lots 1 & 2, Block D, Beach Estates
111 & 121 Mango St., PB 4, Pg 17, Lots 1, 2 & 3, Block E, Sea Grape Subdivision

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) 218 +/- feet

Depth (please provide an average width if irregular in shape) 146 +/- feet

Frontage on street: 218 +/- feet. Frontage on waterbody: N/A feet

Total land area: +/- 0.66 ☒ acres ☐ square feet

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

South on San Carlos Blvd. from Matanzas Pass Bridge approximately 0.3 miles

San Carlos Blvd. turns slightly left and becomes Estero Blvd. continue approximately
0.7 miles and the subject property will be on the left.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☐ Mixed Residential

☒ Boulevard

☐ Pedestrian Commercial

☐ Marina

☐ Recreation

☐ Wetlands

☐ Platted Overlay



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 Michael R. Miller, as authorized member of 1249 ESTERO ADVENTURES LLC owner of property located at 2301, 2307, & 2311 Estero Blvd. and 111 & 112 Mango St., Fort Myers Beach, FL, identified by STRAP Numbers 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030, 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.

1249 ESTERO ADVENTURES LLC

By: [Signature]
Print Name: Michael R. Miller
Title: Manager

STATE OF Florida
CITY OF Fort Myers Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st day of February, 2024 by Michael R. Miller, as Manager of 1249 ESTERO ADVENTURES LLC, on behalf of the company(s), who ☐ is personally known to me OR ☐ has produced a(n) driver's license as identification.

(NOTARY STAMP)



[Signature]
Notary Public, State of Indiana
Print Name: Lor. Maroney
My Commission Expires: 10-14-2028



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

Public Hearing

- ☐ General Requirements
- ☐ DRI
- ☒ Planned Development
- ☐ Conventional Rezoning
- ☐ Special Exception
- ☐ Variance
- ☐ Appeal
- ☒ Other

Administrative Action

- ☐ General Requirements
- ☐ Planned Dev. Amendment
- ☐ Commercial Antenna
- ☐ Consumption on Premises
- ☐ Forced Relocation of a Business
- ☐ Interpretation of LDC
- ☐ Minimum Use Determination
- ☐ Setback Variance
- ☐ Other

Name of Project: Sandy Bottoms CPD Planned Development Amendment
Applicant: 1249 Estero Adventures LLC
Strap Number: 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030
Street Address: 2301, 2307, & 2311 Estero Blvd. and 111 & 112 Mango St.
Phone Number: 850-803-5621
Email: kg@theneighborhood.company



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

Section Number	Requirement
LDC Sec. 10-286	Traffic Impact Statement (TIS)

Scope of project and reasons for request

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

See attached Waiver Narrative.

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.

[Signature] January 31, 2024

Signature

Date

Director's Decision ☒ Approved ☐ Denied

Comments:

Charlie Kopack
Signature

2-2-24
Date

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

Page 2 of 2

SUBMIT



**Sandy Bottoms CPD
Planned Development Amendment
WAIVER JUSTIFICATION NARRATIVE**

On May 2, 2022, the Fort Myers Beach Town Council duly passed and adopted Ordinance No. 22-06. This ordinance repealed and replaced Town Resolution 12-07 and approved the schedule of uses, conditions, and Master Concept Plan (MCP) for the subject property consisting of properties at 2301, 2307 & 2311 Estero Blvd. and 111 & 121 Mando St. in Fort Myer Beach Florida.

The proposed planned development amendment request to be submitted is to primarily allow for the expansion of the existing outdoor seating area by a maximum of 1000 SF and to seek amendments to existing conditions. The Neighborhood Company, on behalf of our client, 1249 Estero Adventures LLC, is submitting a Waiver Request for the following submittal requirement to the Planned Development Amendment application requirements:

- LDC 10-286 – Traffic Impact Statement (TIS)

The waiver is requested due to the fact the proposed amendment does not result in a “significant change” from the original development proposal and the associated transportation analysis conducted. It is our professional opinion the increase in outdoor seating area would be a de-minimis level of impact to the roadway level-of-service on an already Lee County identified “constrained facility” and thus, would not have an adverse impact on an already over capacity roadway. The proposed petition will be encouraging and seeking to enhance alternative modes of transportation (pedestrian connectivity and bicycle use) as part of the development plan, in-turn helping to further alleviate vehicular impacts to the surrounding constrained roadway network.



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

EXHIBIT 6-1: STRAP # & LEGAL DESCRIPTION

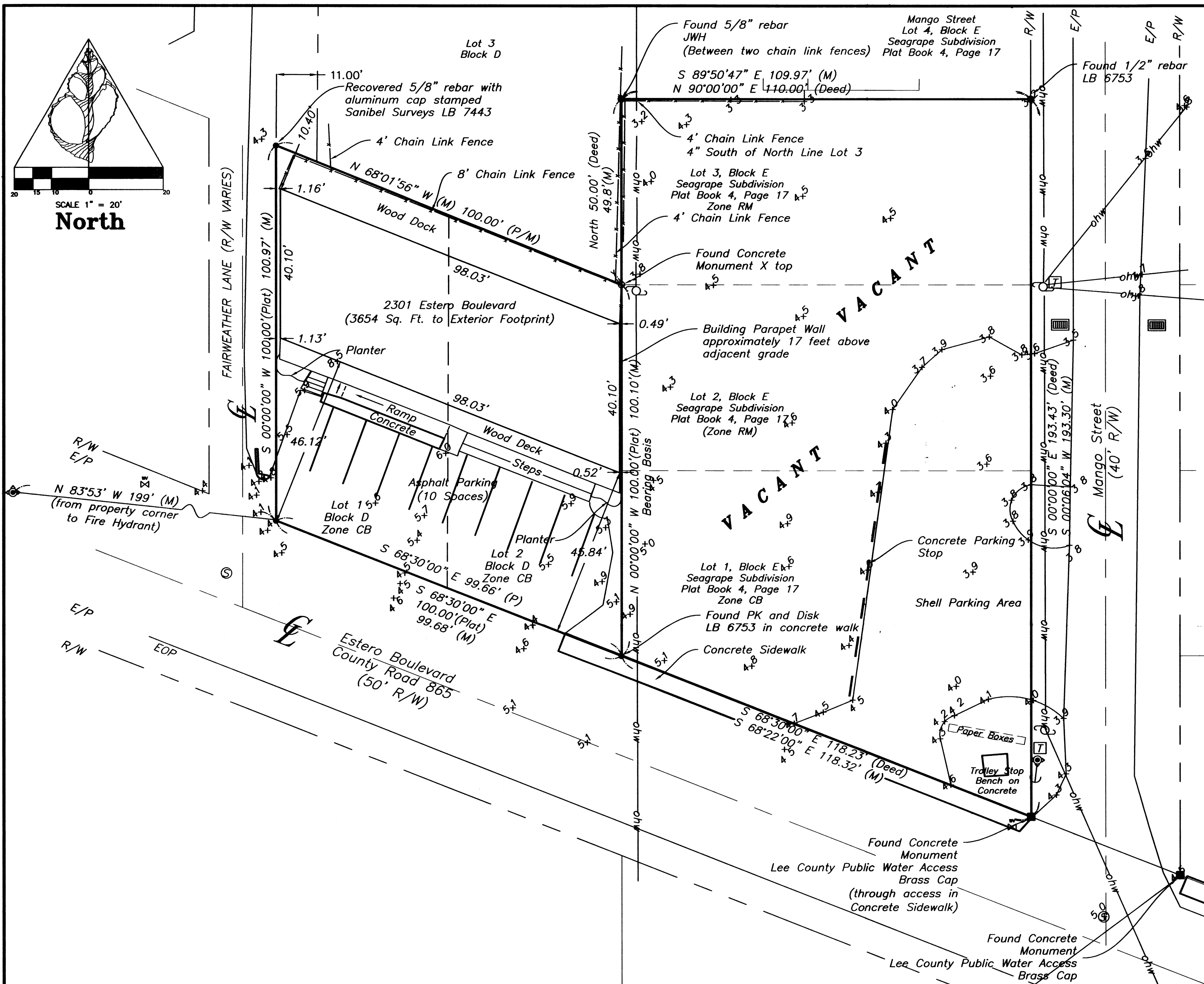
- STRAP #s: 19-46-24-W3-0110.D0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0030
- Description:

Lots 1 & 2, Block D, in that certain subdivision known as Beach Estates recorded in the public records of Lee County, Florida, in Plat Book 6, Page 68.

and

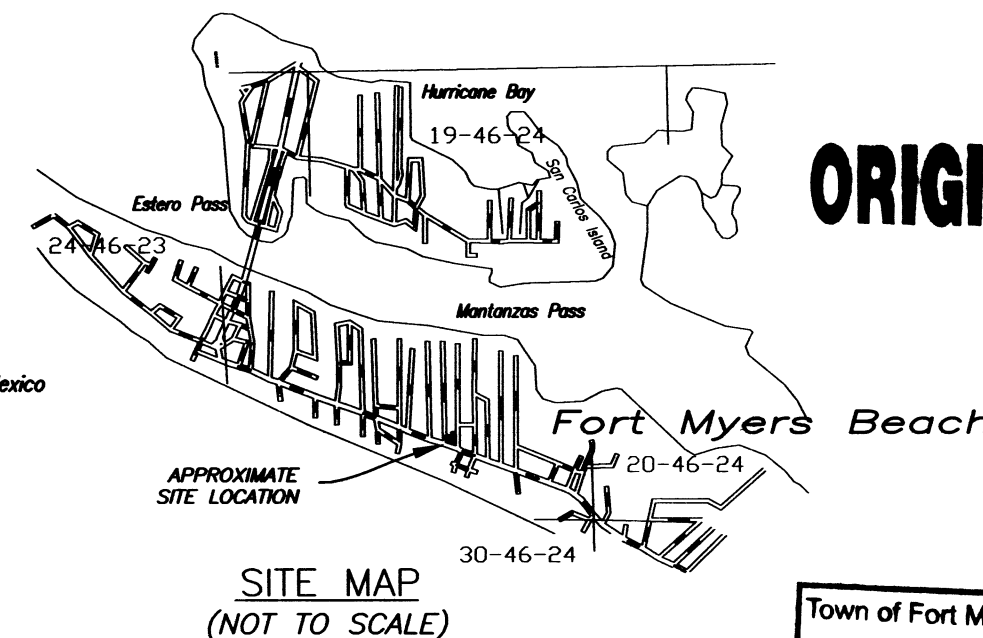
Lots 1, 2, & 3, Block E, in that certain subdivision known as Sea Grape, recorded in the public records of Lee County, Florida in Plat Book 4, Page 17.

EXHIBIT 6-2



ALTA/ACSM Land Title Survey of: 2301 & 2311 Estero Boulevard (Lots 1&2, Block D, Beach Estates) 111 & 121 Mango Street (Lots 1,2 &3, Block E, Sea Grape) Fort Myers Beach

(Plat Book 6, Page 68) Estero Blvd.
(Plat Book 4, Page 17) Mango St.
Section 19, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida



Legal Descriptions per Title Commitment Schedule A:

Parcel 1

Lots 1, 2 and 3, Block E, of that certain subdivision known as SEAGRAPE according to the map or plat thereof on file and recorded in the office of the clerk of the circuit court in Plat Book 4, Page 17, Public Records of Lee County, Florida.

Parcel 2

Lots 1 and 2, Block D, BEACH ESTATES, according to the map or plat thereof on file and recorded in the Public Records of Lee County, Florida, in Plat Book 6 at page 68.

SURVEY NOTES:

- MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
- REPRODUCTIONS OF THIS DRAWING ARE VOID UNLESS SEALED WITH SIGNERS EMBOSSED SURVEYOR'S SEAL.
- THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.
- BEARINGS ARE BASED ON THE EAST LINE OF LOT 2, BLOCK D, BEACH ESTATES, AS MONUMENTED IN THE FIELD, BEING NORTH.
- DATE OF LAST FIELD WORK: 1/19/2011
- THIS BOUNDARY SURVEY WAS COMPLETED WITH REFERENCE TO TITLE COMMITMENT NO. FA-C-471112, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 19, 2011 AT 8:00 a.m.
- ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2011, ANDREW D. JOHNSON, PSM, ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ANDREW D. JOHNSON, PSM.
- THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO THIRD OR OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.

NATIONAL FLOOD INSURANCE INFORMATION:
COMMUNITY NUMBER 120 673
PANEL NUMBER 0554
SUFFIX F
EFFECTIVE DATE 08/28/2008
FIRM ZONE AE
BASE FLOOD ELEVATION +13' NAVD 88

ABBREVIATIONS:

D = PER DEED
P = PER PLAT
M = AS MEASURED
E/P = EDGE OF PAVEMENT
A/C = AIR CONDITIONER
OHW = OVERHEAD WIRES
UE = UTILITY EASEMENT
PUE = PUBLIC UTILITY EASEMENT
DE = DRAINAGE EASEMENT
R/W = RIGHT-OF-WAY
C = CENTERLINE
OR = OFFICIAL RECORDS BOOK
PG = PAGE
CONC = CONCRETE

SYMBOL KEY:

● = MONUMENT AS NOTED
■ = CONCRETE MONUMENT
△ = NAIL AND DISK
WM = WATER METER
WV = WATER VALVE
⊕ = FIRE HYDRANT
⊞ = CATCH BASIN
□ = CONCRETE POWER POLE
⊞ = WOOD POWER POLE
⊞ = GUY ANCHOR
☼ = LAMP
⊞ = STORM SEWER MANHOLE
⊞ = SANITARY SEWER MANHOLE
⊞ = SEWER CLEAN OUT
⊞ = TELEPHONE PEDESTAL
⊞ = CABLE TELEVISION PEDESTAL
⊞ = 240 VOLT ELECTRIC SERVICE
⊞ = BENCHMARK

To:

Eagle Equity Capital LLC
First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 1, 2, 3, 4, 7(a), 7(b1)(b2), 7(c), 10 and 11(a) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS, and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Florida, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 4/11/12 Signed: [Signature]
PSM Registration No. 6256



SANIBEL SURVEYS
2410 Palm Ridge Road
Sanibel Florida 33957
472-0095
sanibelsurveys@gmail.com
Licensed Business No. 7443

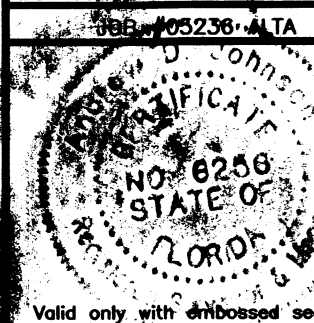


EXHIBIT 6-3 LOCATION MAP



EXHIBT 6-6 PROPERTY OWNER LIST

Date: 12/19/2023 12:00:00 AM List Size: 166

STRAPE	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry
19-46-24-W3-0110D.0010	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120E.0010	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120E.0020	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120E.0030	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-00450.0000	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-00450.A000	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0100B.0010	2201 ESTERO LLC		8360 SW 112TH ST		MIAMI	FL	33156	
19-46-24-W3-0100B.0020	2201 ESTERO LLC		8360 SW 112 ST		MIAMI	FL	33156	
19-46-24-W3-0100B.0030	2201 ESTERO LLC		8360 SW 112 ST		MIAMI	FL	33156	
19-46-24-W3-0100B.0050	BROWN LENNDA JOE TR		16210 LARSEN AVE		GOWEN	MI	49326	
19-46-24-W3-0100B.0090	JMP&W LLC		7906 ARIEL WAY		MCLEAN	VA	22102	
19-46-24-W3-0100B.0110	KOSTER RODNEY & THERESE		880 3RD ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0100B.0130	MATTHEWS JOHN MORRIS		221 S ADAMS ST		WEST CHESTER	PA	19382	
19-46-24-W3-0100B.0150	FERRARO KIM A +		800 BENJAMIN FRANKLIN DR #208		SARASOTA	FL	34236	
19-46-24-W3-0100B.0170	TOLLETTE JEFFREY R &		1959 135TH AVE NW		ANDOVER	MN	55304	
19-46-24-W3-0100B.0190	MGNM PROPERTIES LLC		1009 N TOWN & RIVER DR		FORT MYERS	FL	33919	
19-46-24-W3-0110A.0010	CHG NEPTUNE ACQUISITIONS LLC	MARK A DAMANTE	150 E BROAD ST	STE 800	COLUMBUS	OH	43215	
19-46-24-W3-0110C.0010	B + B CASH GROCERY STORES INC		PO BOX 1808 #78		TAMPA	FL	33601	
19-46-24-W3-0110C.0040	BC MASTERPIECE LLC		12601 LAS OLAS LANE # 123		FORT MYERS	FL	33919	
19-46-24-W3-0110C.0060	BIRKART HANS +		12601 LAS OLAS LN #123		FORT MYERS	FL	33919	
19-46-24-W3-0110C.0070	DEWESE BRUCE R +		14685 WESTON RD		WESTON	OH	43569	
19-46-24-W3-0110C.0090	WHITE SWAN INVESTMENTS LLC		148 BAYLOR AVE		HILLSDALE	NJ	07642	
19-46-24-W3-0110C.0100	COULTER BEAU & TRACY R		760 STONEGATE PASS		COLGATE	WI	53017	
19-46-24-W3-0110C.0110	BLUE RHINO LLC		751 RESERVE CT		SOUTH ELGIN	IL	60177	
19-46-24-W3-0110C.0120	BURNS PROPERTY MANAGEMENT LLC		213 FAIRWEATHER LN		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0110D.0030	DYE GARY A & LOIS +		553 W31115 OLD VILLAGE RD		MUKWONAGO	WI	53149	
19-46-24-W3-0110D.0040	DEWEY KEITH CARTER & AMANDA		118 FAIRWEATHER LN		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0110D.0050	MAIER SIMEON E II		1999 92ND ST		CALEDONIA	MI	49316	
19-46-24-W3-0110D.0060	WOAD LLC		1999 92ND ST		CALEDONIA	MI	49316	
19-46-24-W3-0110D.0070	WD RETREAT LTD		330 LOUISIANA AVE		PERRYSBURG	OH	43551	
19-46-24-W3-0110D.0080	WD RETREAT LTD		330 LOUISIANA AVE		PERRYSBURG	OH	43551	
19-46-24-W3-0110D.0090	KATTA DAN II LLC	TIMOTHY HALEY	6526 S KANNER HWY	STE 308	STUART	FL	34997	
19-46-24-W3-0110D.0100	CHITTENDEN DALE R & JOANN TR		15925 138TH AVE		SPRING LAKE	MI	49456	
19-46-24-W3-0110D.0110	LOGAN GARY D II +		2914 BARBERRY DR		HOBART	IN	46342	
19-46-24-W3-0110D.0120	ROUSSEAU DONNA L		22 PINEHURST DR		WAREHAM	MA	02571	
19-46-24-W3-0110D.0130	NAM THOMAS		21530 INDIAN BAYOU DR		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0110D.0140	DORBAD PATRICK J &		495 ECHO CIRCLE		MARCO ISLAND	FL	34145	
19-46-24-W3-0120A.001A	WOLFPACK PROPERTIES LLC		567 SIMBURY ST		COLUMBUS	OH	43228	
19-46-24-W3-0120A.001B	WOLFPACK PROPERTIES LLC		567 SIMBURY ST		COLUMBUS	OH	43228	
19-46-24-W3-0120A.0020	NANKO RAYMOND S		919 WEST JACKSON ST		MUNCIE	IN	47305	
19-46-24-W3-0120A.0040	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120A.0050	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120A.0070	THOMAS E SWANBECK PA		2450 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.0090	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120A.0100	EMPIRE HOLDING CORP TR		PO BOX 19492		INDIANAPOLIS	IN	46219	
19-46-24-W3-0120A.013A	EMPIRE HOLDING CORP TR	RAINBOW REALTY GROUP INC	6104 E 21ST ST		INDIANAPOLIS	IN	46219	
19-46-24-W3-0120A.0150	FRENCH EDWIN T III		PO BOX 22538		INDIANAPOLIS	IN	46222	
19-46-24-W3-0120A.016A	COASTAL COTTAGES LLC		6850 W SOUTH LAKE GAGE DR		ANGOLA	IN	46703	
19-46-24-W3-0120A.016B	COASTAL COTTAGES LLC		6850 W SOUTH LAKE GAGE DR		ANGOLA	IN	46703	
19-46-24-W3-0120A.0170	TEZAK HELEN C TR		50 CHAPEL ST #4		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.017A	GOLDBERG GENNIE M TR		11793 ROYAL TEE CT		CAPE CORAL	FL	33991	
19-46-24-W3-0120A.0180	FMB COTTAGE LLC		2440 COTTAGE AVE		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.0190	BONFIGLI ANDREW & SUSAN		2434 COTTAGE AVE		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.0200	PAISLEY LLC		414 MARKET ST		IOWA CITY	IA	52245	
19-46-24-W3-0120A.0210	MCLAUGHLIN SAMUEL R &		4700 EDEN PARK DR		ZANESVILLE	OH	43701	
19-46-24-W3-0120A.0220	SCHLICHT EDITION		61 MANGO ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120B.0010	CHAPEL BY THE SEA		PO BOX 2997		FORT MYERS BEACH	FL	33932	
19-46-24-W3-0120B.0090	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120B.0100	ZENG GORDON & ZHU DONGHE		3312 AUGUSTA LN		ONALASKA	WI	54650	
19-46-24-W3-0120B.0110	ZENG GORDON & ZHU DONGHE		3312 AUGUSTA LN		ONALASKA	WI	54650	
19-46-24-W3-0120B.0120	JAMIESON JAMES J		13299 OAK HILL LOOP		FORT MYERS	FL	33912	
19-46-24-W3-0120C.0010	ROTH ALLAN T & RHONDA K		12232 JAY CIR NW		COON RAPIDS	MN	55448	
19-46-24-W3-0120C.0030	MORRIS TIMOTHY E & JOAN E		2092 NORBORN DR		LEXINGTON	KY	40502	
19-46-24-W3-0120C.0050	REILLY MICHAEL J &		222 MANGO ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120C.0060	JAMIESON JAMES J		13299 OAK HILL LOOP		FORT MYERS	FL	33912	
19-46-24-W3-0120C.0460	DUMERS JEANEEN		203 CHAPEL ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0010	GERSTENHABER RAM TR	BEACH CONNECTION	2401 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0020	CZULEWICZ MARYLU TR		4281 ORANGE RIVER LOOP RD		FORT MYERS	FL	33905	
19-46-24-W3-0120D.0030	BOREK TINA D		1605 PENNSAUKEN ST		CINNAMINSON	NJ	08077	
19-46-24-W3-0120D.0040	MANGO STREET LLC		126 MANGO ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0060	PAOLERCIO WILLIAM		2367 JIM HENRY RD		DANDRIDGE	TN	37725	
19-46-24-W3-0120D.0070	MERIDIAN ENTERPRISES II LLC		2248 OLD STATE RD		BEAUFORT	MO	63013	
19-46-24-W3-0120D.0080	BURNS PROPERTY MANAGEMENT LLC		536 SONOMA DR		BOLINGBROOK	IL	60490	
19-46-24-W3-0120D.0090	ROTH ALLAN T & RHONDA K		12232 JAY CIR NW		COON RAPIDS	MN	55448	
19-46-24-W3-0120D.0100	STALTER RICHARD		169 CHAPEL ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0110	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120D.0120	MEEHAN PATRICIA LYNN		293 ELM ST W		SUDBURY	ON	P3C 1V6	CANADA
19-46-24-W3-0120D.0130	BIG MARLIN PROPERTIES LLC		4704 VINCENNES BLVD		CAPE CORAL	FL	33904	
19-46-24-W3-0120D.0140	PPAFFINGER HEDWIG TR	JAMES SCHULTZ	1030 SPINDLE HILL RD		WOLCOTT	CT	06716	
19-46-24-W3-0120D.0150	RYAN JAMES		139 CHAPEL ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0190	CHAPEL BY THE SEA		PO BOX 2997		FORT MYERS BEACH	FL	33932	
19-46-24-W3-0120E.0040	BESSEY JAMES D		2 BARTLETT RD		NANTUCKET	MA	02554	
19-46-24-W3-0120E.0050	TOMMAR INC		9616 ROUND LAKE BLVD		WHITE LAKE	MI	48386	
19-46-24-W3-0120E.0060	SOTO JESUS +		PO BOX 366265		BONITA SPRINGS	FL	34136	
19-46-24-W3-0120E.0070	WICKETT LLOYD A &		5647 SHADDELEE LN W		FORT MYERS	FL	33919	
19-46-24-W3-0120E.0080	WICKETT LLOYD A &		5647 SHADDELEE LN W		FORT MYERS	FL	33919	
19-46-24-W3-0120E.0090	ROTH ALLAN		12232 JAY CIRCLE		COON RAPIDS	MN	55448	
19-46-24-W3-0120E.0100	ROTH ALLAN T		12232 JAY CIRCLE		COON RAPIDS	MN	55448	
19-46-24-W3-0120E.0110	ROTH ALLAN & RHONDA		12232 JAY CIRCLE		COON RAPIDS	MN	55448	

19-46-24-W3-0120E.0120	ROTH ALLAN T	12232 JAY CIR NW	COON RAPIDS	MN	55448
19-46-24-W3-0120E.0130	ANGIULO MICHAEL J & JAYME R	215 MANGO ST	FORT MYERS BEACH	FL	33931
19-46-24-W3-0120E.0140	174 FROST STREET LLC	103 WEEKS RD	EAST WILLISTON	NY	11596
19-46-24-W3-01301.0000	EMPIRE HOLDING CORP TR	PO BOX 19492	INDIANAPOLIS	IN	46219
19-46-24-W3-01302.0000	EMPIRE HOLDING CORP TR	PO BOX 19492	INDIANAPOLIS	IN	46219
19-46-24-W3-01303.0000	L OLOUGHLIN LLC	30111 BATES RD	PERRYSBURG	OH	43551
19-46-24-W3-04200.00CE	SEA BREEZE ESTATES CONDO ASSN	325 W LOCUST LN	KENNETT SQUARE	PA	19348
19-46-24-W3-04201.0010	71 MANGO LLC	15440 CATALPA COVE LANE	FORT MYERS	FL	33908
19-46-24-W3-04202.0020	71 MANGO LLC	15440 CATALPA COVE LN	FORT MYERS	FL	33908
19-46-24-W3-04300.00CE	NEPTUNE INN CONDO ASSN INC	PO BOX 508	RICHMOND	IL	60071
19-46-24-W4-00421.0000	PALMA FRED JR & RHONDA +	139 S PARK BLVD	GLEN ELLYN	IL	60137
19-46-24-W4-00422.0000	MAUGANS ALICE B	12890 SPENCER STREET	FORT MYERS	FL	33908
19-46-24-W4-00423.003A	MORIONDO LARRY E TR	15482 LAWRENCE 2130	MOUNT VERNON	MO	65712
19-46-24-W4-00423.004A	LANGLEY COLIN M TR	130 PEARL ST	FORT MYERS BEACH	FL	33931
19-46-24-W4-00423.005A	LANGLEY COLIN M & DIONE C TR	130 PEARL ST	FORT MYERS BEACH	FL	33931
19-46-24-W4-00423.006A	HORKAN CHAD M TR	1189 FOUR WINDS WAY	HARTLAND	WI	53029
19-46-24-W4-00423.007A	PAREDERO CLEMENTE & MARY L	140 PEARL ST	FORT MYERS BEACH	FL	33931
19-46-24-W4-00435.0000	NEAF JAMES C	125 PEARL ST	FORT MYERS BEACH	FL	33931
19-46-24-W4-00435.0010	2085 ESTERO LLC	2001 ESTERO BLVD	FORT MYERS BEACH	FL	33931
19-46-24-W4-00442.00A0	BUICE NANCY HURD TR	15174 PORTSIDE DR	FORT MYERS	FL	33908
19-46-24-W4-00444.0000	PEARL STREET PROPERTY HOLDINGS	PO BOX 2611	FORT MYERS BEACH	FL	33931
19-46-24-W4-00445.0000	JENKINS WAYNE +	829 NORWEST RD STE 421	KINGSTON	ON	KTP 2N3 CANADA
19-46-24-W4-0100G.0010	SURFUS JOHN D	PO BOX 2415	FORT MYERS BEACH	FL	33932
19-46-24-W4-0100G.0050	ALFARO-MALDONADO LINDA	121 DELMAR AVE	FORT MYERS BEACH	FL	33931
19-46-24-W4-0100G.0070	127 DELMAR LLC	7449 CEDAR RIDGE DR	PORTLAND	MI	48875
19-46-24-W4-0100G.0090	FRIEDRICH CHARLES DAVID +	114 FAIRBANKS ST	SANTA CRUZ	CA	95060
19-46-24-W4-0100G.0110	DELMAR BROTHERS LLC	135 DELMAR AVE	FORT MYERS BEACH	FL	33931
19-46-24-W4-0100G.0150	MARTIN RICHARD E &	11034 E KRAMER RD	BOWLING GREEN	OH	43402
19-46-24-W4-0100H.0010	BAISCH GAYLE LYNN +	1443 CLARET CT	FORT MYERS	FL	33919
19-46-24-W4-0100H.0020	CBD LLC	414 E MARKET ST	IOWA CITY	IA	52245
19-46-24-W4-02700.00CE	SURF SONG CONDO ASSOC INC	2088 ESTERO BLVD UNIT 2H	FORT MYERS BEACH	FL	33931
19-46-24-W4-03100.00CE	POLYNESIAN VACATION VILLAS	2096 ESTERO BLVD	FORT MYERS BEACH	FL	33931
19-46-24-W3-0430N.0001	CHG NEPTUNE ACQUISITIONS LLC	150 E BROAD ST	COLUMBUS	OH	43215
19-46-24-W4-02700.A000	BENNETT ROBERT W	5889 WATSON RD	EAU CLAIRE	MI	49111
19-46-24-W4-02702.00A0	R DOUGLAS HOVENDEN TRUST +	2088 ESTERO BLVD #2A	FORT MYERS BEACH	FL	33931
19-46-24-W4-02702.00B0	JOHNSON ROGER A TR	2088 ESTERO BLVD APT 2B	FORT MYERS BEACH	FL	33931
19-46-24-W4-02702.00C0	KAUFMAN CHRISTINE V TR	26442 BRICK LN	BONITA SPRINGS	FL	34134
19-46-24-W4-02702.00D0	HILL DOUGLAS E & KAYLA K	43 ONONDAGA ST	SKANEATELES	NY	13152
19-46-24-W4-02702.00E0	HAMILTON ROGER A & JANE M	2088 ESTERO BLVD #2E	FORT MYERS BEACH	FL	33931
19-46-24-W4-02702.00F0	OLIVER KENT D & JO-ANN A	18900 NALLE RD	NORTH FORT MYERS	FL	33917
19-46-24-W4-02702.00G0	MENDENHALL MURRAY J III &	10407 WOODLAND RIDGE WEST	FORT WAYNE	IN	46804
19-46-24-W4-02703.00A0	RAUSHEL JAN R TR	103 SOUTH DR	AITKIN	MN	56431
19-46-24-W4-02703.00B0	WALCHLI JAMES	2088 ESTERO BLVD #3B	FORT MYERS BEACH	FL	33931
19-46-24-W4-02703.00C0	FERGUS CHARLOTTE TR	2088 ESTERO BLVD #3C	FORT MYERS BEACH	FL	33931
19-46-24-W4-02703.00D0	JACKSON JOHN K TR	1400 N 100 E	HARTFORD CITY	IN	47348
19-46-24-W4-02703.00E0	MIZEL WILLIAM C & THERESA L	2088 ESTERO BLVD UNIT 4B	FORT MYERS BEACH	FL	33931
19-46-24-W4-02703.00F0	DUNDEE NICHOLAS J & LINDA M	2088 ESTERO BLVD #3F	FORT MYERS BEACH	FL	33931
19-46-24-W4-02703.00G0	SURF SONG CARNEY LLC	2809 GREAT NORTHERN LOOP #100	MISSOULA	MT	59808
19-46-24-W4-02704.00A0	HAPKIEWICZ ANNIS M TR	2088 ESTERO BLVD # 4A	FORT MYERS BEACH	FL	33931
19-46-24-W4-02704.00B0	MIZEL WILLIAM C & THERESA L	2088 ESTERO BLVD 4B	FORT MYERS BEACH	FL	33931
19-46-24-W4-02704.00C0	COURRIER DAWN LARAE	16005 25TH AVE N	PLYMOUTH	MN	55447
19-46-24-W4-02704.00D0	RAVENSCROFT JEAN A TR	69525 CHRISTIANN CREEK DR	EDWARDSBURG	MI	49112
19-46-24-W4-02704.00E0	KEITH THOMAS E & EILEEN M	5853 HACKER DR	WEST BEND	WI	53095
19-46-24-W4-02704.00F0	THREE SISTERS MANAGEMENT	3340 WELLINGTON BLVD	CRAWFORDSVILLE	IN	47933
19-46-24-W4-02704.00G0	MAZER BERNARD A & DIANNE M TR	W22157455 CAROL DRIVE	MUSKEGO	WI	53150
19-46-24-W4-02705.00A0	WILLIAMS MARY J TR	11131 WOODS BAY LN	INDIANAPOLIS	IN	46236
19-46-24-W4-02705.00B0	FRANTZ M RYAN & ERIKA E	5480 LARISSA PL	CARMEL	IN	46033
19-46-24-W4-02705.00C0	FRIEDMAN JEFFREY &	2013 WILDERNESS TR	SPRINGFIELD	IL	62711
19-46-24-W4-02705.00D0	DECONCINI CHRISTOPHER M TR	45281 RED PINE LOOP	PERHAM	MN	56573
19-46-24-W4-02705.00E0	SCHOLTZ STEPHEN A	124 KINGSWAY CRESCENT	TORONTO	ON	M8X 252 CANADA
19-46-24-W4-02705.00F0	NELSON ROBERT A TR	1302 STANFIELD ST	SOUTH BEND	IN	46617
19-46-24-W4-02705.00G0	STENSRUDE LARRY C TR	2088 ESTERO BLVD UNIT 5G	FORT MYERS BEACH	FL	33931
19-46-24-W4-03100.0010	LYONS KRISTIN E	2096 ESTERO BLVD #1	FORT MYERS BEACH	FL	33931
19-46-24-W4-03100.0020	RAGAN JOHN	5600 REVERE RUN	CANFIELD	OH	44406
19-46-24-W4-03100.0030	JONES FRANK TR	2010 46TH AVE #2	GREELEY	CO	80634
19-46-24-W4-03100.0040	SAVERY TIMOTHY LYDEN &	406 SW 30TH AVE	CAPE CORAL	FL	33991
19-46-24-W4-03100.0050	MOGLIA SANDRA	17 DIVISION ST W APT 2	GREENWICH	CT	06830
19-46-24-W4-03100.0060	DUNFEE ALLEN MARK & SUSAN M	402 SW 30TH AVE	CAPE CORAL	FL	33991
19-46-24-W4-03100.0070	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYERS BEACH	FL	33931
19-46-24-W4-03100.0080	MALOTT PATRICK T	7840 MELBOURNE RD	SAGINAW	MI	48604
19-46-24-W4-03100.0090	BERMEL STEVEN	900 PARK AVE	MUSCATINE	IA	52761
19-46-24-W4-03100.0100	LEINDECKER ROBERT JOHN	6961 WILLOW HWY	GRAND LEDGE	MI	48837
19-46-24-W4-03100.0110	STRONG DANIEL	3610 BAYNARD DR	PUNTA GORDA	FL	33950
19-46-24-W4-03100.0120	GABRIEL RUSTIE L +	6961 WILLOW HWY	GRAND LEDGE	MI	48837
19-46-24-W4-03100.0130	LOFFRENO CHRISTIAN P	17916 GREY HERON CT	FORT MYERS BEACH	FL	33931
19-46-24-W4-03100.0140	LOFFRENO CHRISTIAN P	17916 GREY HERON CT	FORT MYERS BEACH	FL	33931
19-46-24-W4-03100.0150	LOFFRENO CHRISTIAN P	17916 GREY HERON CT	FORT MYERS BEACH	FL	33931

EXHIBIT 6-7 PROPERTY OWNER MAP



TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
FINANCE DEPT
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

2201 ESTERO LLC
8360 SW 112TH ST
MIAMI FL 33156

2201 ESTERO LLC
8360 SW 112 ST
MIAMI FL 33156

2201 ESTERO LLC
8360 SW 112 ST
MIAMI FL 33156

BROWN LENNDA JOE TR
16210 LARSEN AVE
GOWEN MI 49326

JMP&W LLC
7906 ARIEL WAY
MCLEAN VA 22102

KOSTER RODNEY & THERESE
880 3RD ST
FORT MYERS BEACH FL 33931

MATTHEWS JOHN MORRIS
221 S ADAMS ST
WEST CHESTER PA 19382

FERRARO KIM A +
800 BENJAMIN FRANKLIN DR #208
SARASOTA FL 34236

TOLLETTE JEFFREY R &
1959 135TH AVE NW
ANDOVER MN 55304

MGNM PROPERTIES LLC
1009 N TOWN & RIVER DR
FORT MYERS FL 33919

CHG NEPTUNE ACQUISITIONS LLC
MARK A DAMANTE
150 E BROAD ST STE 800
COLUMBUS OH 43215

B + B CASH GROCERY STORES INC
PO BOX 1808 #78
TAMPA FL 33601

BC MASTERPIECE LLC
12601 LAS OLAS LANE # 123
FORT MYERS FL 33919

BIRKART HANS +
12601 LAS OLAS LN #123
FORT MYERS FL 33919

DEWESE BRUCE R +
14685 WESTON RD
WESTON OH 43569

WHITE SWAN INVESTMENTS LLC
148 BAYLOR AVE
HILLSDALE NJ 07642

COULTER BEAU & TRACY R
760 STONEGATE PASS
COLGATE WI 53017

BLUE RHINO LLC
751 RESERVE CT
SOUTH ELGIN IL 60177

BURNS PROPERTY MANAGEMENT LLC
213 FAIRWEATHER LN
FORT MYERS BEACH FL 33931

DYE GARY A & LOIS +
S53 W31115 OLD VILLAGE RD
MUKWONAGO WI 53149

DEWEY KEITH CARTER & AMANDA
118 FAIRWEATHER LN
FORT MYERS BEACH FL 33931

MAIER SIMEON E II
1999 92ND ST
CALEDONIA MI 49316

WOAD LLC
1999 92ND ST
CALEDONIA MI 49316

WD RETREAT LTD
330 LOUISIANA AVE
PERRYSBURG OH 43551

WD RETREAT LTD
330 LOUISIANA AVE
PERRYSBURG OH 43551

KATTA DAN II LLC
TIMOTHY HALEY
6526 S KANNER HWY STE 308
STUART FL 34997

CHITTENDEN DALE R & JOANN TR
15925 138TH AVE
SPRING LAKE MI 49456

LOGAN GARY D II +
2914 BARBERRY DR
HOBART IN 46342

ROUSSEAU DONNA L
22 PINEHURST DR
WAREHAM MA 02571

NAM THOMAS
21530 INDIAN BAYOU DR
FORT MYERS BEACH FL 33931

DORBAD PATRICK J &
495 ECHO CIRCLE
MARCO ISLAND FL 34145

WOLFPACK PROPERTIES LLC
567 SIMBURY ST
COLUMBUS OH 43228

WOLFPACK PROPERTIES LLC
567 SIMBURY ST
COLUMBUS OH 43228

NANKO RAYMOND S
919 WEST JACKSON ST
MUNCIE IN 47305

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

THOMAS E SWANBECK PA
2450 ESTERO BLVD
FORT MYERS BEACH FL 33931

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

EMPIRE HOLDING CORP TR
PO BOX 19492
INDIANAPOLIS IN 46219

EMPIRE HOLDING CORP TR
RAINBOW REALTY GROUP INC
6104 E 21ST ST
INDIANAPOLIS IN 46219

FRENCH EDWIN T III
PO BOX 22538
INDIANAPOLIS IN 46222

COASTAL COTTAGES LLC
6850 W SOUTH LAKE GAGE DR
ANGOLA IN 46703

COASTAL COTTAGES LLC
6850 W SOUTH LAKE GAGE DR
ANGOLA IN 46703

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

GOLDBERG GENNIE M TR
11793 ROYAL TEE CT
CAPE CORAL FL 33991

FMB COTTAGE LLC
2440 COTTAGE AVE
FORT MYERS BEACH FL 33931

BONFIGLI ANDREW & SUSAN
2434 COTTAGE AVE
FORT MYERS BEACH FL 33931

PAISLEY LLC
414 MARKET ST
IOWA CITY IA 52245

MCLAUGHLIN SAMUEL R &
4700 EDEN PARK DR
ZANESVILLE OH 43701

SCHLICHTE EDITH
61 MANGO ST
FORT MYERS BEACH FL 33931

CHAPEL BY THE SEA
PO BOX 2997
FORT MYERS BEACH FL 33932

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

ZENG GORDON & ZHU DONGHE
3312 AUGUSTA LN
ONALASKA WI 54650

ZENG GORDON & ZHU DONGHE
3312 AUGUSTA LN
ONALASKA WI 54650

JAMIESON JAMES J
13299 OAK HILL LOOP
FORT MYERS FL 33912

ROTH ALLAN T & RHONDA K
12232 JAY CIR NW
COON RAPIDS MN 55448

MORRIS TIMOTHY E & JOAN E
2092 NORBORN DR
LEXINGTON KY 40502

REILLY MICHAEL J &
222 MANGO ST
FORT MYERS BEACH FL 33931

JAMIESON JAMES J
13299 OAK HILL LOOP
FORT MYERS FL 33912

DUMERS JEANEEN
203 CHAPEL ST
FORT MYERS BEACH FL 33931

GERSTENHABER RAM TR
BEACH CONNECTION
2401 ESTERO BLVD
FORT MYERS BEACH FL 33931

CZULEWICZ MARYLU TR
4281 ORANGE RIVER LOOP RD
FORT MYERS FL 33905

BOREK TINA D
1605 PENNSAUKEN ST
CINNAMINSON NJ 08077

MANGO STREET LLC
126 MANGO ST
FORT MYERS BEACH FL 33931

PAOLERCIO WILLIAM
2367 JIM HENRY RD
DANDRIDGE TN 37725

MERIDIAN ENTERPRISES II LLC
2248 OLD STATE RD
BEAUFORT MO 63013

BURNS PROPERTY MANAGEMENT LLC
536 SONOMA DR
BOLINGBROOK IL 60490

ROTH ALLAN T & RHONDA K
12232 JAY CIR NW
COON RAPIDS MN 55448

STALTER RICHARD
169 CHAPEL ST
FORT MYERS BEACH FL 33931

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

MEEHAN PATRICIA LYNN
293 ELM ST W
SUDBURY ON P3C 1V6
CANADA

BIG MARLIN PROPERTIES LLC
4704 VINCENNES BLVD
CAPE CORAL FL 33904

PFÄFFINGER HEDWIG TR
JAMES SCHULTZ
1030 SPINDLE HILL RD
WOLCOTT CT 06716

RYAN JAMES
139 CHAPEL ST
FORT MYERS BEACH FL 33931

CHAPEL BY THE SEA
PO BOX 2997
FORT MYERS BEACH FL 33932

BESSEY JAMES D
2 BARTLETT RD
NANTUCKET MA 02554

TOMMAR INC
9616 ROUND LAKE BLVD
WHITE LAKE MI 48386

SOTO JESUS +
PO BOX 366265
BONITA SPRINGS FL 34136

WICKETT LLOYD A &
5647 SHADDELEE LN W
FORT MYERS FL 33919

WICKETT LLOYD A &
5647 SHADDELEE LN W
FORT MYERS FL 33919

ROTH ALLAN
12232 JAY CIRCLE
COON RAPIDS MN 55448

ROTH ALLAN T
12232 JAY CIRCLE
COON RAPIDS MN 55448

ROTH ALLAN & RHONDA
12232 JAY CIRCLE
COON RAPIDS MN 55448

ROTH ALLAN T
12232 JAY CIR NW
COON RAPIDS MN 55448

ANGIULO MICHAEL J & JAYME R
215 MANGO ST
FORT MYERS BEACH FL 33931

174 FROST STREET LLC
103 WEEKS RD
EAST WILLISTON NY 11596

EMPIRE HOLDING CORP TR
PO BOX 19492
INDIANAPOLIS IN 46219

EMPIRE HOLDING CORP TR
PO BOX 19492
INDIANAPOLIS IN 46219

L OLOUGHLIN LLC
30111 BATES RD
PERRYSBURG OH 43551

SEA BREEZE ESTATES CONDO ASSN
325 W LOCUST LN
KENNETT SQUARE PA 19348

71 MANGO LLC
15440 CATALPA COVE LANE
FORT MYERS FL 33908

71 MANGO LLC
15440 CATALPA COVE LN
FORT MYERS FL 33908

NEPTUNE INN CONDO ASSN INC
BLUE VISTA CAPITAL LLC
PO BOX 508
RICHMOND IL 60071

PALMA FRED JR & RHONDA +
139 S PARK BLVD
GLEN ELLYN IL 60137

MAUGANS ALICE B
12890 SPENCER STREET
FORT MYERS FL 33908

MORIONDO LARRY E TR
15482 LAWRENCE 2130
MOUNT VERNON MO 65712

LANGLEY COLIN M TR
130 PEARL ST
FORT MYERS BEACH FL 33931

LANGLEY COLIN M & DIONE C TR
130 PEARL ST
FORT MYERS BEACH FL 33931

HORKAN CHAD M TR
1189 FOUR WINDS WAY
HARTLAND WI 53029

PAREDERO CLEMENTE & MARY L
140 PEARL ST
FORT MYERS BEACH FL 33931

NEAF JAMES C
125 PEARL ST
FORT MYERS BEACH FL 33931

2085 ESTERO LLC
2001 ESTERO BLVD
FORT MYERS BEACH FL 33931

BUICE NANCY HURD TR
15174 PORTSIDE DR
FORT MYERS FL 33908

PEARL STREET PROPERTY HOLDINGS
PO BOX 2611
FORT MYERS BEACH FL 33931

JENKINS WAYNE +
829 NORWEST RD STE 421
KINGSTON ON K7P 2N3
CANADA

SURFUS JOHN D
PO BOX 2415
FORT MYERS BEACH FL 33932

ALFARO-MALDONADO LINDA
121 DELMAR AVE
FORT MYERS BEACH FL 33931

127 DELMAR LLC
7449 CEDAR RIDGE DR
PORTLAND MI 48875

FRIEDRICH CHARLES DAVID +
114 FAIRBANKS ST
SANTA CRUZ CA 95060

DELMAR BROTHERS LLC
135 DELMAR AVE
FORT MYERS BEACH FL 33931

MARTIN RICHARD E &
11034 E KRAMER RD
BOWLING GREEN OH 43402

BAISCH GAYLE LYNN +
1443 CLARET CT
FORT MYERS FL 33919

CBD LLC
414 E MARKET ST
IOWA CITY IA 52245

SURF SONG CONDO ASSOC INC
2088 ESTERO BLVD UNIT 2H
FORT MYERS BEACH FL 33931

POLYNESIAN VACATION VILLAS
2096 ESTERO BLVD
FORT MYERS BEACH FL 33931

CHG NEPTUNE ACQUISITIONS LLC
MARK A DAMANTE
150 E BROAD ST STE 800
COLUMBUS OH 43215

BENNETT ROBERT W
5889 WATSON RD
EAU CLAIRE MI 49111

R DOUGLAS HOVENDEN TRUST +
2088 ESTERO BLVD #2A
FORT MYERS BEACH FL 33931

JOHNSON ROGER A TR
2088 ESTERO BLVD APT 2B
FORT MYERS BEACH FL 33931

KAUFMAN CHRISTINE V TR
26442 BRICK LN
BONITA SPRINGS FL 34134

HILL DOUGLAS E & KAYLA K
43 ONONDAGA ST
SKANEATELES NY 13152

HAMILTON ROGER A & JANE M
2088 ESTERO BLVD #2E
FORT MYERS BEACH FL 33931

OLIVER KENT D & JO-ANN A
18900 NALLE RD
NORTH FORT MYERS FL 33917

MENDENHALL MURRAY J III &
10407 WOODLAND RIDGE WEST
FORT WAYNE IN 46804

RAUSHEL JAN R TR
103 SOUTH DR
AITKIN MN 56431

WALCHLI JAMES
2088 ESTERO BLVD #3B
FORT MYERS BEACH FL 33931

FERGUS CHARLOTTE TR
2088 ESTERO BLVD #3C
FORT MYERS BEACH FL 33931

JACKSON JOHN K TR
1400 N 100 E
HARTFORD CITY IN 47348

MIZEL WILLIAM C & THERESA L
2088 ESTERO BLVD UNIT 4B
FORT MYERS BEACH FL 33931

DUNDEE NICHOLAS J & LINDA M
2088 ESTERO BLVD #3F
FORT MYERS BEACH FL 33931

SURF SONG CARNEY LLC
2809 GREAT NORTHERN LOOP #100
MISSOULA MT 59808

HAPKIEWICZ ANNIS M TR
2088 ESTERO BLVD # 4A
FORT MYERS BEACH FL 33931

MIZEL WILLIAM C & THERESA L
2088 ESTERO BLVD 4B
FORT MYERS BEACH FL 33931

COURRIER DAWN LARAE
16005 25TH AVE N
PLYMOUTH MN 55447

RAVENSROFT JEAN A TR
69525 CHRISTIANN CREEK DR
EDWARDSBURG MI 49112

KEITH THOMAS E & EILEEN M
5853 HACKER DR
WEST BEND WI 53095

THREE SISTERS MANAGEMENT
3340 WELLINGTON BLVD
CRAWFORDSVILLE IN 47933

MAZER BERNARD A & DIANNE M TR
W221S7455 CAROL DRIVE
MUSKEGO WI 53150

WILLIAMS MARY J TR
11131 WOODS BAY LN
INDIANAPOLIS IN 46236

FRANTZ M RYAN & ERIKA E
5480 LARISSA PL
CARMEL IN 46033

FRIEDMAN JEFFREY &
2013 WILDERNESS TR
SPRINGFIELD IL 62711

DECONCINI CHRISTOPHER M TR
45281 RED PINE LOOP
PERHAM MN 56573

SCHOLTZ STEPHEN A
124 KINGSWAY CRESCENT
TORONTO ON M8X 2S2
CANADA

NELSON ROBERT A TR
1302 STANFIELD ST
SOUTH BEND IN 46617

STENSRUDE LARRY C TR
2088 ESTERO BLVD UNIT 5G
FORT MYERS BEACH FL 33931

LYONS KRISTIN E
2096 ESTERO BLVD #1
FORT MYERS BEACH FL 33931

RAGAN JOHN
5600 REVERE RUN
CANFIELD OH 44406

JONES FRANK TR
2010 46TH AVE #2
GREELEY CO 80634

SAVERY TIMOTHY LYDEN &
406 SW 30TH AVE
CAPE CORAL FL 33991

MOGLIA SANDRA
17 DIVISION ST W APT 2
GREENWICH CT 06830

DUNFEE ALLEN MARK & SUSAN M
402 SW 30TH AVE
CAPE CORAL FL 33991

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

MALOTT PATRICK T
7840 MELBOURNE RD
SAGINAW MI 48604

BERMEL STEVEN
900 PARK AVE
MUSCATINE IA 52761

LEINDECKER ROBERT JOHN
6961 WILLOW HWY
GRAND LEDGE MI 48837

STRONG DANIEL
3610 BAYNARD DR
PUNTA GORDA FL 33950

GABRIEL RUSTIE L +
6961 WILLOW HWY
GRAND LEDGE MI 48837

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

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

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

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: Sandy Bottoms CPD Amendment
Authorized Applicant: 1249 Estero Adventures LLC
STRAP Number(s): 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030

Current Property Status:
Current Zoning: CPD
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? ☐ yes, ☒ no FLUM Density Range: 6 du/ac

Requested Action:

☐	DRI (with rezoning)
☒	Planned Development (also check below)
☐	Rezoning from: _____ to: _____
☐	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 ENCLOSED NARRATIVE	

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)
SEE ENCLOSED NARRATIVE	



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]



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

[illegible]

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

3/30/2021

Guide to Filing Supplement PH-D for Planned Developments

Amendments Applications for amendments to an approved Master Concept Plan or its attendant documentation will require as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in surrounding land uses that have occurred since the original application. Some amendments can be approved administratively as provided in LDC Section 34-219, but all other amendments must proceed through the public hearing process.

Through a pre-application meeting with Community Development staff, prospective applicants can determine whether proposed amendments will require a public hearing, and can request waivers from any submittal requirements that are not necessary to specify the changes requested.

All other planned developments All other applications must complete and submit the Request for Public Hearing and Supplement PH-D, along with all required documents. Refer also to the instructions for the Request for Public Hearing form.

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 whether the request is a DRI (Development of Regional Impact) that requires rezoning, a Planned Development, or an amendment to a Planned Development.

Part 1 Narrative Statements:

Comprehensive Plan Amendments

If Comprehensive Plan Amendments are pending that might affect the future use of the property, explain the amendments' possible effects.

Construction Phasing

If the project is to be constructed in multiple phases, describe the ordering and timing of the proposed phasing. In the absence of a phasing plan, phasing of development would be governed by the limitations of LDC Section 34-220.

Comprehensive Plan Compliance

Explain how the proposed development complies with the Fort Myers Beach Comprehensive Plan. Address the Future Land Use Map category or categories applicable to the subject property and any other relevant policies.

Design Standards Compliance

For properties and/or projects as described in LDC Section 34-992, explain how the proposed development will comply with the standards in LDC Sections 34-991 through 34-997.

Decision-making compliance

Explain how the proposed development will comply with the standards for decision-making in LDC Section 34-85.

Schedule of deviations and written justification

Identify the deviations from the requirements of the Land Development Code that are requested for the proposed development and justify them in relation to the guidance in LDC Section 34-932(b).

Administrative amendments

If the request is for an amendment to a planned development, indicate which of the requested changes could not be approved administratively as allowed by LDC Section 34-219.

Part 2 Submittal Requirements

Public Hearing Application Form. Applications for rezoning, including Planned Developments and Planned Development amendments for which public hearing is required, consist of the Public Hearing form and the supplemental form PH-D. Both parts of the application form must be completed and submitted.

Master Concept Plan. The master concept plan consists of maps, graphic illustrations, and written statements concerning the development. Space has

been provided on this form for many of the required narrative statements, though they can be attached on separate sheets. A master concept plan must include the following required information:

- a. The general size, configuration, and location of each development phase, and a description of the phasing of construction, unless the development is to be constructed in a single phase.
- b. The maximum height of any proposed buildings or structures, using the Land Development Code's method of measuring building height (see LDC Section 34-631).
- c. Proposed principal and accessory uses, identified using the terminology employed in the Land Development Code. Employ the groupings of uses in Tables 34-1 and 34-2 of the Land Development Code, or specify individual uses if necessary.
- d. The density and intensity of the proposed uses, in terms of dwelling units by type, or through conversion factors for hotel/motel units. Provide gross square footages for types of commercial uses, and maximum Floor-Area Ratio.
- e. The minimum width and composition of proposed buffers along the perimeter of the property. References to the types of buffers required by LDC chapter 10 are acceptable.
- f. The location of any environmentally sensitive land and water, based on standard environmental data capable of verification by Town staff. Developments larger than one acre in size may require a protected species survey under LDC Section 10-473.
- g. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development, with distances from other existing or planned rights-of-way or access points.
- h. Access and facilities for public transit, if applicable.
- i. The general location of stormwater management areas.
- j. The specific locations of requested deviations, including sample detail drawings illustrating their effects if applicable.
- k. The exact location of existing rights-of-way and easements, whether or not those easements are recorded.
- l. Proposed dedications, if any, including beach access, boat ramps, park or recreation areas, open space, or other easements.

Traffic Impact Statement. A traffic impact statement in the same format and to the same degree of detail required for development orders (LDC Section 10-286).

TIS WAIVER GRANTED

Architectural Elevations. Architectural elevations or three-dimensional renderings that show at minimum all building façades adjoining public streets. These drawings will serve for the sketch requirement of LDC Section 34-202(b)(5) as well. If aspects of the proposed design will not comply with the commercial design standards of LDC Sections 34-991 through 34-997 (if required), the applicant may request deviations from those standards.

Schedule of uses. A list of all proposed principal and accessory uses. Identify these uses by reference to the groups of uses in Tables 34-1 and 34-2 of the Land Development Code unless greater specificity is necessary. For amendments to planned developments that were approved under different regulations, the enumeration of uses in the schedule of uses supplied for the amendment must be specific enough to explain what uses were previously approved without future reference to prior regulations or approvals.



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

NARRATIVE

BACKGROUND & REQUEST

The Applicant, 1249 Estero Adventures LLC as represented by The Neighborhood Company, is submitting this Planned Development Rezone Application to request an amendment to the existing CPD Ordinance 22-06. The property has a Future Land Use (FLUM) Map Designation of *Boulevard* and is within the *Commercial Boulevard* Zoning District.

The subject property is located at 2301/2307 & 2311 Estero Boulevard, 111 & 121 Mango St. and is comprised of four parcels, that total +/- 0.65 acres (See Figure 1). The STRAP #s include: 194624W30110D0010, 194624W30120E0010, 194624W30120E0020, 194624W30120E0030. The subject property is located approximately 3/4+/- mile from the Matanza Pass Bridge (See Figure 2).

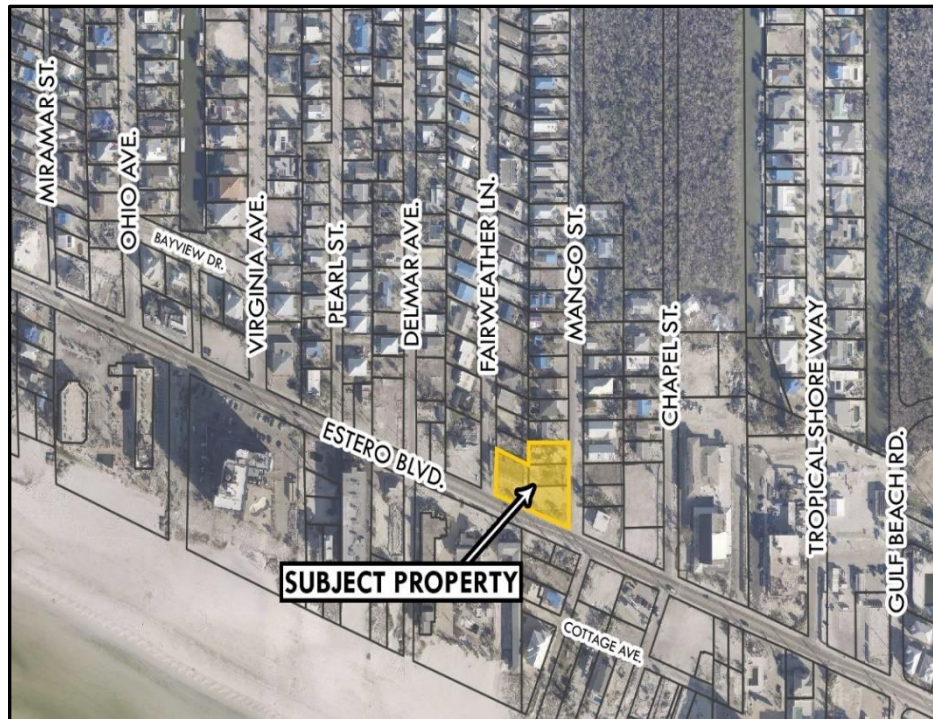


Figure 1. Location Map

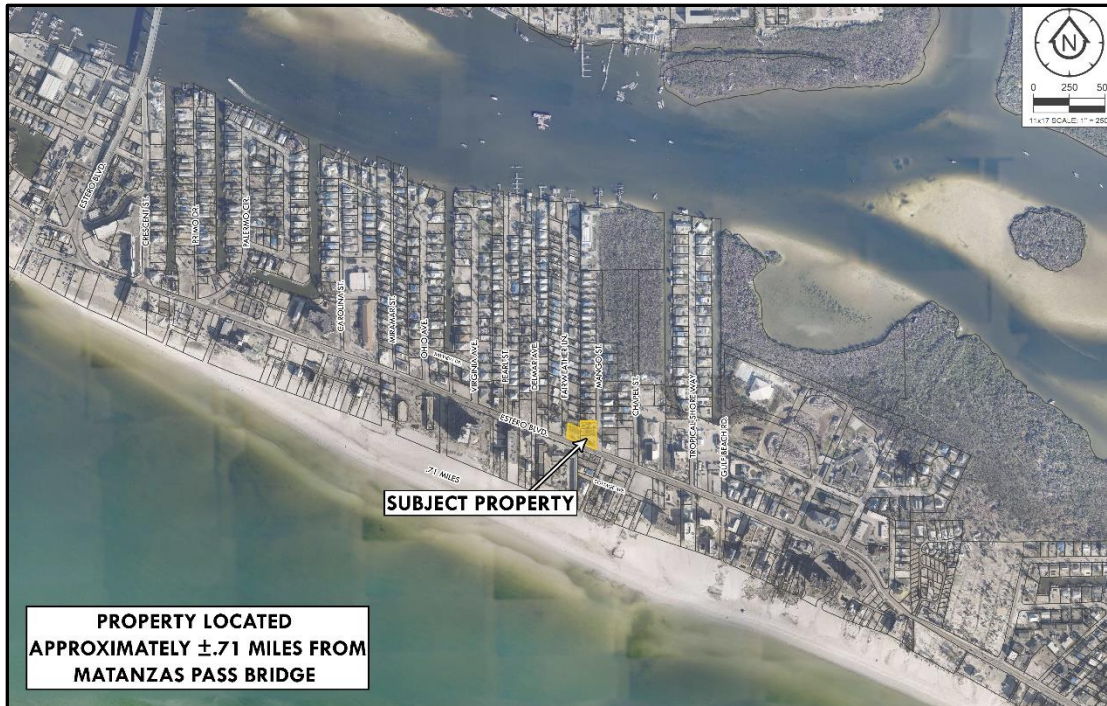


Figure 2. Vicinity Map

PROPOSED USE/REDEVELOPMENT

The applicant is proposing an amendment to the existing CPD pursuant to Resolution 22-06. Prior to Hurricane Ian, the subject properties included a commercial building that housed a restaurant, fka Big John's Board Walk Eatery and the recent Tuckaway Café, an ice cream shop, outdoor seating area and parking for those uses. Subsequent to Hurricane Ian, the building still stands but with considerable damage. The property was sold to 1249 Estero Adventures LLC in 2023. The new owner proposes to redevelop the property and renovate the existing restaurant and expand the outdoor seating area previously approved.

The expansion of the outdoor seating area will include a Tiki structure and the addition of outdoor entertainment. The applicant is also requesting to replace the current 2COP to a 4COP to allow the serving of liquor along with the previously permitted beer and wine. The applicant is aware of the State requirements to obtain a 4COP but first needs the approval of the activity from the Town Council. The previously approved "Manufacturer of Malt Beverages in Vendor Premises" (CMBP) License for production and consumption on premises of malt beverages will remain.

The prior approval included eleven (11) conditions and eleven (11) deviations. This proposal includes eight (8) deviations as some of the prior deviations are no longer relevant. Some of the prior approved deviations will continue, and some of the deviations reflect the minor site design changes. The following includes the existing and proposed uses and development standards as depicted on the MCP. The referenced deviation requests and justifications are provided in the attached schedule.



Schedule of Uses:

- Residential – Open
- Lodging - Limited
- Office – Limited
 - Offices, General or Medical
 - Personal Services
- Retail – Limited
 - Restaurant (limited to 2) with outdoor seating as indicated on the MCP.
 - On-Premises consumption of alcoholic beverages served only in conjunction with restaurant(s) and including approximately 2,750 square feet of outdoor seating area as indicated on the MCP.
 - On-Site Brewing of Beer for Consumption on Premises.
 - 4COP and GMBP Florida Department of Alcoholic Beverages and Tobacco permits.
- Civic-Open
- Entertainment – Indoor and Outdoor, limited to music both live and recorded.
- Typical Accessory Uses Incidental and Subordinate to the Principal Uses.

Development Standards:

Minimum Lot Size:

- Lot Area: 0.65 +/- Acres
- Lot Width: 220 +/- Feet
- Lot Depth: 110 +/- Feet

Build-To Line:

- Estero Blvd.: 3 – 10 Feet (Deviation #3)

Minimum Setbacks (Primary Structures):

- Streets (Other Than Estero): 10 Feet (Deviation #4)
- Rear: 2 Feet (Deviation #5)
- Side: 5 Feet

Minimum Setbacks (Accessory Structures):

- Streets (Other Than Estero): 10 Feet (Deviation #4)
- Rear: 2 Feet (Deviation #5)
- Side: 5 Feet

Maximum Zoned Height: 30 Feet Above Base Flood Elevation

Maximum Zoned Stories: 2 Above Base Flood Elevation

Maximum Intensity:

Maximum floor area of 4,000 square feet of enclosed commercial space.

Maximum 2,750 square feet of outdoor seating area.



LOCATION, SITE DESIGN & COMPATIBILITY

Location

The subject properties are located approximately three quarters of a mile from Times Square and are located at the north end of the Civic Complex area of Fort Myers Beach. The properties front on the northeast side of Estero Boulevard between Fairweather Lane and Mango Street. The project is surrounded by vacant and damaged commercial properties as well as various resorts and residential properties. The customer base for this project will pull from the surrounding area as well as passerby pedestrian and vehicular traffic. Based on the smaller size of this project compared to those in the Times Square area, it will provide a neighborhood scale restaurant and entertainment option primarily for the more immediate area.

Site Design

The location of the existing building and the unusual shape of the property has presented design challenges that resulted in the prior approval of eleven (11) deviations. This amendment includes deviations previously approved with some additional requests. It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

The existing building is located approximately 2.3ft from Fairweather Lane and is approximately 46ft. from Estero Boulevard. The Tiki structure will be 5+/- ft. from the west property line (Fairweather Lane) and 3+/- ft. from the south property line (Estero Boulevard).

The proposed hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area. Outdoor entertainment will be permitted until 11pm and located as depicted on the MCP to minimize any sound spillage to the north.

A dumpster enclosure will be relocated along the western fence line and buffer. This location was determined based on its accessibility for the waste management trucks. The parking area will include a stormwater dry detention island.

Outdoor Seating

The proposed expanded outdoor seating and Tiki structure will create a more inviting space that adds character to the pedestrian experience along Estero Boulevard. In addition, the Tiki structure will provide protection from the elements while keeping the open-air atmosphere. Along with the Tiki structure a landscape buffer along Estero Boulevard will add to the ambience of the public realm. The proposed outdoor entertainment will be located within the Tiki footprint and as clearly defined on the MCP where the music can be performed. The Tiki structure will be located approximately three (3) feet from the front property line corresponding with Deviation #3 to allow a 3ft. to 10ft. build-to line.



Vehicular and Pedestrian access

The site design provides a direct connection to a transit stop, on property bicycle racks and a walkway connection from the existing sidewalk to the restaurant. These elements further encourage bicycle and pedestrian activity and minimize the need to accommodate vehicular traffic.

Vehicular access will be provided from two points of access on Mango Street, which were previously approved (see Deviation #8). The parking lot is reconfigured to allow both directions of traffic on the drive aisles instead of the one-way on the north drive aisle. This will allow for a logical circulation pattern and will provide safer ingress and egress movements from Mango Street.

Buffers and Screening

The proposed buffers along the north and northeast property lines target the existing and vacant residential properties. Due to the existing building located approximately two (2) feet from the rear property line, two deviations were previously approved to allow a 2ft setback instead of the required 20ft setback and a deviation to allow an 8ft. 100% opaque fence in place of a C/F buffer. Both of these are memorialized on the MCP and in Deviations #1 and #5.

The proposed buffer along the northeastern property line adjacent to a vacant residential property will include the following: a minimum 12-foot-wide buffer adjacent to the northern parking lot spaces providing 10 trees and 30 shrubs per 100 linear feet with a 4- to 8-foot-high opaque fence. The fencing has already been installed and the existing plantings will be augmented to meet the requirements, if needed. The 4-foot segment of the fence accommodates the visibility triangle required at connections to a public road. The only change from the previous approval is the width going from 15ft. to 12ft. The 3ft. difference allowed the parking area to accommodate the two-way circulation. This buffer exceeds the previously approved Type “C” Buffer with the proposed plantings and wall.

The proposed buffer at the northwestern property line running perpendicular to the commercial building will include a minimum 5 ft. wide buffer with 10 trees and 30 shrubs per 100 linear feet along with the existing 8-foot opaque fence. The proposed dumpster enclosure will be placed adjacent to this buffer as depicted on the MCP.

The perimeter of the parking area will have a 5ft. Type “D” buffer adjacent to Mango Street and Estero Boulevard rights of way. This deviation was previously approved (see Deviation #2).

In order to add to the public realm ambience and compatibility the applicant is proposing to include landscaping at the southwest corner along Fairweather Lane and Estero Boulevard as shown on the MCP. Although buffers are not required along rights of way, the 5ft. area along Fairweather Lane will have a Type “B” buffer planting which includes trees and a hedgerow and the 3ft. area in front of the Tiki structure will have a 3ft. hedgerow.



Surrounding Uses

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Mixed Residential/Platted Overlay	Residential Multi-Family, Residential Conservation	Single-Family Residences and vacant parcels.
SOUTH	Boulevard	Commercial Planned Development, Commercial Boulevard, Commercial Resort	Estero Blvd., Neptune Resort and vacant parcels
EAST	Boulevard	Commercial Boulevard & Residential Multi-Family	Mango Street, Vacant/Commercial
WEST	Boulevard	Commercial Boulevard	Fairweather Lane, Residential & Vacant Commercial

Compatibility

Based on the surrounding uses, compatibility with the residential uses existing and permitted immediately north of the property was considered with the site design and layout. The development standards, buffers and screening, further ensure compatibility with adjacent uses and are appropriate for property located in the Commercial Boulevard District. This property has operated as a restaurant for many years including Big John's Board Walk Eatery and the recent Tuckaway Café. The previously established restaurants have a proven history of being compatible at this location with the surrounding uses over the years. The addition of the Tiki structure and outdoor entertainment will be located on the Estero Boulevard side of the existing building. The location and restricting the outdoor entertainment to no later than 11pm, an hour before closing, will limit any perceived impacts to the surrounding area. In addition, the applicant will provide landscape buffers at the corner of Fairweather and Estero Boulevard to further mollify any perceived impacts and to add to the pedestrian experience along Estero Boulevard. Based on the above, this amendment will readily meet the definition of compatibility per the LDC.

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.



**THE FOLLOWING ADDRESSES APPLICABLE SECTIONS PROVIDED FOR IN THE
PLANNED DEVELOPMENT APPLICATION – SUPPLEMENT PHD 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 - Civic Center and Coconut Village RV Park Mixed-Use District



Figure 3. Proposed FLUM category

The applicant is aware that the Town of Fort Myers Beach has initiated an update to the Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). This initiative was presented before the LPA on January 18, 2023 (Yellow Sheet #2023-895) and the Town Council on March 20, 2023. As of the date of this submittal, these updates are still in process. Should the proposed updates be approved, the subject property would be reclassified to the "Civic Center and Coconut Village RV Park Mixed-Use District" FLUM category (See Figure 3). Currently, the Applicant desires to move forward with this petition and intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center & Coconut Village RV Park Mixed-Use District category. Items included in the updated FLUE, which have been considered within this petition, include multi-modal improvements along with contributions to the public realm.



B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The proposed redevelopment proposes enhancements to the frontage along Estero Boulevard and throughout the site. These enhancements will include improved vehicular circulation within the parking area, a more attractive façade along Estero Boulevard created by the proposed Tiki structure. The direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard fulfill the intent of Objective 1-A and Policy 1-A-1.

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 reestablish a restaurant business that has been in business for several years. The proposed redevelopment of the neighborhood scale restaurant that has pedestrian friendly elements including the direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard. 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 renovations of the existing building and Tiki structure will be built to meet current applicable codes.



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.

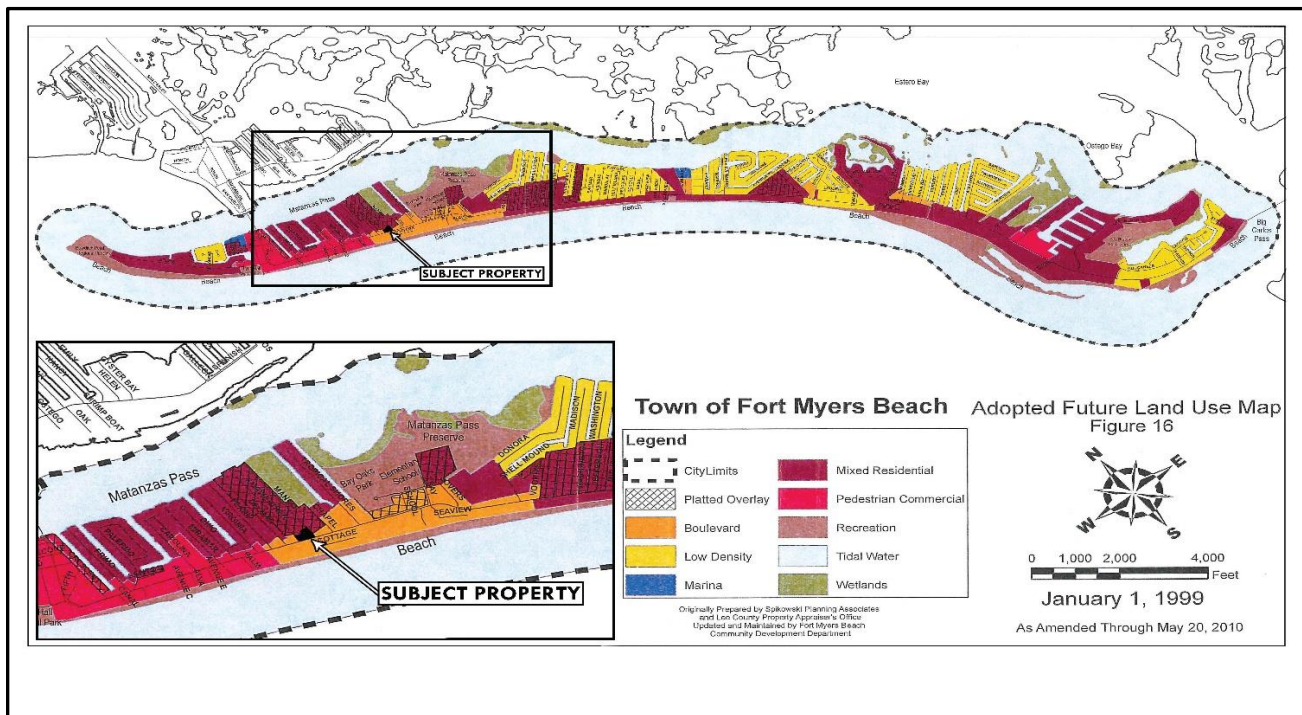
Located along Estero Boulevard, and in close proximity to civic uses, resorts, and residential uses, the proposed project will re-establish a long-standing restaurant that has provided a neighborhood scale gathering location for decades.

The proposed site configuration will provide the elements to contribute to the pedestrian oriented public realm including on property bike racks, a connection to the bus/trolley stop, pedestrian connection to the restaurant directly from Estero Boulevard. The addition of the Tiki structure and landscaping will create a more inviting, safer, visually attractive development ensuring locational compatibility and improved pedestrian oriented elements consistent with Policy 4-A-2.

POLICY 4-B-5 “BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is six dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and 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 connections to the transit stop and bicycle racks connect to the existing sidewalk along Estero Boulevard. These proposed enhancements will contribute to the pedestrian-oriented public realm of Fort Myers Beach and are consistent with Policy 4-B-5.

The maximum Floor Area Ratio (FAR) specified under the Commercial Boulevard District described in the Land Development Code (LDC) may be as high as 1.0. The existing 4,000 sq. ft. building is well within the allowed 28,314 sq. ft.



POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The various buffers and layout of the project that directs the more intense activity toward Estero Boulevard are taking into consideration the residential properties to the north and west of the property. As previously stated, contribution to the public realm is fulfilled through the various elements of the project.

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



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.

As stated per Objective 4-D, the proposed redevelopment of the site and renovations of the existing building will be in compliance with all applicable federal, state and local regulations to develop a more 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 improvements to the parking layout and circulation. The project encourages the use of alternate travel modes under Policy 7-D-3 by providing bike racks for bicycle parking and will maintain a pedestrian connection to the existing transit top 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

Pursuant to Sec. 34-707- Commercial design standards, the Commercial Boulevard district states that the commercial design standards shall apply to newly built and substantial improvements to buildings. In this case the existing building is not expanding and would not be required to adhere to design standards. However, by the addition of a Tiki structure and the public realm elements such as the transit stop, bicycle racks, direct connections to and from the existing sidewalk, this project would be consistent with the intent of the Commercial design standards pursuant to sec.34-991 through 34-1010.

(intentionally left blank)



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 CPD amendment. 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, the previously approved deviations will still apply along with additional deviations to assist in the improvements to the public realm and pedestrian circulation.

(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 CPD amendment will allow the re-establishment of a neighborhood restaurant that has been at this location for decades.

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

The proposed CPD amendment is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC) and specifically for Planned Developments which encourages flexibility in the development and design standards.

(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.

It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

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

All urban services are 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. 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.

Based on the layout and design elements of the development, 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.

(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 amendment reestablishes a restaurant that has been located here for decades, 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. A waiver to LDC Section 10-286, Traffic Impact Statement (TIS), was granted by the Town. The CPD does improve the site design to facilitate and enhance bicycle and pedestrian access.

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

This request to amend an existing CPD on the subject property will be presented at a 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 restaurant use, as provided for within the Schedule of Uses, is appropriate for the subject location due to the fact that a restaurant 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.
- 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" and the above narrative.
 - 2. Policies 4-B-5 and 4-C-3: See Section "C" above and the narrative.
 - 3. Policy 4-C-4: Proposed height of 30 feet is not taller than the standard height limit allowed under the Land Development Code.
 - 4. Policy 4-C-8: Density transfers. Not applicable.
 - 5. Policy 4-E-1: The existing development was consistent with and well below the allowed intensity (FAR 1.0) prior to the natural disaster (Hurricane Ian). The existing 4,000sq.ft. building will not be expanded and will continue to meet the limits of the FAR.
 - 6. Policy 7-D-3 Alternate Travel Modes: See Section "C" and the narrative.

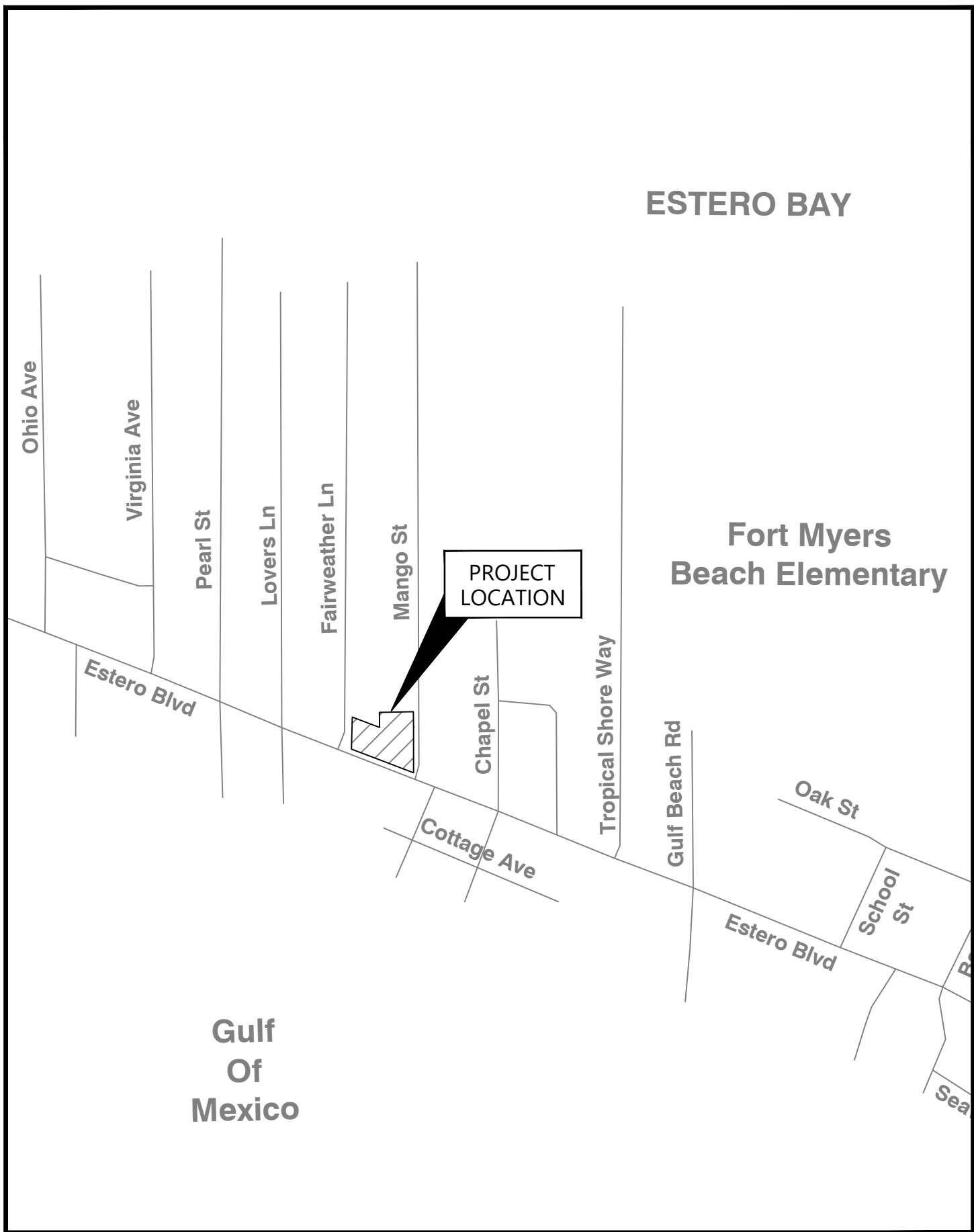
CONCLUSION:

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. The project proposes to utilize the regulatory flexibility of the CPD process, to reestablish a much-revered neighborhood restaurant.

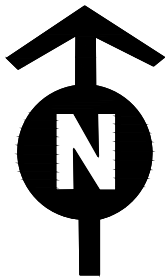
MASTER CONCEPT PLAN FOR

SANDY BOTTOMS CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

1249 ESTERO ADVENTURES LLC

290 BAHIA VIA
FORT MYERS BEACH, FL 33931

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	December, 2023	PROJECT No.: 220050.01.01
		SHEET No.: 1 OF 3

GENERAL NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
3. TOTAL CPD/DEVELOPMENT AREA: 0.66 +/- ACRES
4. FUTURE LAND USE MAP CATEGORY: BOULEVARD
5. EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
6. THE PROJECT WILL BE DEVELOPED IN ONE PHASE.
7. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
8. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.

SCHEDULE OF USES:

- RESIDENTIAL - OPEN
- LODGING - LIMITED
 - o OFFICES - LIMITED
 - o OFFICES, GENERAL OR MEDICAL
- PERSONAL SERVICES
- RETAIL - LIMITED
 - o RESTAURANT (LIMITED TO 2) WITH OUTDOOR SEATING AS INDICATED ON THE MCP.
 - o ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED ONLY IN CONJUNCTION WITH RESTAURANT(S) AND INCLUDING APPROXIMATELY 2,750 SQUARE FEET OF OUTDOOR SEATING AREA AS INDICATED ON THE MCP.
 - o ON-SITE BREWING OF BEER FOR CONSUMPTION ON PREMISES.
 - o 4COP AND GMBP FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO PERMITS.
- CIVIC - OPEN
- ENTERTAINMENT - INDOOR AND OUTDOOR, LIMITED TO MUSIC BOTH LIVE AND RECORDED.
- TYPICAL ACCESSORY USES INCIDENTAL AND SUBORDINATE TO THE PRINCIPLE USES.

MAXIMUM INTENSITY:

- MAXIMUM FLOOR AREA RATIO (F.A.R.)/GROSS FLOOR AREA ALLOWED: 1.0 OR 43,124.4 SF
- MAXIMUM GROSS FLOOR AREA PROVIDED: 4,000 SF OF ENCLOSED COMMERCIAL SPACE

PARKING:

- REQUIRED:
 - o RESTAURANT (INDOOR AND OUTDOOR SEATING AREA) 8 SPACES PER 1,000 SF (1 SPACE PER 125 SF)
- o $6,750 \text{ SF (4,000 SF INDOOR AREA + 2,750 SF)} / 125 = 54 - 2 \text{ SPACE REDUCTION FOR 8 BICYCLE SPACES} = 52$
- PROVIDED:
 - o 34 (INCLUDING 2 ADA SPACES) PER DEVIATION #6

DEVIATIONS:

1. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A TYPE C/F BUFFER WHERE PROPOSED COMMERCIAL AND PARKING USES ADJACENT TO SINGLE FAMILY RESIDENTIAL USES, TO ALLOW THE FOLLOWING AS INDICATED ON THE MCP:
 - AN EXISTING 8 FOOT HIGH OPAQUE FENCE ADJACENT TO THE EXISTING BUILDING.
 - A MINIMUM 5 FOOT BUFFER ADJACENT TO THE DUMPSTER ENCLOSURE AREA PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN EXISTING 8 FOOT HIGH OPAQUE FENCE.
 - A MINIMUM 12 FOOT BUFFER ADJACENT TO THE NORTHERN PARKING LOT SPACES PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 4 TO 8 FOOT HIGH OPAQUE FENCE.
2. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A 15 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY, TO ALLOW FOR A 5 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY. (PRIOR APPROVED)
3. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(A), WHICH REQUIRES BUILDINGS TO BE CONSTRUCTED BETWEEN FIVE (5) TO TEN (10) FEET FROM ESTERO BOULEVARD, TO ALLOW A BUILD-TO DISTANCE BETWEEN THREE (3) TO TEN (10) FEET FROM ESTERO BOULEVARD.
4. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-707(B)(1)A, WHICH REQUIRES A MINIMUM 10 FOOT STREET SETBACK TO ALLOW FOR A MINIMUM 2.39 FOOT STREET SETBACK FROM FAIRWEATHER LANE TO THE EXISTING BUILDING AND A MINIMUM 5 FOOT STREET SETBACK FROM FAIRWEATHER LANE FOR THE PROPOSED OUTDOOR SEATING AREA STRUCTURE.
5. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(B)(1)B, WHICH REQUIRES A MINIMUM 20 FOOT REAR SETBACK, TO ALLOW FOR A TWO-FOOT REAR SETBACK TO ACCOMMODATE THE EXISTING BUILDING. (PRIOR APPROVED)
6. DEVIATION FROM LDC SECTION 34-2020(D)(2)H, WHICH REQUIRES 8 PARKING SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING ANY OUTDOOR SEATING AREA AND A REDUCTION OF 2 SPACES FOR 8 BICYCLE SPACES (FOR A TOTAL OF 52 REQUIRED PARKING SPACES) TO ALLOW FOR A 35% REDUCTION FROM THE LDC REQUIREMENT FOR A TOTAL OF 34 PROVIDED SPACES.
7. DEVIATION FROM LDC SECTION 34-201 7, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE, TO ALLOW FOR A CRUSHED SHELL OR LIMEROCK SURFACE. (PRIOR APPROVED)
8. DEVIATION FROM LDC SECTION 34-285 AND TABLE 10-1, WHICH REQUIRES 125 OF CONNECTION SEPARATION ALONG LOCAL ROADS, TO ALLOW FOR 96+/- FEET OF CONNECTION SEPARATION ALONG MANGO STREET. (PRIOR APPROVED)

DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE:

- LOT AREA: 0.65 +/- ACRES
- LOT WIDTH: 220 +/- FEET
- LOT DEPTH: 110 +/- FEET

BUILD-TO LINE:

- ESTERO BLVD.: 3 - 10 FEET (DEVIATION #3)

MINIMUM SETBACKS (PRIMARY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

MINIMUM SETBACKS (ACCESSORY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

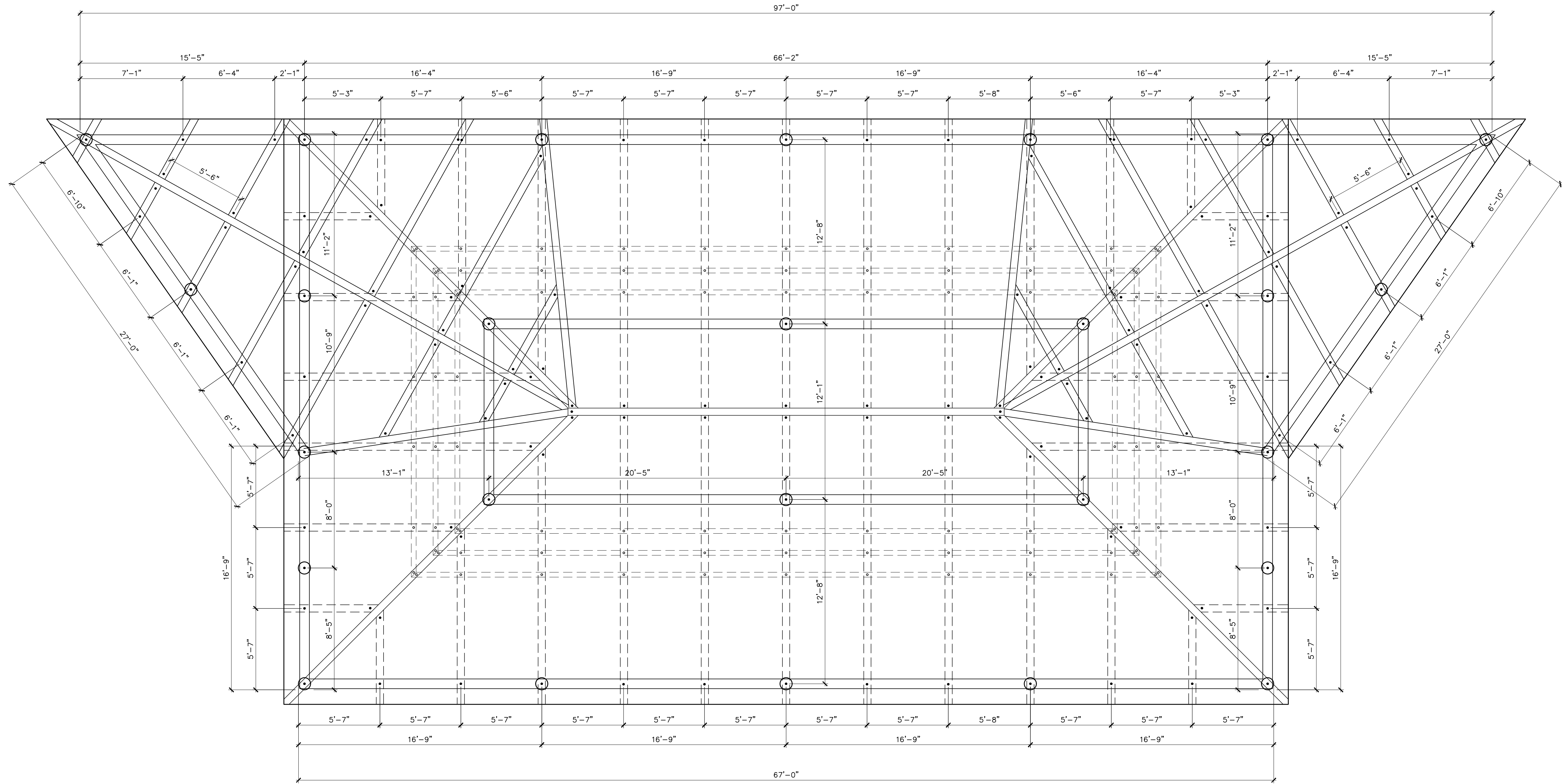
MAXIMUM ZONED HEIGHT: 30 FEET ABOVE BASE FLOOD ELEVATION

MAXIMUM ZONED STORIES: 2 ABOVE BASE FLOOD ELEVATION

[illegible]

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COM/COMPANY

CLIENT: 1249 ESTERO ADVENTURES LLC	PROJECT NO.: 220050.01 01	
	DATE: 11/23	DRAWN: F.L.
	DESIGN: K.G.	
	TITLE: SANDY BOTTOMS PLANNED DEVELOPMENT (CPD)	
SHEET NUMBER: 3 OF 3		NOTES



PLAN

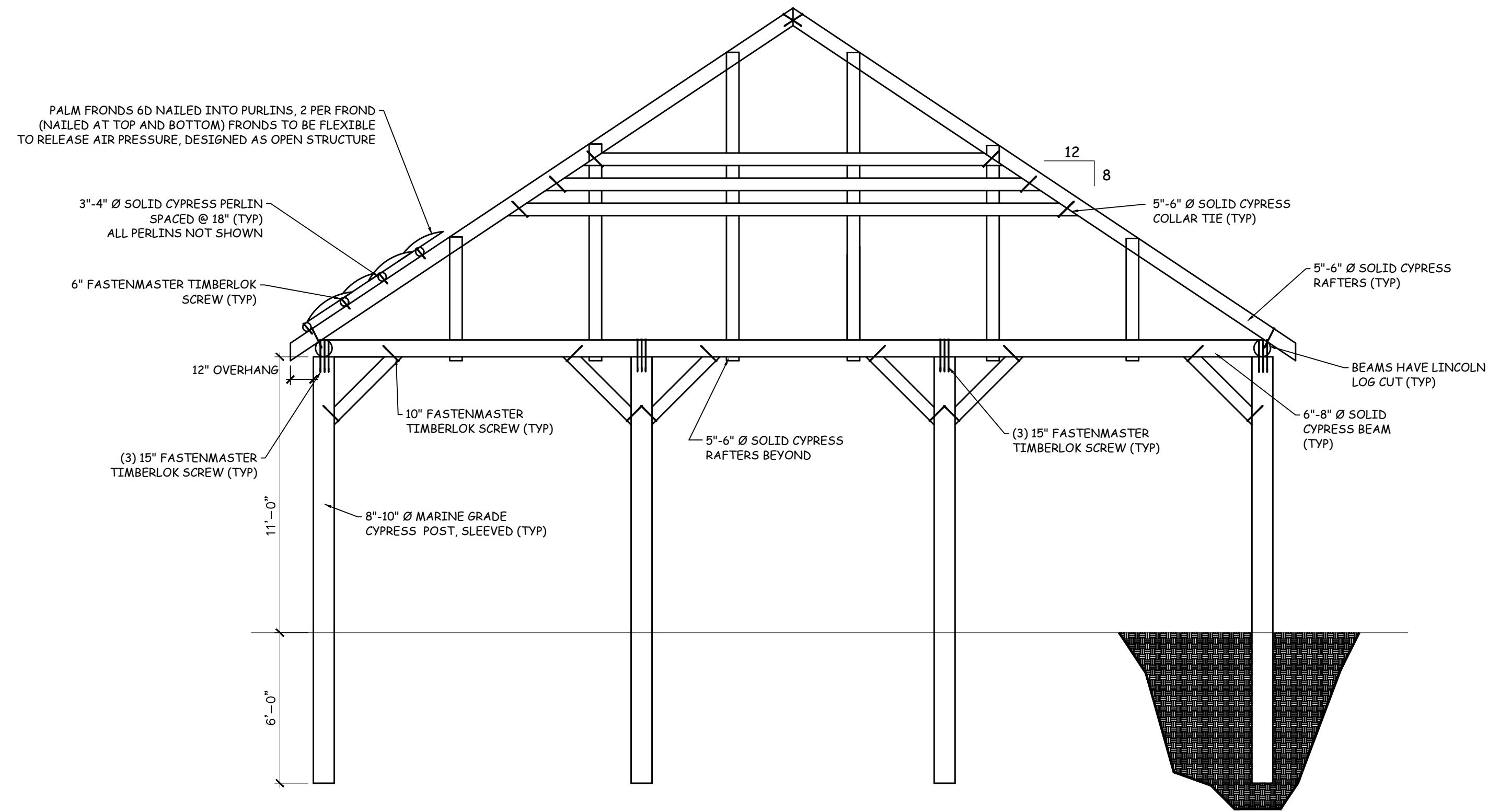
I HEREBY CERTIFY:
THAT THE CONSTRUCTION PLANS SHOWN HEREON ARE IN COMPLIANCE WITH
CHAPTER 16, SECTION 1609 OF THE 2020, 7th EDITION, FLORIDA BUILDING CODE FOR
170 M.P.H. ULTIMATE DESIGN WIND SPEED (RISK CATEGORY II) ALONG WITH
THE ENTIRE 2020 FLORIDA BUILDING CODE, COMMERCIAL.

PROJECT: BIG KAHUNA – MILLER 2307 Estero Blvd Fort Myers Beach, FL 33931		 ENGINEER OF RECORD: 4-D ENGINEERING LLC 1074 S FLORIDA AVE SUITE 201 LAKELAND, FL 33803 PHONE: (386) 937-1949 FL CERTIFICATE OF AUTHORIZATION # 31557 CAREY L. WILKINSON, P.E. – FL # 80472	CONTRACTOR:		REVISIONS #	DISCRIPTION	DATE
DATE: 10-3-2023							
DRAWN BY: KJS							
SCALE: AS NOTED							
SHEET							
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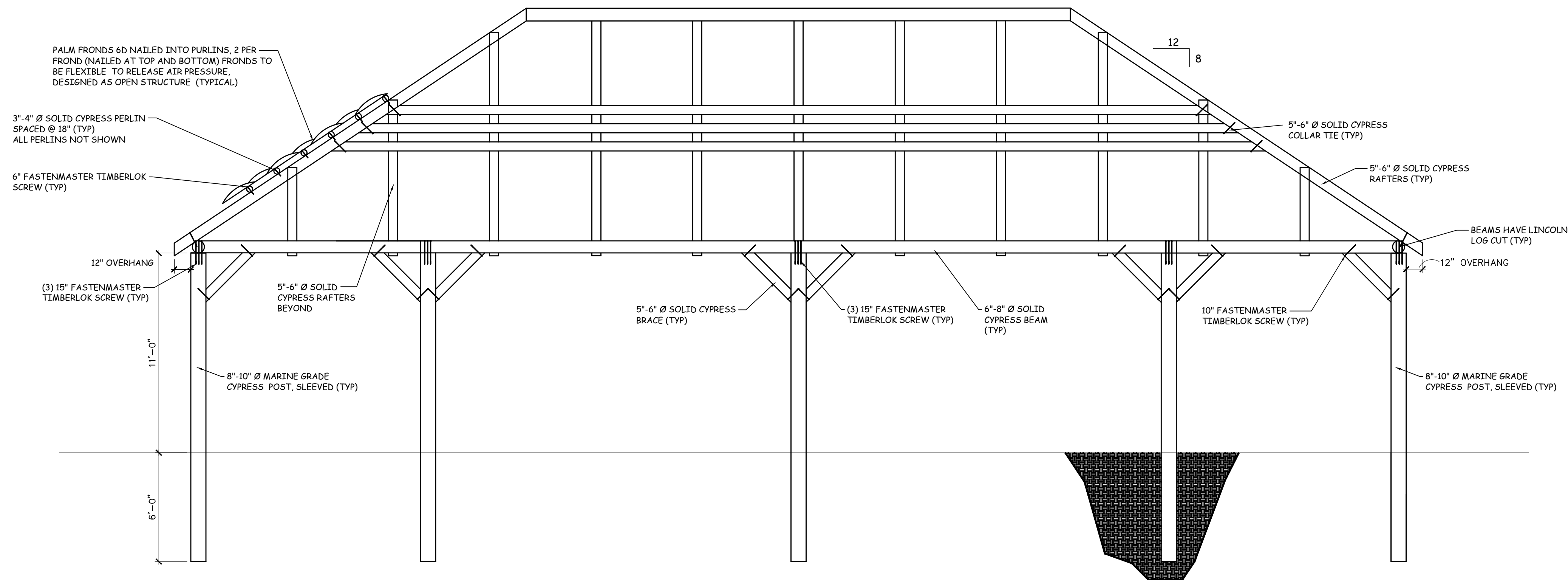
1. PILE TIP TO BE MINIMUM OF 4'-0" BELOW GRADE. PILE TO BACKFILLED AND COMPACTED IN 12" LIFTS

1. PILE TIP TO BE MINIMUM OF 4'-0" BELOW GRADE. PILE TO BACKFILLED AND COMPACTED IN 12" LIFTS
2. THESE PLANS BE DRAWN BASE UPON A MINIMUM SOIL BEARING CAPACITY OF 3,000 LBS (DEVELOPED FROM END BEARING AND SKIN FRICTION) PER PILE.
3. 4-D ENGINEERING SHALL NOT BE RESPONSIBLE FOR THE SITE SOILS ABILITY TO SUPPORT THE BUILDING LOADS.
4. ALL FASTENERS TO BE FASTENMASTER TIMBERLOCK HEAVY DUTY SCREWS WITH MINIMUM 2" EMBED
5. ALL TIMBERS SHALL BE SOLID CYPRESS NO. 1 GRADE
6. CONSTRUCTION CLASSIFICATION: TYPE VB
7. STRUCTURE HAS BEEN DESIGNED AS OPEN
8. WIND EXPOSURE: D
9. USE GROUP: COMMERCIAL
10. TREAT THATCH W/ FIRE PROOF RETARDANT

- 6" FASTENMASTER TIMBERLOK SCREW
- 10" FASTENMASTER TIMBERLOK SCREW
- 15" FASTENMASTER TIMBERLOK SCREW



SECTION B-B



SECTION A-A

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DATE: 10-3-2023		REVISIONS: #		DATE	
DRAWN BY: KJS					
SCALE: AS NOTED					
SHEET 2					

1. PILE TIP TO BE MINIMUM OF 4'-0" BELOW GRADE. PILE TO BACKFILLED AND COMPACTED IN 12" LIFTS

3. 4-D ENGINEERING SHALL NOT BE RESPONSIBLE FOR THE SITE SOILS ABILITY TO SUPPORT THE BUILDING LOADS.

5. ALL TIMBERS SHALL BE SOLID CYPRESS NO. 1 GRADE

6. CONSTRUCTION CLASSIFICATION: TYPE VB

7. STRUCTURE HAS BEEN DESIGNED AS OPEN

8. WIND EXPOSURE: D

9. USE GROUP: COMMERCIAL

10. TREAT THATCH W/ FIRE PROOF RETARDANT

- PALM FRONDS 6D NAILED INTO PURLINS, 2 PER FROND —
(NAILED AT TOP AND BOTTOM) FRONDS TO BE FLEXIBLE
TO RELEASE AIR PRESSURE, DESIGNED AS OPEN STRUCTURE
(TYPICAL)

3"-4" Ø SOLID CYPRESS PERLIN —
SPACED @ 18" (TYP)
ALL PERLINS NOT SHOWN

6" FASTENMASTER ———
TIMBERLOK SCREW (TYP)

STRUCTURE BEYOND

5"-6" Ø SOLID —

5"-6" Ø SOLID
CYPRESS RAFTERS
BEYOND

8"-10" Ø MARINE GRADE
CYPRESS POST, SLEEVED (TYP)

6"-8" Ø SOLID
CYPRESS BEAM
(TYP)

5"-6" Ø SOLID CYPRESS
BRACE (TYP)

~ (3) 15" FASTENMASTER
TIMBERLOK SCREW (TYP)

3

— STRUCTURE BEYOND

5"-6" Ø SOLID CYPRESS
COLLAR TIE (TYP)

5"-6" Ø SOLID CYPRESS
RAFTERS (TYP)

BEAMS HAVE LINCOLN LOG CUT (TYP)

10" FASTENMASTER —
TIMBERLOK SCREW (TYPE)

8"-10" Ø MARINE GRADE ———
CYPRESS POST, SLEEVED (TYP)

12" OVERHANG

— STRUCTURE BEYOND

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DATE: 10-3-2023 DRAWN BY: KJS SCALE: AS NOTED						
SHEET						
3						



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

1. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A TYPE C/F BUFFER WHERE PROPOSED COMMERCIAL AND PARKING USES ABUT SINGLE FAMILY RESIDENTIAL USES, TO ALLOW THE FOLLOWING AS INDICATED ON THE MCP:

- a. AN EXISTING 8-FOOT-HIGH OPAQUE FENCE ADJACENT TO THE EXISTING BUILDING.**

Justification: This deviation was previously approved due to the existing building's 2ft. setback from the property line.

- b. A MINIMUM 5 FOOT BUFFER ADJACENT TO THE DUMPSTER ENCLOSURE AREA PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 8-FOOT-HIGH OPAQUE FENCE.**

Justification: This deviation exceeds the Type "C" buffer previously approved by including the proposed plantings with a wall. The only difference is the 5 ft. width instead of the previously approved 14 ft. The overall intent of the Type "C" buffer will be exceeded within the 5 ft. width. This 5 ft. width accommodates the new dumpster enclosure location.

- c. A MINIMUM 12 FOOT BUFFER ADJACENT TO THE NORTHERN PARKING LOT SPACES PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 4- TO 8-FOOT-HIGH OPAQUE FENCE.**

Justification: This deviation exceeds the Type "C" buffer previously approved by including the proposed plantings with a wall. The only difference is the 12 ft. width instead of the previously approved 15 ft. The previous approval permitted a Type "C" buffer without a wall. The fencing has already been installed and the existing plantings will be augmented to meet the requirements, if needed. The 4-foot segment of the fence accommodates the visibility triangle required at connections to a public road. The only change from the previous approval is the width going from 15 ft. to 12 ft. The 3 ft. difference allowed the parking area to accommodate the two-way circulation.



2. **DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A 15 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY, TO ALLOW FOR A 5 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY. (PRIOR APPROVED)**

3. **DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(A), WHICH REQUIRES BUILDINGS TO BE CONSTRUCTED BETWEEN FIVE (5) TO TEN (10) FEET FROM ESTERO BOULEVARD, TO ALLOW A BUILD-TO DISTANCE BETWEEN THREE (3) TO TEN (10) FEET FROM ESTERO BOULEVARD.**

Justification: This deviation was previously approved to accommodate the existing building which is 46 ft. from Estero Boulevard. With the proposed placement of the Tiki structure in front of the building a revised deviation is proposed to allow a 3 ft. build-to distance. This deviation will allow a greater presence along Estero Boulevard and add to the ambience of the public realm.

4. **DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-707(B)(1)A, WHICH REQUIRES A MINIMUM 10 FOOT STREET SETBACK TO ALLOW FOR A MINIMUM 2.3 FOOT STREET SETBACK FROM FAIRWEATHER LANE TO THE EXISTING BUILDING AND A MINIMUM 5 FOOT STREET SETBACK FROM FAIRWEATHER LANE FOR THE PROPOSED OUTDOOR SEATING AREA STRUCTURE.**

Justification: This deviation was previously approved to accommodate the existing building which is 2.39 ft. from Fairweather Lane. With the proposed placement of the Tiki structure in front of the building a revised deviation is proposed to allow a 5 ft. setback from Fairweather Lane. There will be a 5ft. landscape buffer along Fairweather Lane and a 3ft. landscape buffer along Estero Boulevard in front of the Tiki structure. This deviation will allow a greater presence along Estero Boulevard and add to the ambience of the public realm and pedestrian experience.

5. **DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(B)(1)B, WHICH REQUIRES A MINIMUM 20 FOOT REAR SETBACK, TO ALLOW FOR A TWO-FOOT REAR SETBACK TO ACCOMMODATE THE EXISTING BUILDING. (PRIOR APPROVED)**

6. **DEVIATION FROM LDC SECTION 34-2020(D)(2)H, WHICH REQUIRES 8 PARKING SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING ANY OUTDOOR SEATING AREA AND A REDUCTION OF 2 SPACES FOR 8 BICYCLE SPACES (FOR A TOTAL OF 52 REQUIRED PARKING SPACES) TO ALLOW FOR A 35% REDUCTION FROM THE LDC REQUIREMENT FOR A TOTAL OF 34 PROVIDED SPACES.**



Justification: This deviation was previously approved to for a 30% reduction. The project has refined the parking area to provide two-way access for improved vehicle access management and maneuverability on-site, 8 bicycle racks, a direct connection to the 8 ft. sidewalk along Estero Boulevard and the transit stop. These elements meet the Comprehensive Plan goals to accommodate more pedestrian traffic and alternative modes of transportation rather than vehicular traffic. Approving an additional reduction will not significantly impact the pedestrian, bicycling and transit accommodations to enhance other modes of transportation and will minimize the need for any further impervious areas within the project. In addition, the restaurant has previously demonstrated that it is mainly a pedestrian and bicycle-oriented destination and as a result the need for onsite parking would actually be less than the LDC standard.

- 7. DEVIATION FROM LDC SECTION 34-201 7, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE, TO ALLOW FOR A CRUSHED SHELL OR LIMEROCK SURFACE. (PRIOR APPROVED)**

- 8. DEVIATION FROM LDC SECTION 34-285 AND TABLE 10-1, WHICH REQUIRES 125 OF CONNECTON SEPARATION ALONG LOCAL ROADS, TO ALLOW FOR 96+/- FEET OF CONNECTION SEPARATION ALONG MANGO STREET. (PRIOR APPROVED)**



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

SCHEDULE OF USES

The following uses were previously approved pursuant to CPD Ordinance 22-06 and LDC Table 4-2 with the exception of the added uses in **bold**. These include increasing the outdoor seating area from 1,000 sq.ft. to 2,750 sq.ft., a 4COP in place of the 2COP and amplified music/entertainment outdoors.

- Residential – Open
- Lodging - Limited
- Office – Limited
 - Offices, General or Medical
 - Personal Services
- Retail – Limited
 - Restaurant (limited to 2) with outdoor seating as indicated on the MCP
 - On-Premises consumption of alcoholic beverages served only in conjunction with restaurant(s) and including approximately **2,750 square feet of outdoor seating area** as indicated on the MCP
 - On-Site Brewing of Beer for Consumption on Premises.
 - **4COP** and GMBP Florida Department of Alcoholic Beverages and Tobacco permits
- Civic-Open
- **Entertainment – Indoor and Outdoor, limited to music both live and recorded.**
- **Typical Accessory Uses Incidental and Subordinate to the Principal Uses.**

ORDINANCE 22-06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 12-07, AND AMENDING THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND 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, Tre and Amy, Inc. ("Applicant"), the owner of the property generally located at 2301, 2307 & 2311 Estero Blvd., and 111 and 121 Mango St. and identified by STRP numbers 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020 and 19-46-24-W3-0120E.0030 - comprising .66 +/- acre of land ("Property"), filed an application to amend the Property's Commercial Planned Development ("CPD") to allow on-site brewing and consumption of beer; and

WHEREAS, the Property is in the Boulevard Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the Applicant as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on March 22, 2022, at which 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, and the LPA voted 6-0 to recommend approval of the CPD amendment with conditions, and

WHEREAS, on April 18, 2022 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 Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on April 18, 2022; at which time the Town Council gave full and complete consideration to the request of the Applicant,

the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council finds the proposed CPD amendment with conditions of approval are **consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve** the Application.

NOW, THEREFORE, BE IT 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** meet its burden of proof that the requested zoning amendment **does** meet the requirements of the Town Comprehensive Plan and LDC and approving the request to allow the use of on-site brewing and consumption of malt liquor with conditions **is** in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES** the requested amendment to the CPD zoning of the Property.

Section 3. Town Resolution 12-07 is repealed and replaced by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit "A," attached hereto and incorporated herein by this reference is approved.

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 of the Town Manager without further process.

Section 9. 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.

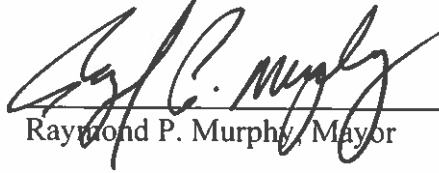
Section 10. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member Veach and seconded by Vice Mayor Hosafros, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 2nd day of May 2022.

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	recused
Bill Veach, Council Member	aye
Jim Atterholt, Council Member	aye

TOWN OF FORT MYERS BEACH



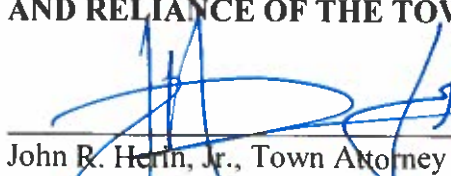
Raymond P. Murphy, Mayor

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:**



John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 5 day of May 2022.

Exhibits

Exhibit "A" Schedule of Uses and Conditions of Approval

Exhibit "B" Master Concept Plan

EXHIBIT "A"

The Town Council APPROVES the applicant's request for an amendment to the existing CPD, formerly known as Big John's Board Walk Eatery, now known as CJT Properties LLC, to provide required parking on-site for the existing restaurant uses, stormwater management improvements, and landscape buffers, with such approval subject to the Schedule of Allowable Uses, 8 11 conditions and 11 deviations set forth with specificity below.

Schedule of Allowable Uses:

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical

- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4000 square feet of indoor space with additional outdoor seating as indicated on the MCP)

- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1000 square feet of outdoor seating in conjunction with the proposed deck.

- On-site brewing of beer for consumption on premises.

Civic – Open

In approving the amendment to the CPD zoning of the Property, the following conditions of approval are imposed on the Applicant and the Property:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34-2017 (b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.

5. A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
7. The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week.
8. ~~No outdoor entertainment is permitted.~~
8. No amplified music or entertainment is permitted outdoors.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.

The following limits apply to the Property and its development

Council grants the following deviations:

Deviation #1

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14-15 foot Type C buffers without a wall, as indicated on the MCP and landscape plan is APPROVED.

Deviation #2

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15 foot Type D buffer between parking areas and right-of-way, to allow for a 5 foot Type D buffer between parking areas and right-of-way is APPROVED.

Deviation #3

Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building is APPROVED.

Deviation #4

Deviation from the requirements of LDC Section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a 2.39 foot street setback from Fairweather Lane to

accommodate the existing building is APPROVED.

Deviation #5

Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20 foot rear setback, to allow for a two-foot rear setback to accommodate the existing building is APPROVED.

Deviation #6

Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal facade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade to be 16 feet in length is APPROVED.

Deviation #7

Deviation from the requirements of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane is APPROVED.

Deviation #8

Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required parking spaces) to allow for a 30% reduction from the LDC requirement for a total of 34 provided spaces is APPROVED.

Deviation #9

Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface is APPROVED.

Deviation #10

Deviation from LDC Section 34-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96± feet of connection separation along Mango Street is APPROVED.

Deviation #11

Deviation from LDC Section 10-289(d) which requires an 8 foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5 foot wide sidewalk is APPROVED.

Nothing in this rezoning, including any of the attached conditions, constitute a variance or deviation from the provisions of Chapter 6, Article IV "Floodplain Regulations" of the LDC. Approval of this rezoning does not exempt the subject property from any provisions of the LDC with the exception of any approved deviation contained herein.



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

NARRATIVE

BACKGROUND & REQUEST

The Applicant, 1249 Estero Adventures LLC as represented by The Neighborhood Company, is submitting this Planned Development Rezone Application to request an amendment to the existing CPD Ordinance 22-06. The property has a Future Land Use (FLUM) Map Designation of *Boulevard* and is within the *Commercial Boulevard* Zoning District.

The subject property is located at 2301/2307 & 2311 Estero Boulevard, 111 & 121 Mango St. and is comprised of four parcels, that total +/- 0.65 acres (See Figure 1). The STRAP #s include: 194624W30110D0010, 194624W30120E0010, 194624W30120E0020, 194624W30120E0030. The subject property is located approximately 3/4+/- mile from the Matanzas Pass Bridge (See Figure 2).

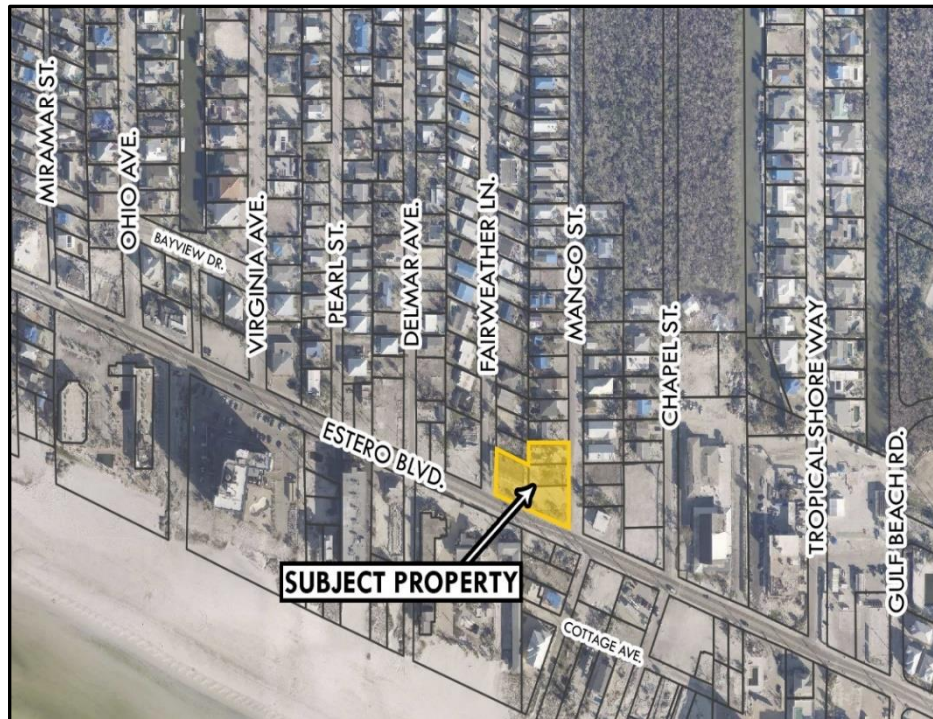


Figure 1. Location Map

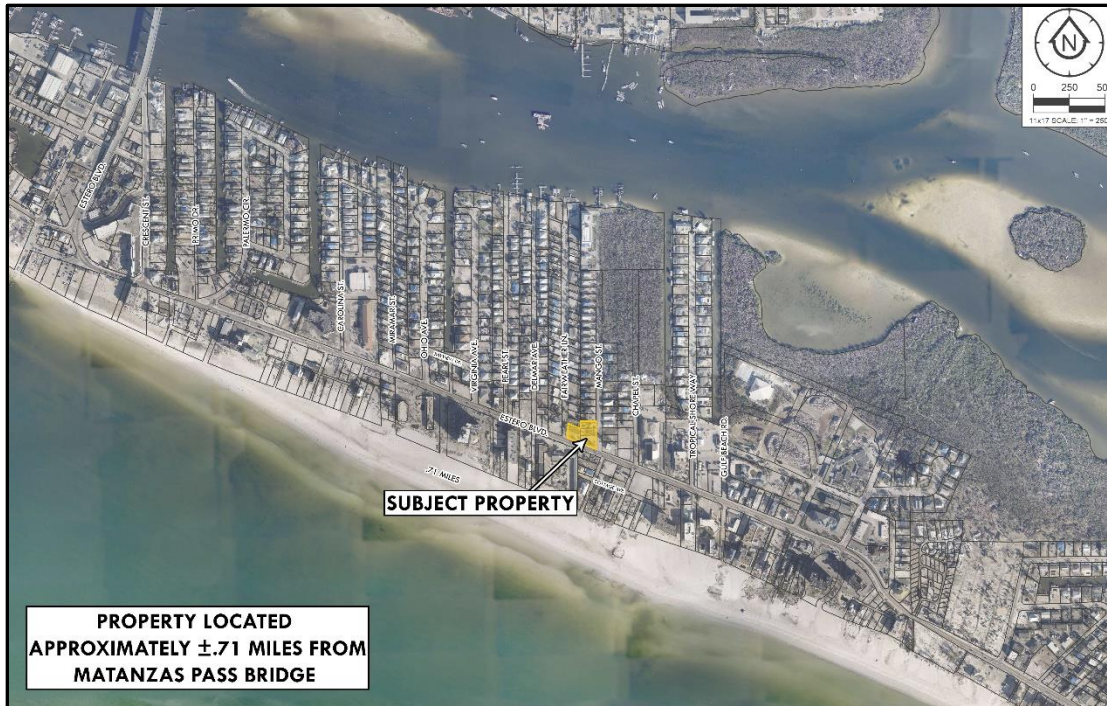


Figure 2. Vicinity Map

PROPOSED USE/REDEVELOPMENT

The applicant is proposing an amendment to the existing CPD pursuant to Resolution 22-06. Prior to Hurricane Ian, the subject properties included a commercial building that housed a restaurant, fka Big John's Board Walk Eatery and the recent Tuckaway Café, an ice cream shop, outdoor seating area and parking for those uses. Subsequent to Hurricane Ian, the building still stands but with considerable damage. The property was sold to 1249 Estero Adventures LLC in 2023. The new owner proposes to redevelop the property and renovate the existing restaurant and expand the outdoor seating area previously approved.

The expansion of the outdoor seating area will include a Tiki structure and the addition of outdoor entertainment. The applicant is also requesting to replace the current 2COP to a 4COP to allow the serving of liquor along with the previously permitted beer and wine. The applicant is aware of the State requirements to obtain a 4COP but first needs the approval of the activity from the Town Council. The previously approved "Manufacturer of Malt Beverages in Vendor Premises" (CMBP) License for production and consumption on premises of malt beverages will remain.

The prior approval included eleven (11) conditions and eleven (11) deviations. This proposal includes nine (9) deviations as some of the prior deviations are no longer relevant. Some of the prior approved deviations will continue, and some of the deviations reflect the minor site design changes. The following includes the existing and proposed uses and development standards as depicted on the MCP. The referenced deviation requests and justifications are provided in the attached schedule.

**Maximum Intensity:**

Maximum floor area of 4,000 square feet of enclosed commercial space.

Maximum 2,750 square feet of outdoor seating area.

LOCATION, SITE DESIGN & COMPATIBILITY**Location**

The subject properties are located approximately three quarters of a mile from Times Square and are located at the north end of the Civic Complex area of Fort Myers Beach. The properties front on the northeast side of Estero Boulevard between Fairweather Lane and Mango Street. The project is surrounded by vacant and damaged commercial properties as well as various resorts and residential properties. The customer base for this project will pull from the surrounding area as well as passerby pedestrian and vehicular traffic. Based on the smaller size of this project compared to those in the Times Square area, it will provide a neighborhood scale restaurant and entertainment option primarily for the more immediate area.

Site Design

The location of the existing building and the unusual shape of the property has presented design challenges that resulted in the prior approval of eleven (11) deviations. This amendment includes deviations previously approved with some additional requests. It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

The existing building is located approximately 2.3ft from Fairweather Lane and is approximately 46ft. from Estero Boulevard. The Tiki structure will be 5+/- ft. from the west property line (Fairweather Lane) and 3+/- ft. from the south property line (Estero Boulevard).

The proposed hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area. Outdoor entertainment will be permitted until 11pm and located as depicted on the MCP to minimize any sound spillage to the north.

A dumpster enclosure will be relocated along the western fence line and buffer. This location was determined based on its accessibility for the waste management trucks. The parking area will include a stormwater dry detention island.

Outdoor Seating

The proposed expanded outdoor seating and Tiki structure will create a more inviting space that adds character to the pedestrian experience along Estero Boulevard. In addition, the Tiki structure will provide protection from the elements while keeping the open-air atmosphere. Along with the Tiki structure a landscape buffer along Estero Boulevard will add to the ambience of the public realm. The proposed outdoor entertainment will be located within the Tiki footprint and as clearly defined on the MCP where the music can be performed. The Tiki structure will be located approximately three (3) feet from the front property line corresponding with Deviation #3 to allow a 3ft. to 10ft. build-to line.



Vehicular and Pedestrian access

The site design provides a direct connection to a transit stop, on property bicycle racks and a walkway connection from the existing sidewalk to the restaurant. These elements further encourage bicycle and pedestrian activity and minimize the need to accommodate vehicular traffic.

Vehicular access will be provided from two points of access on Mango Street, which were previously approved (see Deviation #8). The parking lot is reconfigured to allow both directions of traffic on the drive aisles instead of the one-way on the north drive aisle. This will allow for a logical circulation pattern and will provide safer ingress and egress movements from Mango Street.

Buffers and Screening

The proposed buffers along the north and northeast property lines target the existing and vacant residential properties. Due to the existing building located approximately two (2) feet from the rear property line, two deviations were previously approved to allow a 2ft setback instead of the required 20ft setback and a deviation to allow an 8ft. 100% opaque fence in place of a C/F buffer. Both of these are memorialized on the MCP and in Deviations #1a and #5.

The proposed buffer along the northeastern property line adjacent to a vacant residential property will include the following: a minimum 12-foot-wide buffer adjacent to the northern parking lot spaces providing 10 trees and 30 shrubs per 100 linear feet with a 4- to 8-foot-high opaque fence. The fencing has already been installed and the existing plantings will be augmented to meet the requirements, if needed. The 4-foot segment of the fence accommodates the visibility triangle required at connections to a public road. The only change from the previous approval is the width going from 15ft. to 12ft. The 3ft. difference allowed the parking area to accommodate the two-way circulation. This buffer exceeds the previously approved Type “C” Buffer with the proposed plantings and wall.

The proposed buffer at the northwestern property line running perpendicular to the commercial building will include a minimum 5 ft. wide buffer with 10 trees and 30 shrubs per 100 linear feet along with the existing 8-foot opaque fence. The proposed dumpster enclosure will be placed adjacent to this buffer as depicted on the MCP.

The perimeter of the parking area will have a 5 ft. Type “D” buffer adjacent to Mango Street and Estero Boulevard rights of way. This deviation was previously approved (see Deviation #2).

In order to add to the public realm ambience and compatibility the applicant is proposing to include landscaping at the southwest corner along Fairweather Lane and Estero Boulevard as shown on the MCP. Although buffers are not required along rights of way, the 5ft. area along Fairweather Lane will have a Type “B” buffer planting which includes trees and a hedgerow and the 3ft. area in front of the Tiki structure will have a 2ft. hedgerow.



Surrounding Uses

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Mixed Residential/Platted Overlay	Residential Multi-Family, Residential Conservation	Single-Family Residences and vacant parcels.
SOUTH	Boulevard	Commercial Planned Development, Commercial Boulevard, Commercial Resort	Estero Blvd., Neptune Resort and vacant parcels
EAST	Boulevard	Commercial Boulevard & Residential Multi-Family	Mango Street, Vacant/Commercial
WEST	Boulevard	Commercial Boulevard	Fairweather Lane, Residential & Vacant Commercial

Compatibility

Based on the surrounding uses, compatibility with the residential uses existing and permitted immediately north of the property was considered with the site design and layout. The development standards, buffers and screening, further ensure compatibility with adjacent uses and are appropriate for property located in the Commercial Boulevard District. This property has operated as a restaurant for many years including Big John's Board Walk Eatery and the recent Tuckaway Café. The previously established restaurants have a proven history of being compatible at this location with the surrounding uses over the years. The addition of the Tiki structure and outdoor entertainment will be located on the Estero Boulevard side of the existing building. The location and restricting the outdoor entertainment to no later than 11pm, an hour before closing, will limit any perceived impacts to the surrounding area. In addition, the applicant will provide landscape buffers at the corner of Fairweather and Estero Boulevard to further mollify any perceived impacts and to add to the pedestrian experience along Estero Boulevard. Based on the above, this amendment will readily meet the definition of compatibility per the LDC.

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.



**THE FOLLOWING ADDRESSES APPLICABLE SECTIONS PROVIDED FOR IN THE
PLANNED DEVELOPMENT APPLICATION – SUPPLEMENT PHD 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 - Civic Center and Coconut Village RV Park Mixed-Use District



Figure 3. Proposed FLUM category

The applicant is aware that the Town of Fort Myers Beach has initiated an update to the Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). This initiative was presented before the LPA on January 18, 2023 (Yellow Sheet #2023-895) and the Town Council on March 20, 2023. As of the date of this submittal, these updates are still in process. Should the proposed updates be approved, the subject property would be reclassified to the "Civic Center and Coconut Village RV Park Mixed-Use District" FLUM category (See Figure 3). Currently, the Applicant desires to move forward with this petition and intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center & Coconut Village RV Park Mixed-Use District category. Items included in the updated FLUE, which have been considered within this petition, include multi-modal improvements along with contributions to the public realm.



B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The proposed redevelopment proposes enhancements to the frontage along Estero Boulevard and throughout the site. These enhancements will include improved vehicular circulation within the parking area, a more attractive façade along Estero Boulevard created by the proposed Tiki structure. The direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard fulfill the intent of Objective 1-A and Policy 1-A-1.

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 reestablish a restaurant business that has been in business for several years. The proposed redevelopment of the neighborhood scale restaurant that has pedestrian friendly elements including the direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard. 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 renovations of the existing building and Tiki structure will be built to meet current applicable codes.



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.

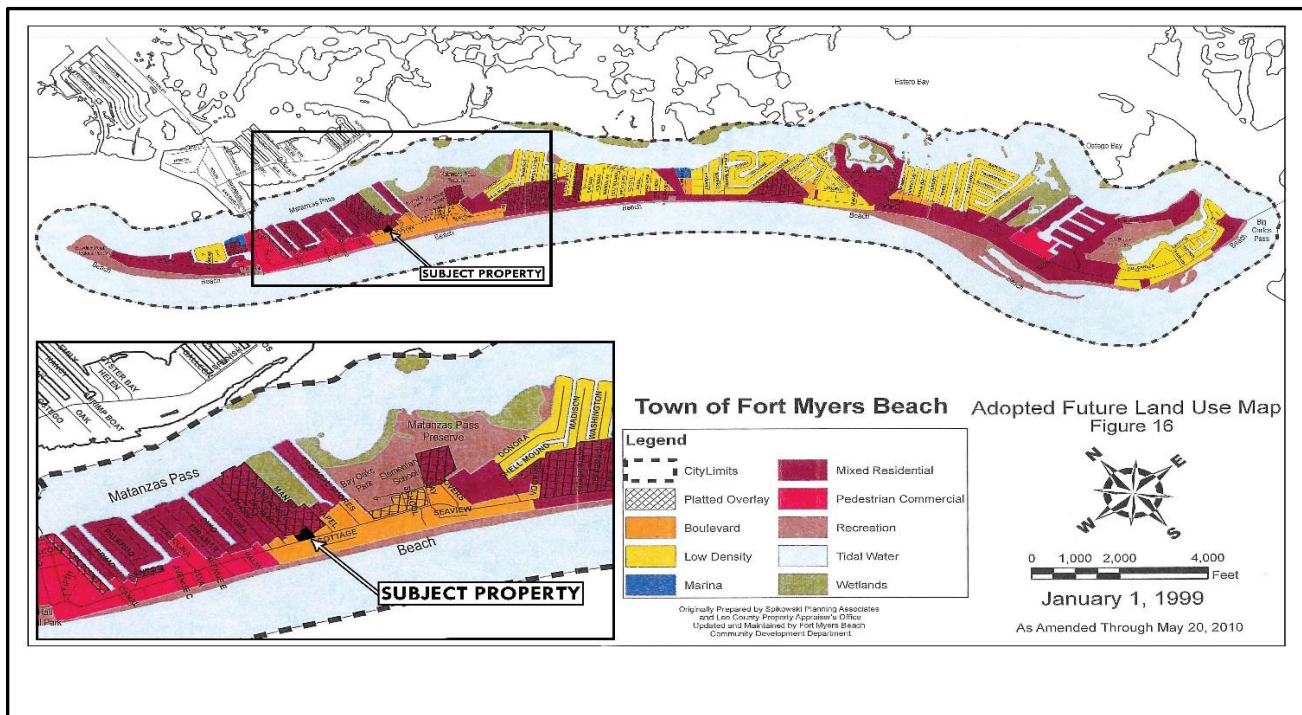
Located along Estero Boulevard, and in close proximity to civic uses, resorts, and residential uses, the proposed project will re-establish a long-standing restaurant that has provided a neighborhood scale gathering location for decades.

The proposed site configuration will provide the elements to contribute to the pedestrian oriented public realm including on property bike racks, a connection to the bus/trolley stop, pedestrian connection to the restaurant directly from Estero Boulevard. The addition of the Tiki structure and landscaping will create a more inviting, safer, visually attractive development ensuring locational compatibility and improved pedestrian oriented elements consistent with Policy 4-A-2.

POLICY 4-B-5 “BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is six dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and 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 connections to the transit stop and bicycle racks connect to the existing sidewalk along Estero Boulevard. These proposed enhancements will contribute to the pedestrian-oriented public realm of Fort Myers Beach and are consistent with Policy 4-B-5.

The maximum Floor Area Ratio (FAR) specified under the Commercial Boulevard District described in the Land Development Code (LDC) may be as high as 1.0. The existing 4,000 sq. ft. building is well within the allowed 28,314 sq. ft.



POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The various buffers and layout of the project that directs the more intense activity toward Estero Boulevard are taking into consideration the residential properties to the north and west of the property. As previously stated, contribution to the public realm is fulfilled through the various design elements of the project.

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



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.

As stated per Objective 4-D, the proposed redevelopment of the site and renovations of the existing building will be in compliance with all applicable federal, state and local regulations to develop a more 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 improvements to the parking layout and circulation. The project encourages the use of alternate travel modes under Policy 7-D-3 by providing bike racks for bicycle parking and will maintain a pedestrian connection to the existing transit top 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

Pursuant to Sec. 34-707- Commercial design standards, the Commercial Boulevard district states that the commercial design standards shall apply to newly built and substantial improvements to buildings. In this case the existing building is not expanding and would not be required to adhere to design standards. However, by the addition of a Tiki structure and the public realm elements such as the transit stop, bicycle racks, direct connections to and from the existing sidewalk, this project would be consistent with the intent of the Commercial design standards pursuant to sec.34-991 through 34-1010.

(intentionally left blank)



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 CPD amendment. 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, the previously approved deviations will still apply along with additional deviations to assist in the improvements to the public realm and pedestrian circulation.

(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 CPD amendment will allow the re-establishment of a neighborhood restaurant that has been at this location for decades.

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

The proposed CPD amendment is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC) and specifically for Planned Developments which encourages flexibility in the development and design standards.

(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.

It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

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

All urban services are 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. 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.

Based on the layout and design elements of the development, 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.

(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 amendment reestablishes a restaurant that has been located here for decades, 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. A waiver to LDC Section 10-286, Traffic Impact Statement (TIS), was granted by the Town. The CPD does improve the site design to facilitate and enhance bicycle and pedestrian access.

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

This request to amend an existing CPD on the subject property will be presented at a 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 restaurant use, as provided for within the Schedule of Uses, is appropriate for the subject location due to the fact that a restaurant 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.
- 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" and the above narrative.
 - 2. Policies 4-B-5 and 4-C-3: See Section "C" above and the narrative.
 - 3. Policy 4-C-4: Proposed height of 30 feet is not taller than the standard height limit allowed under the Land Development Code.
 - 4. Policy 4-C-8: Density transfers. Not applicable.
 - 5. Policy 4-E-1: The existing development was consistent with and well below the allowed intensity (FAR 1.0) prior to the natural disaster (Hurricane Ian). The existing 4,000sq.ft. building will not be expanded and will continue to meet the limits of the FAR.
 - 6. Policy 7-D-3 Alternate Travel Modes: See Section "C" and the narrative.

CONCLUSION:

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. The project proposes to utilize the regulatory flexibility of the CPD process, to reestablish a much-revered neighborhood restaurant.



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

SCHEDULE OF USES

The following uses were previously approved pursuant to CPD Ordinance 22-06 and LDC Table 4-2 with the exception of the added uses and amended language in **bold**. These include increasing the outdoor seating area from 1,000 sq. ft. to 2,750 sq. ft., a 4COP in place of the 2COP, amplified music/entertainment outdoors, and transient merchant/mobile vendor – food truck/trailer.

- Residential – Open
- Lodging - Limited
- Office – Limited
 - Offices, General or Medical
 - Personal Services
- Retail – Limited
 - **Restaurant (limited to 2) with outdoor seating as indicated on the MCP**
 - **On-Premises consumption of alcoholic beverages served only in conjunction with restaurant(s) and including approximately 2,750 square feet of outdoor seating area as indicated on the MCP**
 - On-Site Brewing of Beer for Consumption on Premises.
 - **4COP and GMBP Florida Department of Alcoholic Beverages and Tobacco permits**
 - **Transient Merchant/Mobile Vendor - Food Truck/Trailer Only**
- Civic - Open
- **Entertainment – Indoor and Outdoor, limited to music both live and recorded.**
- **Typical Accessory Uses Incidental and Subordinate to the Principal Uses.**



**SANDY BOTTOMS RESTAURANT
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
Planned Development Rezone Application**

PROPOSED CONDITIONS

The following conditions were previously approved pursuant to CPD Ordinance 22-06 and are proposed to be amended (highlighted, strikethrough and underlined) due to specific deviations being deleted as they would no longer be applicable based on this amendment and based on the desired operations of the new restaurant and outdoor seating area.

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, and 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34- 2017(b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
5. A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
7. The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week. The hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area.

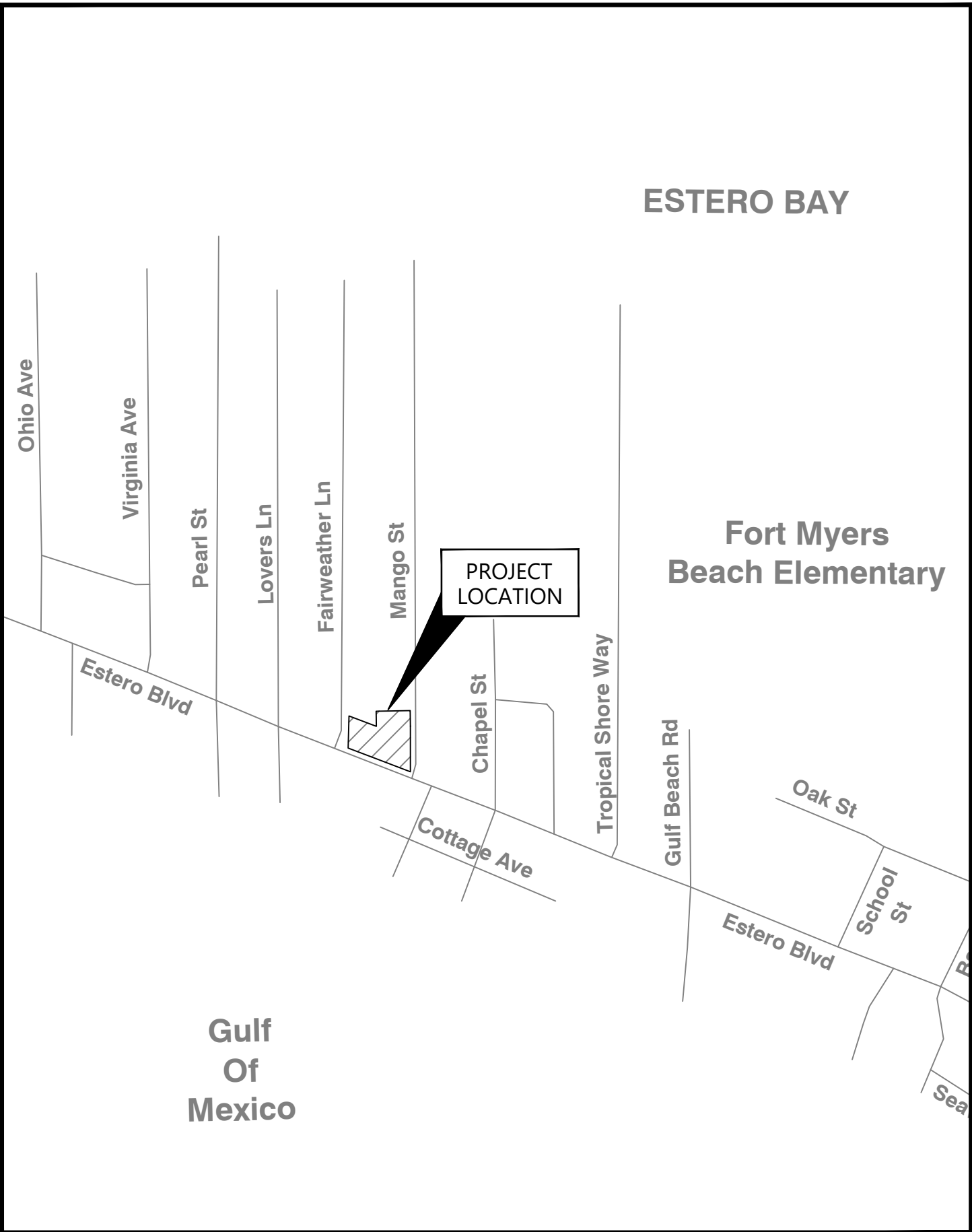


8. ~~No amplified music or entertainment is permitted outdoors.~~ Amplified music or entertainment is permitted outdoors until 11pm within the designated areas on the master concept plan and will not be oriented toward residential uses.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.

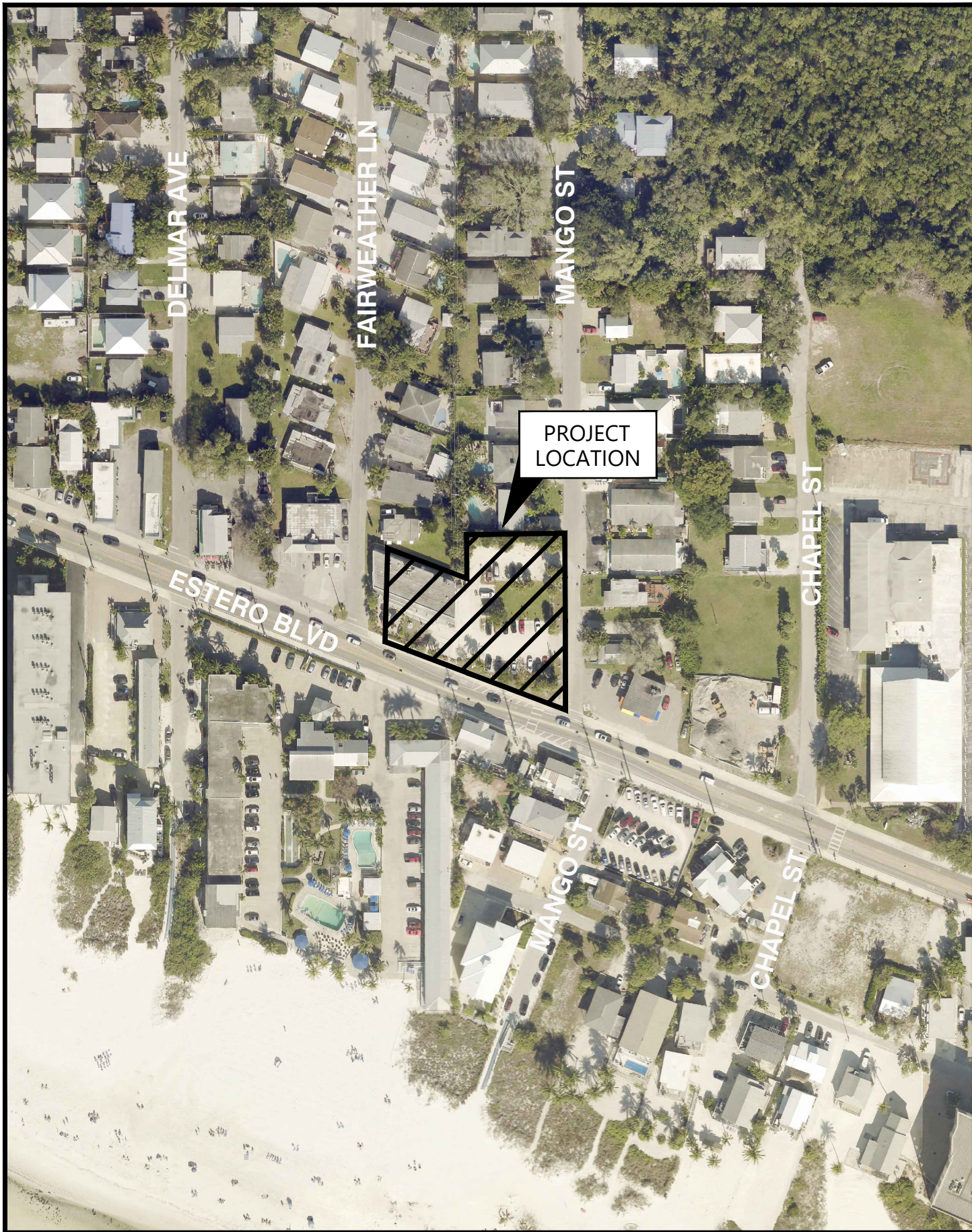
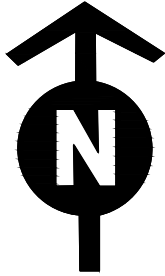
MASTER CONCEPT PLAN FOR

SANDY BOTTOMS CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

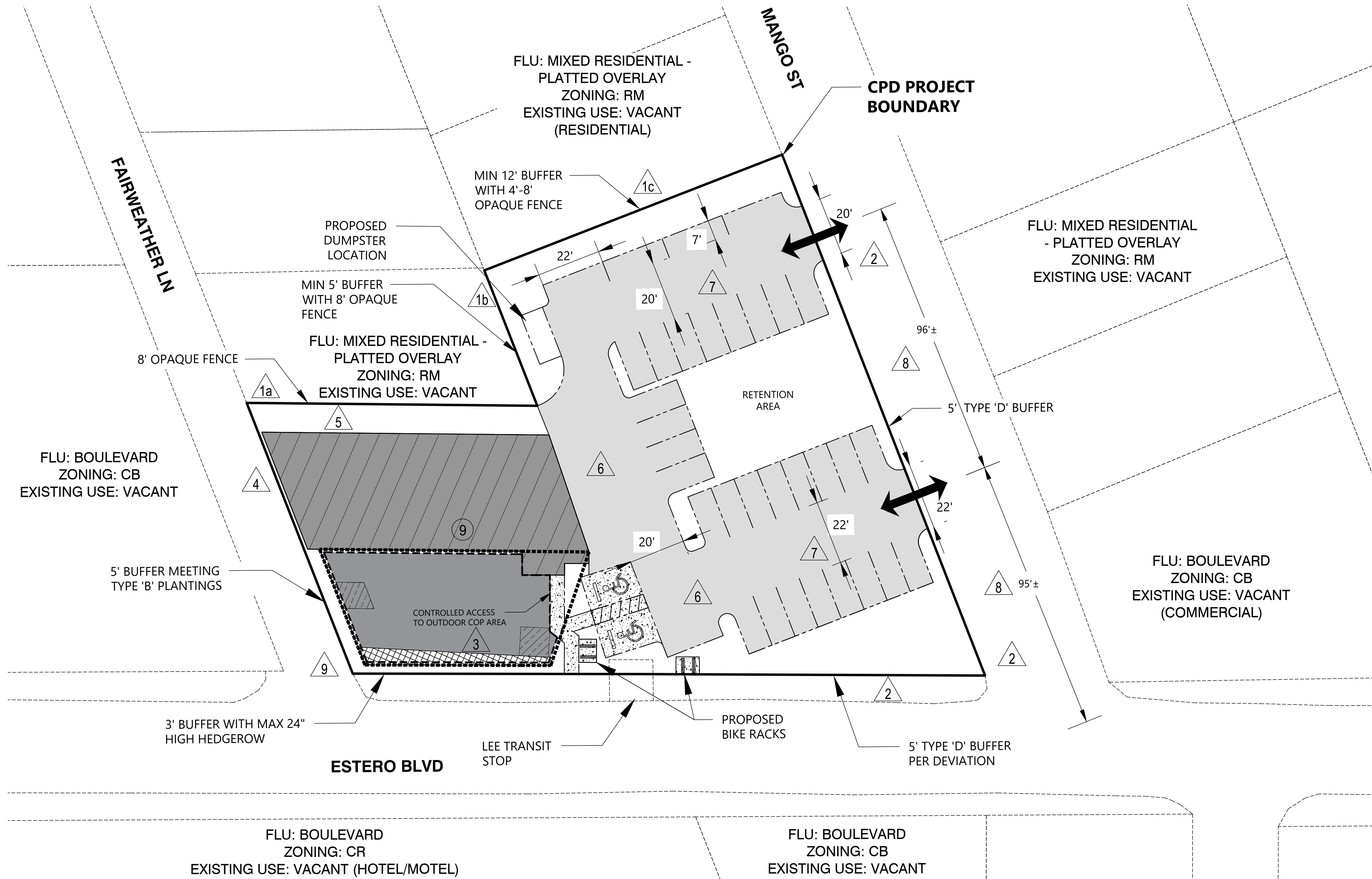
PREPARED FOR:

1249 ESTERO ADVENTURES LLC

290 BAHIA VIA
FORT MYERS BEACH, FL 33931

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	December, 2023	PROJECT No.: 220050.01.01
		SHEET No.: 1 OF 3



LEGEND	
	CPD BOUNDARY
	EXISTING STRUCTURE FOOTPRINT
	PROPOSED OUTDOOR SEATING AREA STRUCTURE LIMITS
	PROPOSED OUTDOOR SEATING AREA
	OUTDOOR ENTERTAINMENT AREA
	RESTRICTED USE AREA - NO SEATING OR ENTERTAINMENT
	OUTDOOR COP BOUNDARY
	AT GRADE PARKING AREA
	VEHICULAR INGRESS / EGRESS
	DEVIATIONS
	GENERAL NOTES

PROJECT NO:
220050.01.01

DATE:
12/23

DESIGN:
K.G.

SHEET NUMBER:
2 OF 3

CLIENT:
1249 ESTERO ADVENTURES LLC

PROJECT:
SANDY BOTTOMS PLANNED DEVELOPMENT (CPD)

TITLE:
MASTER CONCEPT PLAN

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
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THE NEIGHBORHOOD
COMPANY

10'0"

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10

20

DATE	4/1/24
F.L.	
DRAWN	
REVISION	
#	PER TOWN COMMENTS
1	

GENERAL NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
3. TOTAL CPD/DEVELOPMENT AREA: 0.66 +/- ACRES
4. FUTURE LAND USE MAP CATEGORY: BOULEVARD
5. EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
6. THE PROJECT WILL BE DEVELOPED IN ONE PHASE.
7. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
8. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
9. OUTDOOR SEATING AREA STRUCTURE WILL BE STRUCTURALLY INTEGRATED/ATTACHED TO THE EXISTING PRIMARY STRUCTURE.

SCHEDULE OF USES:

- RESIDENTIAL - OPEN
- LODGING - LIMITED
 - o OFFICES - LIMITED
 - o OFFICES, GENERAL OR MEDICAL
- PERSONAL SERVICES
- RETAIL - LIMITED
 - o RESTAURANT (LIMITED TO 2) WITH OUTDOOR SEATING AS INDICATED ON THE MCP.
 - o ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED ONLY IN CONJUNCTION WITH RESTAURANT(S) AND INCLUDING APPROXIMATELY 2,750 SQUARE FEET OF OUTDOOR SEATING AREA AS INDICATED ON THE MCP.
 - o ON-SITE BREWING OF BEER FOR CONSUMPTION ON PREMISES.
 - o 4COP AND GMBP FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO PERMITS.
 - o TRANSIENT MERCHANT/MOBILE VENDOR - FOOD TRUCK/TRAILER ONLY.
- CIVIC - OPEN
- ENTERTAINMENT - INDOOR AND OUTDOOR, LIMITED TO MUSIC BOTH LIVE AND RECORDED.
- TYPICAL ACCESSORY USES INCIDENTAL AND SUBORDINATE TO THE PRINCIPLE USES.

DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE:

- LOT AREA: 0.65 +/- ACRES
- LOT WIDTH: 220 +/- FEET
- LOT DEPTH: 110 +/- FEET

BUILD-TO LINE:

- ESTERO BLVD.: 3 - 10 FEET (DEVIATION #3)

MINIMUM SETBACKS (PRIMARY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

MINIMUM SETBACKS (ACCESSORY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

MAXIMUM ZONED HEIGHT: 30 FEET ABOVE BASE FLOOD ELEVATION

MAXIMUM ZONED STORIES: 2 ABOVE BASE FLOOD ELEVATION

DEVIATIONS:

1. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A TYPE C/F BUFFER WHERE PROPOSED COMMERCIAL AND PARKING USES ABUT SINGLE FAMILY RESIDENTIAL USES, TO ALLOW THE FOLLOWING AS INDICATED ON THE MCP:
 - a. AN EXISTING 8 FOOT HIGH OPAQUE FENCE ADJACENT TO THE EXISTING BUILDING.
 - b. A MINIMUM 5 FOOT BUFFER ADJACENT TO THE DUMPSTER ENCLOSURE AREA PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN EXISTING 8 FOOT HIGH OPAQUE FENCE.
 - c. A MINIMUM 12 FOOT BUFFER ADJACENT TO THE NORTHERN PARKING LOT SPACES PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 4 TO 8 FOOT HIGH OPAQUE FENCE.
2. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A 15 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY, TO ALLOW FOR A 5 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY. (PRIOR APPROVED)
3. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(A), WHICH REQUIRES BUILDINGS TO BE CONSTRUCTED BETWEEN FIVE (5) TO TEN (10) FEET FROM ESTERO BOULEVARD, TO ALLOW A BUILD-TO DISTANCE BETWEEN THREE (3) TO TEN (10) FEET FROM ESTERO BOULEVARD.
4. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-707(B)(1)A, WHICH REQUIRES A MINIMUM 10 FOOT STREET SETBACK TO ALLOW FOR A MINIMUM 2.39 FOOT STREET SETBACK FROM FAIRWEATHER LANE TO THE EXISTING BUILDING AND A MINIMUM 5 FOOT STREET SETBACK FROM FAIRWEATHER LANE FOR THE PROPOSED OUTDOOR SEATING AREA STRUCTURE.
5. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(B)(1)B, WHICH REQUIRES A MINIMUM 20 FOOT REAR SETBACK, TO ALLOW FOR A TWO-FOOT REAR SETBACK TO ACCOMMODATE THE EXISTING BUILDING. (PRIOR APPROVED)
6. DEVIATION FROM LDC SECTION 34-2020(D)(2)H, WHICH REQUIRES 8 PARKING SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING ANY OUTDOOR SEATING AREA AND A REDUCTION OF 2 SPACES FOR 8 BICYCLE SPACES (FOR A TOTAL OF 52 REQUIRED PARKING SPACES) TO ALLOW FOR A 35% REDUCTION FROM THE LDC REQUIREMENT FOR A TOTAL OF 34 PROVIDED SPACES.
7. DEVIATION FROM LDC SECTION 34-201 7, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE, TO ALLOW FOR A CRUSHED SHELL OR LIMEROCK SURFACE. (PRIOR APPROVED)
8. DEVIATION FROM LDC SECTION 34-285 AND TABLE 10-1, WHICH REQUIRES 125 OF CONNECTION SEPARATION ALONG LOCAL ROADS, TO ALLOW FOR 96+/- FEET OF CONNECTION SEPARATION ALONG MANGO STREET. (PRIOR APPROVED)
9. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-662(b)(4)(a) AND FIGURE 34-5 REQUIRING THAT VISIBILITY TRIANGLES MUST BE MAINTAINED ON BOTH SIDES OF INTERSECTING STREETS AND EXITING DRIVEWAY AS SHOWN IN FIGURES 34-4 AND 34-5 OR TO PROVIDE EQUIVALENT VISIBILITY, TO ALLOW FOR A REDUCTION IN THE DEPTH OF THE SIGHT VISIBILITY TRIANGLE ALONG THE OTHER STREET OR EXISTING DRIVEWAY FROM 10 FEET TO 3 FEET.

MAXIMUM INTENSITY:

- MAXIMUM FLOOR AREA RATIO (F.A.R.)/GROSS FLOOR AREA ALLOWED: 1.0 OR 43,124.4 SF
- MAXIMUM GROSS FLOOR AREA PROVIDED: 4,000 SF OF ENCLOSED COMMERCIAL SPACE

PARKING:

- REQUIRED:
 - o RESTAURANT (INDOOR AND OUTDOOR SEATING AREA) 8 SPACES PER 1,000 SF (1 SPACE PER 125 SF)
 - o $6,750 \text{ SF (4,000 SF INDOOR AREA + 2,750 SF)} / 125 = 54 - 2 \text{ SPACE REDUCTION FOR 8 BICYCLE SPACES} = 52$
- PROVIDED:
 - o 34 (INCLUDING 2 ADA SPACES) PER DEVIATION #6

[illegible]

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COM/COMPANY

PROJECT NO:		220050.01.01		CLIENT:	1249 ESTERO ADVENTURES LLC
DATE:	11/23	DRAWING:	F.L.		
DESIGN:	K.G.			PROJECT:	SANDY BOTTOMS PLANNED DEVELOPMENT (CPD)
TITLE:				NOTES	
SHEET NUMBER:				3	OF 3

ORDINANCE 22-06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 12-07, AND AMENDING THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND 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, Tre and Amy, Inc. ("Applicant"), the owner of the property generally located at 2301, 2307 & 2311 Estero Blvd., and 111 and 121 Mango St. and identified by STRP numbers 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020 and 19-46-24-W3-0120E.0030 - comprising .66 +/- acre of land ("Property"), filed an application to amend the Property's Commercial Planned Development ("CPD") to allow on-site brewing and consumption of beer; and

WHEREAS, the Property is in the Boulevard Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the Applicant as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on March 22, 2022, at which 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, and the LPA voted 6-0 to recommend approval of the CPD amendment with conditions, and

WHEREAS, on April 18, 2022 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 Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on April 18, 2022; at which time the Town Council gave full and complete consideration to the request of the Applicant,

the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council finds the proposed CPD amendment with conditions of approval are **consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve** the Application.

NOW, THEREFORE, BE IT 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** meet its burden of proof that the requested zoning amendment **does** meet the requirements of the Town Comprehensive Plan and LDC and approving the request to allow the use of on-site brewing and consumption of malt liquor with conditions **is** in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES** the requested amendment to the CPD zoning of the Property.

Section 3. Town Resolution 12-07 is repealed and replaced by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit "A," attached hereto and incorporated herein by this reference is approved.

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 of the Town Manager without further process.

Section 9. 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.

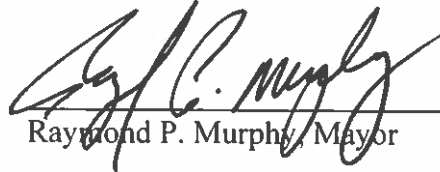
Section 10. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member Veach and seconded by Vice Mayor Hosafros, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 2nd day of May 2022.

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	recused
Bill Veach, Council Member	aye
Jim Atterholt, Council Member	aye

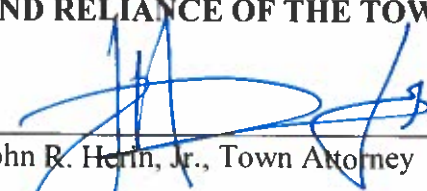
TOWN OF FORT MYERS BEACH


Raymond P. Murphy, 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:**


John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 5 day of May 2022.

Exhibits

Exhibit "A" Schedule of Uses and Conditions of Approval

Exhibit "B" Master Concept Plan

EXHIBIT "A"

The Town Council APPROVES the applicant's request for an amendment to the existing CPD, formerly known as Big John's Board Walk Eatery, now known as CJT Properties LLC, to provide required parking on-site for the existing restaurant uses, stormwater management improvements, and landscape buffers, with such approval subject to the Schedule of Allowable Uses, 8 11 conditions and 11 deviations set forth with specificity below.

Schedule of Allowable Uses:

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical

- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4000 square feet of indoor space with additional outdoor seating as indicated on the MCP)

- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1000 square feet of outdoor seating in conjunction with the proposed deck.

- On-site brewing of beer for consumption on premises.

Civic – Open

In approving the amendment to the CPD zoning of the Property, the following conditions of approval are imposed on the Applicant and the Property:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34-2017 (b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.

5. A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
7. The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week.
8. ~~No outdoor entertainment is permitted.~~
8. No amplified music or entertainment is permitted outdoors.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.

The following limits apply to the Property and its development

Council grants the following deviations:

Deviation #1

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14-15 foot Type C buffers without a wall, as indicated on the MCP and landscape plan is APPROVED.

Deviation #2

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15 foot Type D buffer between parking areas and right-of-way, to allow for a 5 foot Type D buffer between parking areas and right-of-way is APPROVED.

Deviation #3

Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building is APPROVED.

Deviation #4

Deviation from the requirements of LDC Section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a 2.39 foot street setback from Fairweather Lane to

accommodate the existing building is APPROVED.

Deviation #5

Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20 foot rear setback, to allow for a two-foot rear setback to accommodate the existing building is APPROVED.

Deviation #6

Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal facade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade to be 16 feet in length is APPROVED.

Deviation #7

Deviation from the requirements of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane is APPROVED.

Deviation #8

Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required parking spaces) to allow for a 30% reduction from the LDC requirement for a total of 34 provided spaces is APPROVED.

Deviation #9

Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface is APPROVED.

Deviation #10

Deviation from LDC Section 34-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96± feet of connection separation along Mango Street is APPROVED.

Deviation #11

Deviation from LDC Section 10-289(d) which requires an 8 foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5 foot wide sidewalk is APPROVED.

Nothing in this rezoning, including any of the attached conditions, constitute a variance or deviation from the provisions of Chapter 6, Article IV "Floodplain Regulations" of the LDC. Approval of this rezoning does not exempt the subject property from any provisions of the LDC with the exception of any approved deviation contained herein.



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 May 14, 2024, 1st Town Council June 3, 2024 and 2nd Town Council June 17, 2024

CASE: DCI20240049

ADDRESS: 2301/2307 Estero Blvd (incl. all associated "Sandy Bottoms" CPD properties)

APPLICANT: Kenrick Gallander AICP

REQUEST: Applicant is requesting an amendment of Ord. 22-06 to allow development of a new restaurant with outdoor seating and a structurally-connected shade structure.

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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Fort Myers Beach, FL 33931

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«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

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

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

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

Yellow Sheet Number: **2024-84**

1. Request:

Meeting Date: May 14, 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 125, 131-151 SCHOOL ST AND 2661-2681 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 FORT MYERS BEACH TO ALLOW A MIXED USE DEVELOPMENT INCLUDING LODGING, LIVE/WORK UNITS, RETAIL, AND RESTAURANT USES; 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 LPA hears and recommends action on CPDs to the Town Council.

What the action accomplishes:

The LPA's recommendation will be forwarded to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

ordinance

5. Background:

The applicant for the property located at 125, 131-151 School St and 2661-2681 Estero Blvd, is requesting a rezoning from Commercial Planned Development zoning adopted in Ordinance 21-02 to Commercial Planned Development to allow a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area. The proposed development will have a two-way access on School Street and one right-only point of egress on Oak Street.

Attachments:

1. Ordinance 24-XX (3) school ns
2. LPA staff report
3. Exhibit A Master Concept Plan
4. Exhibit B Landscape Betterment Plan
5. Exhibit C Complete Application
6. Exhibit D LPA AND TC ORD postcard

Financial Impact:

unknown

6. Alternative Action

deny

7. Staff Recommendations:

Recommend approval with conditions

8. Recommended Approval:

Date: May 10, 2024

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Date: May 10, 2024

Amy Baker, Town Clerk

Date: May 10, 2024

ORDINANCE 24-XX

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 125, 131-151 SCHOOL ST AND 2661-2681 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 FORT MYERS BEACH TO ALLOW A MIXED USE DEVELOPMENT INCLUDING LODGING, LIVE/WORK UNITS, RETAIL, AND RESTAURANT USES; 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, Cottages at Myerside, LLC, the owner, and The Neighborhood Company, the agent, for the property, located at 125, 131-151 School St and 2661-2681 Estero Blvd., parcels generally identified as STRAP numbers 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD with Master Concept Plan (MCP) adopted in Ordinance 21-02 to CPD with Master Concept Plan (MCP) with certain deviations to the Land Development Code (LDC) in order to develop a convenience store ; and

WHEREAS, the subject property is a combination of three parcels located in the Boulevard 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 May 14, 2024; and

WHEREAS, at the May 14, 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 Town Land Development Code (LDC) sec. 34-85; and

WHEREAS, at the May 14, 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 by a roll call vote of ____ to ____; and

WHEREAS, on June 3, 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 Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was noticed in an appropriate publication 10 days prior to the Town Council on July 17, 2024; at which time 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 Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, with the following terms, conditions, and requirements which the LPA finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the approved property development regulations, the schedule of uses and conditions of approval for this CPD to be used during the permitting process; and

WHEREAS, Exhibit B is the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

WHEREAS, the Town Council finds that this request to rezone the property from the CPD with MCP adopted in Ordinance 21-02 to CPD with MCP with certain deviations to the Land Development Code (LDC) in order to develop a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area, is a unique and individual application which does not set precedent for future development or rezoning applications; and

WHEREAS, approval of this project requires the following deviations of the LDC:

Deviation #1

Deviation from LDC Sec. 10-285, Table 10-1 – Connection Separation, which requires minimum separation between street and accessways, in order to allow driveway separations as depicted on the Master Concept Plan (MCP).

Deviation #2

Deviation from LDC Sec. 10-416 – Landscaping standards to allow the use of an alternative landscape betterment plan pursuant to LDC Section 10-419. This section states applications are entitled to demonstrate that the intent of

the landscaping standards can be more effectively accomplished through an alternate landscape betterment plan. The use of an alternate landscape betterment plan addresses all landscaping requirements pertaining to the redevelopment of the site; such as, but not limited to landscape islands, building perimeters, buffers, walls, parking and vehicular use areas.

Deviation #3

Deviation from LDC Sec. 34-1804(A) and Sec. 34-2020, which regulates parking for hotels/motels non-residential, residential, and combined use developments, to allow a 30% reduction in required parking and a minimum of three (3) individual uses within a master planned mixed use development.

Deviation #4

Deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 37 feet and a maximum of four (4) stories.

Deviation #5

Deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 5 to 10 feet along Estero Boulevard and School Street.

Deviation #6

Deviation from LDC Sec. 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors, in order to exceed said factors as allowed per LDC Sec. 34-1803(a)(2). This would allow a maximum intensity of 45 guest units rather than the 20 allowed per the existing table.

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (see LDC 34-85 and 34-216):

- a. Minor ambiguities were resolved through the deviation process.
- b. The previous development on the subject property was destroyed by 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.

WHEREAS, the Town Council made the following formal findings before making final decisions on the eight requested deviations from "by-right" requirements of the Land Development Code (see LDC 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-XX is **consistent/ not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and its **approval/approval with conditions/denial** is in the best interest of the health, safety and welfare of the community.

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 no. 24-XX and the conditions of approval for the commercial planned development zoning, **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-XX is adopted and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A, attached hereto and incorporated herein by this reference is approved.

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 of 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 July 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 Ordinance was filed in the Office of the Town Clerk on this ____ day of July 2024.

EXHIBIT A: CONDITIONS OF APPROVAL & SCHEDULE OF USE

Conditions of Approval

1. Any tenant with consumption on premises would be required to acquire a separate COP license.
2. The live-work units shall only be occupied by the owner or employees of the commercial establishments at Myerside. At no time shall the live work units be used as an extension to the lodging units or as a part of the boutique hotel.
3. The restaurant area shall be limited to 2,250 sq ft of the total 9,000 sq ft of commercial square footage.
4. A local development order is required prior to any development of the site, in accordance with this planned development approval.
5. 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.
6. Landscaping on adjacent properties must be protected during construction or replaced at the expense of the Southland Corporation.
7. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131

SCHEDULE OF USES

Lodging

Principal:

- Hotel/Motel (Inclusive of Hotel Condominiums)
- Guest Units

Accessory:

- Hotel/Motel Accessory Uses
- Personal Services
- Recreational Facilities

Residential

- Work/Live Units

Commercial

- Offices, General or Medical
- Personal Services
- Restaurant with Bar Area
- Retail Store, Small & Large
- Subordinate Commercial Uses

EXHIBIT B: MASTER CONCEPT PLAN



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT STAFF
REPORT

TYPE OF CASE: Commercial Planned Development

CASE NUMBER: DCI Rezoning, 20230246

CASE NAME: 125, 131-151 School St and 2661-2681 Estero Blvd; rezone from Commercial Planned Development (CPD) Zoning to CPD to allow a mixed-use development with lodging, residential, and commercial uses.

LPA

HEARING DATE: June 11, 2024 at 9 AM

STAFF

RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Sarah Propst, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: The Neighborhood Company/ Cottages At Myerside, LLC

Request: Rezone from CPD to CPD for a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area.

Subject property: See attached site plan.

Physical Address: 125, 131-151 School St and 2661-2681 Estero Blvd

STRAP #: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270;
19-46-24-W3-0020C.0290

FLU: Boulevard

Zoning: Commercial Planned Development (Ord 21-02)

Adjacent zoning and land uses:

North: Institutional zoning/ Elementary school with baseball

field

South: Commercial Office , Mixed Residential /Offices, multi-family residential

East: Institutional zoning / Library

West: Institutional zoning, Residential Conservation/ single-family and Town's Parking Lot

II. BACKGROUND AND ANALYSIS

Background:

The Neighborhood Company, applicant for Cottages at Myerside, LLC, is requesting a rezoning for the property at 125, 131-151 School St and 2661-2681 Estero Blvd. The request is to rezone from Commercial Planned Development (CPD) zoning adopted as defined by Ordinance 21-02 to CPD to construct a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area. The proposed development will have a two-way access on School Street and one right-only point of egress on Oak Street.

In May 2021, the Town Council adopted ordinance 21-02 to approve rezoning of the subject property from Residential Conservation zoning district to a Commercial Planned Development with a Master Concept Plan for hotel, retail and restaurant uses. Prior to the 2021 CPD, the property supported seven cottages. These seven cottages were used as 12 short-term rentals. The intent of the CPD was to preserve the existing seven historic cottages by redeveloping them along with construction of another seven units and retail uses into a boutique resort. However, the original seven cottages were destroyed during Hurricane Ian. The Applicant is now proposing a mixed-use development of higher intensity and density and has applied for rezoning to a new CPD. Six deviations are requested from the land development code requirements.

Analysis:

The subject property consists of three parcels (19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0230) totaling 1.03+/- acres, north of Estero Boulevard, west of School Street, and south of Oak Street. The Applicant is requesting a rezoning to a CPD for a mixed-use development of higher intensity and density than what existed on the parcel prior to hurricane Ian.

The property has the Future Land Use designation of Boulevard which allows a maximum of 1.5 Floor Area Ratio (FAR). As per LDC Section 34-953, Building placement, size, design, and all other property development regulations in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging. The CR zoning district permits a maximum FAR of 1.2 or 53,840 square foot building area for the subject property. The Applicant is proposing a FAR of 1.19 (53,463 square feet) which is compliant with Town' regulations and distributed as follows:

First floor:

- commercial area and utilities = 12,533 SF
- Under building parking area = 5,752 SF

2nd Floor:

Lodging space, circulation space and utilities = 17,636 SF

3rd Floor:

Floor area (excluding open pool deck) = 11,183 SF

4th Floor:

Floor area (excluding penthouse balconies) = 6,359 SF

TOTAL: 53,463 SF

Boulevard Future Land Use designation further allows a density of six dwelling units per acre or six dwelling units on the 1.03-acre subject property. The Applicant is proposing four live/work dwelling units. Therefore, if the remaining two dwelling units are used for rooms that are less than 450 square feet in area, the multiplier of 2.5 is applicable to them, subsequently, permitting 5 ($2 \times 2.5=5$) lodging units by right. If the size of the units exceeds 450 sq ft in area but are less than 750 square feet in area, a multiplier of 2 is applicable; permitting four lodging units by right.

Using the minimum Use determination (MUD) justification, the subject property included 12 lots in the original plat, theoretically permitting up to 12 dwelling units by right. Since the application includes four live/work dwelling units, the multiplier of 2.5 is applicable to the remaining eight dwelling units permitting 20 ($8 \times 2.5=20$) lodging units of less than 450 square feet by right. If the area of the proposed lodging units are between 450 sq ft but is less than 750 square feet, a multiplier of 2 is applicable. This would permit 16 lodging units by right. The request for 45 lodging units exceeds the permitted lodging units by 29 or 25 lodging units.

Six 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) A deviation from LDC Sec. 10-285, Table 10-1 – Connection Separation, which requires minimum separation between street and accessways, in order to allow driveway separations as depicted on the Master Concept Plan (MCP). The MCP shows a 76 foot separation from Oak Street where the code requires 125 feet of separation.**

Applicant Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. School Street and Oak Street are classified as local streets, requiring streets and accessways to be spaced 125 feet from centerline to centerline.

The proposed site configuration has removed several nonconforming access points

from the site along Estero Boulevard and School Street. This application proposes to use existing access point locations, one on School Street and one on Oak Street. School Street will provide full ingress/egress into the site and Oak Street will be a right-out only egress point.

The separation between the egress point on Oak Street and the nearest accessway to the west measures approximately 95 feet. This distance is approximately 30 feet short of the required separation of 125 feet needed per the LDC. The point of ingress/egress for the redevelopment is proposed on School Street. This access point has a separation distance from Oak Street of approximately 60 feet, an approximate separation of 55 feet from the Beach United Methodist Church access into their overflow parking area, and 148 feet from the Fort Myers Beach Public Library access onto School Street. The School Street ingress/egress point is approximately 65 feet short of the required 125 feet from the Oak Street intersection.

The proposed improvements address operational and safety issues on the property and Estero Boulevard, enhance functionality through the decreased width of the accessway and the relocation of on-site parking to a more desirable and appropriate onsite location behind the primary structure. Providing for these improvements and site layout achieves general consistency with the intent of LDC Section 10-285 to provide as much connection separation as possible while protecting the health, safety and welfare of island residents and visitors.

Staff Comment: The proposed layout pushes the entrances away from Estero Boulevard. From a traffic perspective it is more ideal for the entrances to be closer to the secondary streets than to Estero Boulevard where a backup could be dangerous.

- 2) A deviation from LDC Sec. 10-416 – Landscaping standards to allow the use of an alternative landscape betterment plan pursuant to LDC Section 10-419. This section states applications are entitled to demonstrate that the intent of the landscaping standards can be more effectively accomplished through an alternate landscape betterment plan. The use of an alternate landscape betterment plan addresses all landscaping requirements pertaining to the redevelopment of the site; such as, but not limited to landscape islands, building perimeters, buffers, walls, parking and vehicular use areas.**

Applicant Justification: *The deviation from LDC Sec. 10-416 is requested to allow the use of an alternate landscape betterment plan for all landscaping and buffering associated with the redevelopment of the subject property. Please see the plans prepared by James McCord, L.A. with RWA Engineering signed and sealed on 04-17-2024.*

The limited size of the property and the need to redevelop the site due to damages received from Hurricane Ian has created unique circumstances that limit the ability to meet the strict landscaping standards as outlined in the LDC such as proposing

underbuilding parking and limited surface area parking located behind the primary structure. The proposed surface parking is not visible by the majority of the public but will still be heavily landscaped within appropriately located landscape islands of adequate size to sustain the required trees and approved grass/ground cover landscape materials. In addition, the alternative landscape betterment plan includes enhanced buffer plantings in place of the required wall for a Type "C" buffer along a portion of the western boundary. The enhanced plantings within the buffer area (See planting plan and rendering elevation – page 3 of 9) will create a more natural, lush and complementary buffer rather than a "walled, locked in" setting adjacent to the neighboring property.

The intent of the alternative landscape betterment plan approved under the Development Order will provide additional landscaped areas along the perimeter of the project to help offset any potential landscape island size reduction. The alternative landscape betterment plan as allowed per LDC Sec. 10-419, demonstrates the proposed landscaping effectively meets and exceeds the minimums intended under LDC Sec. 10-416 and will not cause or result in any negative impacts to the community's health, safety, and welfare.

Staff Comment: The proposed landscape betterment plan appears to complement the proposed development and allow for a design that is more cohesive in the neighborhood. Application of the required landscaping buffers would have included a wall, which would not be appropriate in this location.

- 3) A deviation from LDC Sec. 34-1804(A) and Sec. 34-2020, which regulates parking for hotels/motels non-residential, residential, and combined use developments, to allow a 30% reduction in required parking and a minimum of three (3) individual uses within a master planned mixed use development. This request is a reduction from 89 required spaces (89.9 spaces minus 1 for a bike rack) to 60 provided spaces.**

Applicant Justification: The requested deviation from LDC Sec. 34-1804(A) and Sec. 34-2020 is to allow a 30% reduction in the required parking by promoting and providing alternatives such as bicycle parking, valet parking and off-site parking through potential shared parking agreements with adjacent property owners. Under the intent of regulations provided in the town's LDC, the proposed mixed-use development would require approximately 84 parking spaces, which includes a reduction of 4 vehicle spaces by providing 16 bicycle spaces throughout the development. This parking requirement utilizes the intent of LDC Sec. 34-2020(d)(4)(b)(1) which allows for two (2) spaces per 1,000 square feet for combined uses (5 or more; not inclusive of a hotel and restaurants are limited to 25 percent of the gross floor area) of a "multiple-occupancy complex" or in this instance a master planned mixed use development. This deviation is also specifically requesting a reduction from the 5 or more "individual business establishments" as part of the multiple-occupancy complex" under LDC Sec. 34-2020(d)(4)(b)(1) to 3 or more commercial establishments that are integrated within a master planned mixed use

development.

Other areas of the town allow for substantial parking reductions between 50 and 67 percent. In an effort to benefit from this desire to “park once” and promote alternative parking options and modes of transportation around the island, The Myerside is proposing a 30% parking reduction for this area of town, thus, providing approximately 60 on-site parking spaces along with the commitment to integrate at least 16 bicycle parking spaces throughout the development. The developer will also ensure connectivity through integrated pedestrian infrastructure to the surrounding rights-of-way and sidewalks to the existing trolley stop within 100 feet of the property; will evaluate valet parking and/or shared parking agreement solutions at time of final development order if the proposed parking is deemed insufficient. The developer also commits to work with the town and other local hotel proprietors to contribute their fair share to comprehensive transportation/parking solutions as may be developed in the future.

The proposed parking plan, utilizing a 30% required parking reduction, commitment of providing 3 or more commercial uses within the master planned mixed use development, and access to alternative modes of transportation will further reduce over-parked developments, help alleviate traffic congestion on the island, and in turn reduce any significant associated negative impacts to the health, safety and welfare of the island’s residents and visitors.

Staff Comment: Staff disagrees with the number of required spaces. The provision of additional bicycle parking spaces is encouraged but this code section has only allowed the reduction of a single parking space historically. In order to treat this request the same as other requests, the number of required parking spaces is 89. The applicant is proposing a reduction of 29 spaces for a total of 60 parking spaces provided on site. If all rooms are full and each room occupant arrived via a car, this would leave 15 spaces for the other uses on site.

Staff would recommend adoption of a program that encourages guests to arrive without a car, in order to ensure visitors of the property are not utilizing the Bay Oaks Park or Pool parking spaces.

- 4) A deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 37 feet and a maximum of four (4) stories.**

Applicant Justification: *The Town’s comprehensive plan allows for additional height through Policy 4-C-4 for parcels of land that are contiguous (or directly across a street) from taller buildings. The Myerside site is directly across the street from the Fort Myers Beach Library which has an overall height of 59’± and has an adjacent residential building to the north with an overall height of approximately 35’. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories*

with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop.

The Myerside has been carefully designed to be compatible with adjacent uses and provides for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that are next to the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a "wedding cake" (stepped back) design where height gradually increases from two stories to four stories at the center of the building and toward School Street where the 59' library is located. The wedding cake design is also utilized to soften the building's edges. At the corner of Estero Boulevard and School Street, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive building, commercial on the ground floor, and a stepped-back fourth story located at the center of the building and toward the library. The portion of the building, which contains only two stories, is appropriately designed and located adjacent to the existing residential structure along the northern boundary. This architectural design establishes a gradual height transition from the taller Fort Myers Beach Library to the shorter residential property to the west and is compatible with the surrounding taller buildings. Based on the above justification, the granting of this deviation will not be injurious to the neighborhood or negatively impact the overall health, safety, and welfare of the island or its residents.

Staff Comment: The requested deviation seems appropriate given the adjacent properties. The applicant is proposing a building that transitions lower near the residential property and higher toward the taller library. This design appears to be in line with the comprehensive plan language that allows buildings near taller buildings to ask for additional height and to provide transitions.

5) A deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 5 to 10 feet along Estero Boulevard and School Street.

Applicant Justification: *The proposed Myerside development is meant to be consistent with the Town's vision to enhance the public realm and promote a building form that engages the public along Estero Boulevard and other streets such as School Street. An effective design element to achieve this is the use of build-to lines rather than front setbacks.*

Under the CR zoning district, build-to lines are not required to be utilized for

development/redevelopment in this area of town. The Myerside property is located within the area identified in the town's Comprehensive Plan as the "Heart of the Island" and within the Boulevard future land use category. Both of these identified areas focus on the public realm and walkability through the following policies or vision statements:

- *Estero Boulevard needs to be an interesting place to walk along; scaled for people to feel comfortable walking along.*
- *Bring buildings closer to sidewalks.*
- *Parking should be placed at the rear of buildings.*
- *Adopting design guidelines that encourage architecture and urbanism along Estero Boulevard which contributes to the human scale.*
- *Maintaining the town's current "human scale."*
- *Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.*
- *Contribute to the public realm*

By allowing The Myerside to deviate from the required front setbacks and replacing that requirement with build-to lines of 5 to 10 feet along Estero Boulevard and School Street helps implement the Comprehensive Plan's vision for the Heart of the Island and the Boulevard future land use category. The Myerside concept, as shown below in the submitted renderings, is committed to enhancing the public realm and contributing to the desired aesthetic described in the town's Comprehensive Plan.

The proposed deviation to allow for build-to lines along Estero Boulevard and School Street.

Staff Comment: The proposed design is appropriate for a lesser setback. The decreased setbacks create a walkable, pedestrian scale space.

- 6) A deviation from LDC Sec. 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors, in order to exceed said factors as allowed per LDC Sec. 34-1803(a)(2). This would allow a maximum intensity of 45 guest units rather than the 20 allowed per the existing table.**

Applicant Justification: The Myerside property consists of 1.03+ acres and is located within the Boulevard Future Land Use Category, which allows 6 dwelling units per acre with the equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1803(a)(1) for guest units within the Boulevard FLU are 2.5 for units less than 450 square feet, 2.0 for units between 450 square feet and 750 square feet, and 1.5 for units between 750 square feet and 1,000 square feet.

The subject property was previously approved through CPD Zoning Ordinance 21-02

for a 14-unit hotel/resort with restaurant, and retail uses, including consumption of alcohol on premises. However, it should be noted that under the Minimum Use Determination provisions of the LDC, the subject property is entitled to 12 single family units in accordance with the historic plat for this neighborhood, which delineates 12 individual lots on this property.

When starting with a base of 12 dwelling units it is necessary to reduce that base number by 4 units to 8 dwelling units due to the 4 work/live dwelling units proposed as part of the mixed-use development. Applying 8 dwelling units to the equivalency ratio of 2 or 2.5 to the remaining 8, the allowed lodging units would range from 16 – 20. A maximum of 20 units could be achieved by right per current LDC provisions.

The proposed additional 25 hotel rooms/transient lodging units are requested pursuant to LDC Sec. 34-1803(a)(2), which allows for additional units under “exceptional circumstances” and when providing public benefits. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. Additionally, through the planned development process, the applicant is proposing the following public benefits that contribute to the project’s consistency with LDC Sec. 34-1803(a)(2):

- Elimination of numerous non-conformities*
- Rebuilding resilient and hardened site improvements and structure*
- Increasing existing buffers and setbacks where abutting residential and civic uses*
- Enhancing the public realm and creating a pedestrian-friendly environment*
- Encouraging bicycle and pedestrian activity*
- Providing neighborhood commercial goods and services that will benefit visitors and local residents alike*
- Commitment to try to establish a centralized health and wellness center that would support local practitioners and business owners and would provide a convenient one-stop location for local residents*
- Providing complimentary uses to the Civic Center as envisioned for this part of the island*
- Providing outstanding coastal architecture*
- Contributing to the redevelopment of the island and strengthening the Town’s tax base.*

These exceptional circumstances and public benefits support the additional hotel rooms/transient lodging units requested.

Myerside is asking for a total of 45 lodging units as an integrated and significant component of the mixed-use redevelopment encouraged by the Town. This is a 25 unit increase from what could be achieved by-right as described above but is much less than the Margaritaville approval that allowed a 300% increase from the underlying zoning district’s “by right” density. The requested deviation and

justification outlined above will ensure a public benefit, results from exceptional circumstances and will not adversely impact the public's health, safety, and welfare.

Staff Comment: The request would increase the density multiplier from 2 or 2.5 up to 5.6. However, staff notes that the proposed development meets the FAR allowed in this district, by right. While the current comprehensive plan utilizes the multiplier, the new comprehensive plan that has been transmitted to the state for approval applies only FAR to commercial uses. Per the not yet fully adopted comprehensive plan, this request would be appropriate.

Neighborhood Compatibility:

These parcels are not directly adjacent to any residential units. The closest residential property is located on the other side of the Town owned vacant parcel with an entry to the pool parking lot. This proposed development will be adjacent to the public pool and surrounded by Bay Oaks Park, the library and the elementary school. None of the proposed uses appear to create conflict with the adjacent uses.

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. If we were to apply density to the use, it would exceed the density without the deviation that is requested. 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 mixed use developments.

(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 property has provided short-term rentals for a number of years, without incident. The proposed addition of office, restaurant, and retail uses is unlikely to have a negative impact on the adjacent 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 uses and requested deviations for the CPD comply with the Comprehensive Plan.

(2) This chapter.

Staff response: The proposed uses comply 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: The proposed mix of uses is appropriate in this location, it is in the Boulevard Future land use and will be located in the Civic Center Mixed-Use District.

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: The proposal is in compliance with these policies.

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

Staff response: The request for additional height is proposed as part of the planned development rezoning process. The requested height appears to be appropriate for the location, providing a lower transition on the side of the building adjacent to a residence.

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.

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, additional parking may need to be provided at a later date depending on impacts to surrounding uses.

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 DCI20230246 with the attached conditions.

IV. CONDITIONS OF APPROVAL

1. Any tenant with consumption on premises will be required to acquire a separate COP license.
2. The live-work units shall only be occupied by the owner or employees of the commercial establishments at Myerside. At no time shall the live-work units be used as an extension to the lodging units or as a part of the boutique hotel.
3. The restaurant area shall be limited to 2,250 sq ft of the total 9,000 sq ft of commercial square footage.
4. A local development order is required prior to any development of the site, in accordance with this planned development approval and consistent with the approved MCP.
5. 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.
6. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131

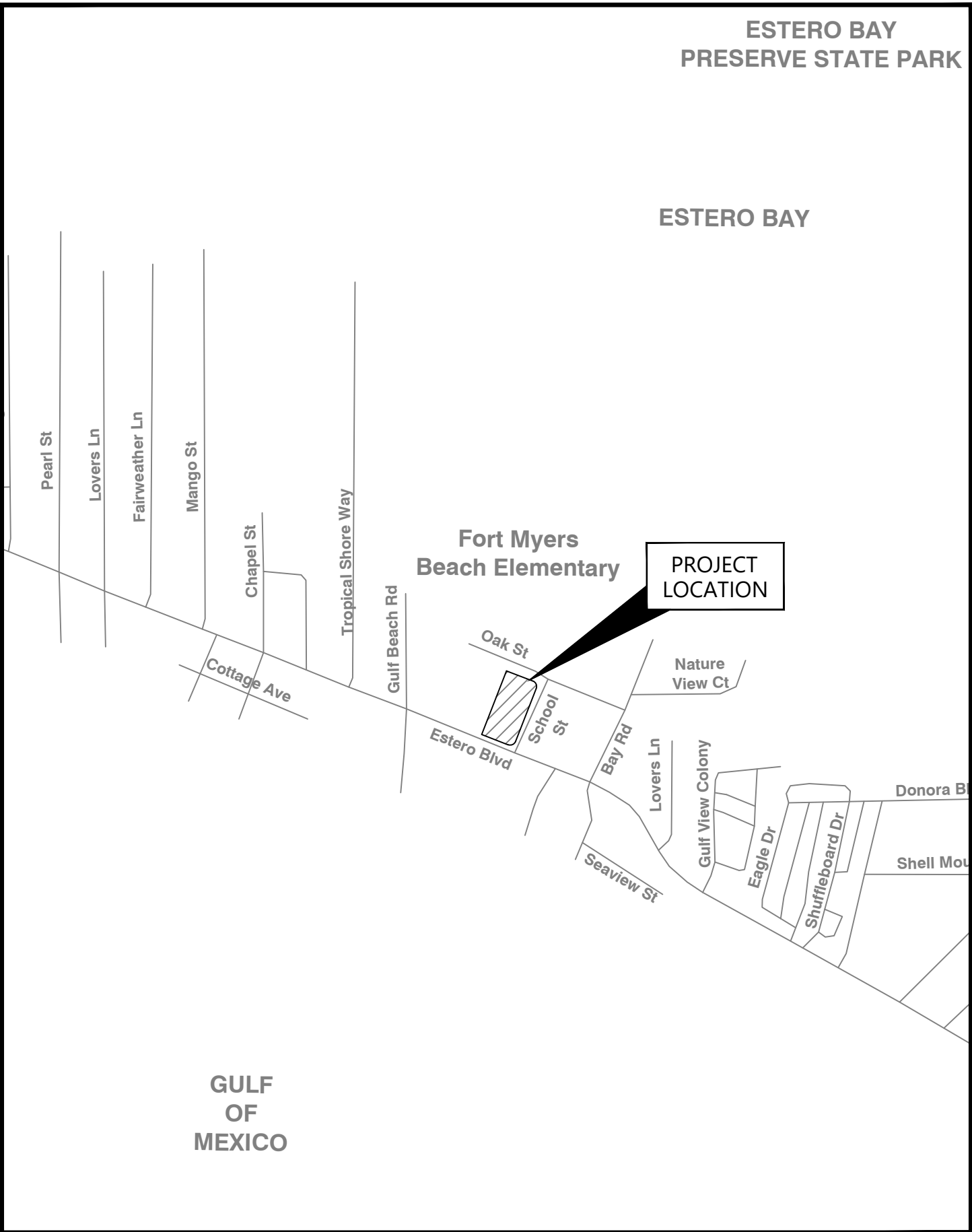
Staff Report Exhibits:

- A – Master Concept Plan
- B – Landscape Betterment Plan
- C – Complete Application
- D – Postcards to Adjacent Properties

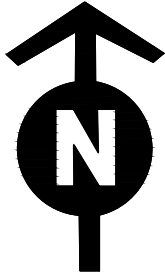
MASTER CONCEPT PLAN FOR

THE MYERSIDE CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



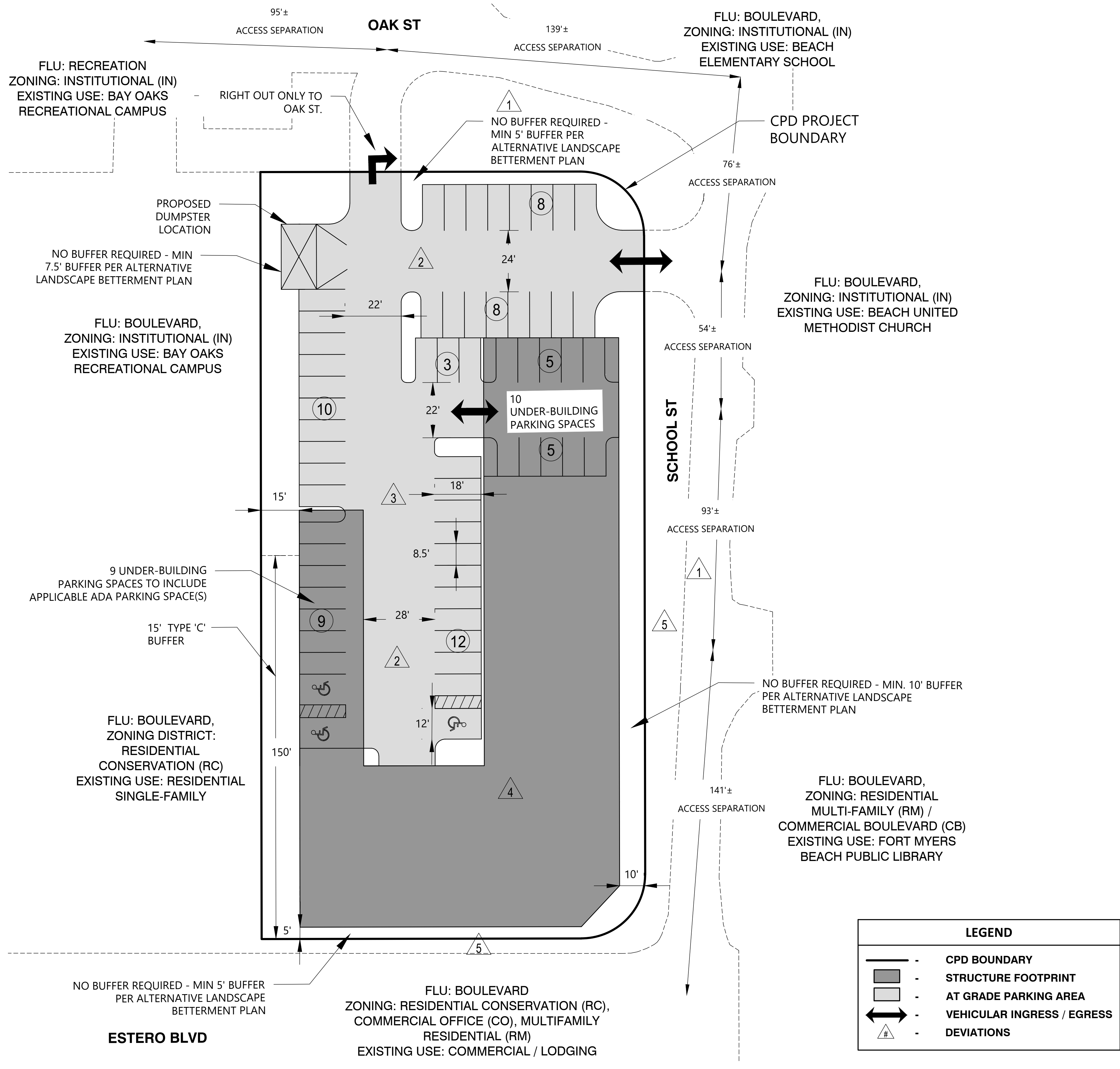
5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

COTTAGES AT MYERSIDE, LLC
& MYERSIDE, LLC

145 SCHOOL ST
FORT MYERS BEACH, FL 33931

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	PROJECT No.:	SHEET No.:
October, 2023	220050.01.01	1 OF 3



PROJECT NO:

220050.01.01

DATE:

07/23

DESIGN:

K.G.

DRAWN:

F.L.

SHEET NUMBER:

2 OF 3

CLIENT:

COTTAGES AT MYRTLE, LLC & MYRTLE, LLC

PROJECT:

THE MYRTLE COMMERCIAL
PLANNED DEVELOPMENT (CPD)

TITLE:

MASTER CONCEPT PLAN

REVISION

#

DATE

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908

WWW.THENEIGHBORHOODCOMPANY

THE NEIGHBORHOOD
COMPANY

Page 305 of 507

PREPARED FOR/OWNED BY:
MYERSIDE, LLC ----
145 SCHOOL ST.
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(239) 529-8785



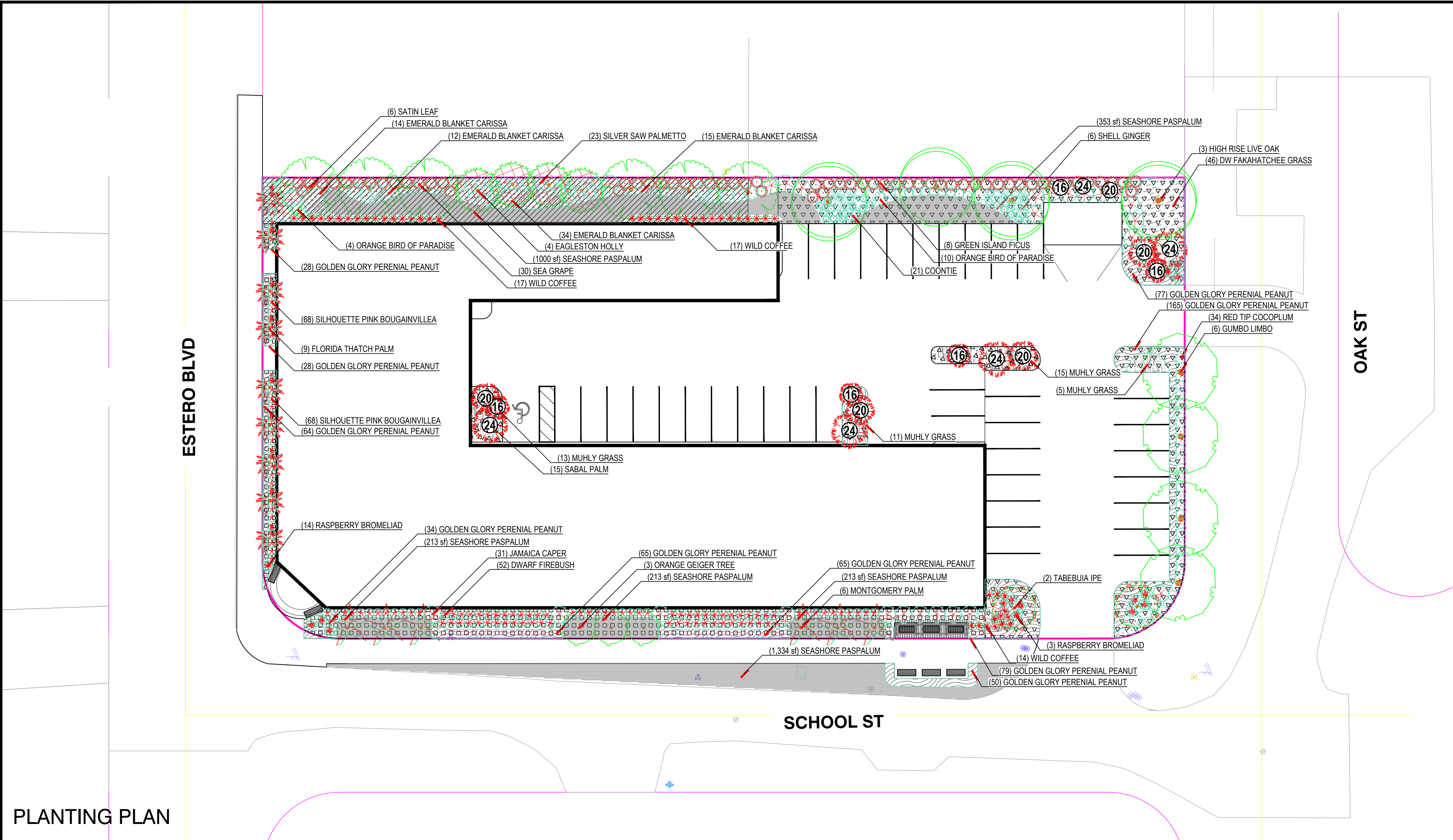
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STRAP: 19-46-24-W3-0020C-0270
STRAP: 19-46-24-W3-0020C-0230

Sheet Number	Sheet Title
01	COVER SHEET
02	MASTER PLANTING PLAN
03	PERMIT CALCULATIONS & IRRIGATION PLAN
04	PERMIT LANDSCAPE NOTES
05	PERMIT LANDSCAPE NOTES
06	LANDSCAPE CONSTRUCTION NOTES
07	LANDSCAPE CONSTRUCTION DETAILS
08	LANDSCAPE CONSTRUCTION DETAILS

No.:	DATE:	DESCRIPTION:	APPROVED:

	6610 Willow Park Drive Suite 200 Naples, FL 34109		LANDSCAPE ARCHITECTS SEAL Digitally signed by James M. McCord Date: 2024.04.17 08:19:30 -04'00'
	12800 University Drive Suite 175 Fort Myers, FL 33907		
	19503 S West Villages Pkwy Unit A5 Venice, FL 34293		
	Office: (239) 597-0575 Fax: (239) 597-0578 www.consult-rwa.com		
	Florida Certificates of Authorization EB 7663 LB 6952		

DATE:	MARCH 2004	PROJECT No.:	200022 00 01	SHEET No.:	01 OF 08
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PLANTING PLAN

PLANT MATERIAL SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	MIN. SIZE	CALIPER	HEIGHT X SPREAD	NATIVE	SPACING
TREES							
	4	BURSERA SIMARUBA GUMBO LIMBO	45 GAL.	2" CAL	10' X 4'	YES	
	6	CHRYSOPHYLLUM OLIVIFORME SATIN LEAF	45 GAL.	2" CAL	10' X 4'	YES	
	3	CORDIA SEBESTENA ORANGE GEIGER TREE	30 GAL.	1" CAL	6' X 2'	YES	
	4	ILEX X ATTENUATA 'EAGLESTON' EAGLESTON HOLLY	30 GAL.	1" CAL	6' X 2'	YES	
	4	QUERCUS VIRGINIANA 'HIGH RISE' HIGH RISE LIVE OAK	45 GAL.	2" CAL	10' X 4'	YES	
	2	TABEBUIA IMPETIGINOSA TABEBUIA IPE	30 GAL.	1" CAL	6' X 2'	YES	
	4	SABAL PALMETTO SABAL PALM	FG		10' CT MIN. 16'-18' OA	YES	
	4	SABAL PALMETTO SABAL PALM	FG		10' CT MIN. 20'-22' OA	YES	
	4	SABAL PALMETTO SABAL PALM	FG		10' CT MIN. 24'-26' OA	YES	
	9	THRINAX RADIATA FLORIDA THATCH PALM	FG		14' OA	YES	
	6	VEITCHIA MONTGOMERYANA MONTGOMERY PALM	FG		16-18' OA	NO	
SHRUBS							
	14	AECHEMEA BLANCHETIANA 'RASPBERRY' RASPBERRY BROMELIAD	3 GAL.		18"	YES	
	68	BOUGAINVILLEA 'SILHOUETTE PINK' SILHOUETTE PINK BOUGAINVILLEA	3 GAL.		18"	YES	
	31	CAPPARIS CYNOPHALLOPHORA JAMAICA CAPER	15 GAL.		60"	YES	
	34	CHRYSOBALANUS ICACO 'RED TIP' RED TIP COCOPLUM	7 GAL.		24"	YES	
	61	COCOLOBA UVIFERA SEA GRAPE	7 GAL.		36"	YES	
	8	FICUS MICROCARPA 'GREEN ISLAND' GREEN ISLAND FICUS	3 GAL.		12"	NO	
	52	HAMELIA PATENS 'COMPACTA' DWARF FIREBUSH	7 GAL.		24"	NO	
	48	PSYCHOTRIA NERVOSA WILD COFFEE	3 GAL.		18"	YES	
	23	SERENGETIA REPENS SILVER SAW PALMETTO	7 GAL.		24"	YES	
	17	STRELITZIA REGINAE ORANGE BIRD OF PARADISE	15 GAL.		48"	NO	
	21	ZAMIA PUMILA COONTIE	3 GAL.		12"	YES	
	6	ALPINIA ZERUMBET SHELL GINGER	15 GAL.		48"	NO	
	44	MUHLENBERGIA CAPILLARIS MUHLY GRASS	3 GAL.		18"	YES	48" OC
	46	TRIPSACUM FLORIDANUM DWARF FAKAHATCHEE	1 GAL.		12"	YES	36" OC
	757	ARACHIS GLABRATA 'GOLDEN GLORY' GOLDEN GLORY PERENIAL PEANUT	4" POT		3"	NO	18" OC
	75	CARISSA MACROCARPA EMERALD BLANKET CARISSA	3 GAL.		12"	NO	24" OC
TURF							
	3,337	PASPALUM VAGINATUM SEASHORE PASPALUM	SOD				



FRONT ELEVATION

0' 5' 10' 20'

SCALE: 1"=10'

Select Certified

IRRIGATION ASSOCIATION

Experienced professionals. Efficient solutions.

OID, CIC, CLIA

DATE: MARCH 2004

SIC: 19 TWP: 46 S RGE: 24 E

DESIGNED: JMM

DRAWN: JMM

VERT. SCALE (FULL): N/A

VERT. SCALE (HALF): N/A

NOTES:

1. ALL SIZES ARE MINIMUMS. HEIGHT, SPREAD, CALIPER TAKE PRECEDENCE OVER CONTAINER SIZE.

2. QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. CONTRACTOR TO VERIFY PRIOR TO BIDDING.

3. CONTRACTOR REQUIRED TO NOTIFY RWA, INC OF ANY / ALL CONFLICTS WITH PLANS & SITE CONDITIONS PRIOR TO INSTALLATION.

4. ALL CHANGES REQUIRE PRIOR APPROVAL FROM RWA, INC. ANY DEVIATIONS TO THE PLANS WITHOUT APPROVAL SHALL BE AT THE CONTRACTOR'S EXPENSE TO RECTIFY.

5. CONTRACTOR TO PROVIDE ACCURATE AS-BUILTS FOR APPROVED MODIFICATIONS TO THESE PLANS.

CLIENT:

MYERSIDE, LLC

TITLE:

MASTER PLANTING PLAN

PROJECT:

MYERSIDE

PROJECT NO:

200022 00 01

FILE NAME:

200022 00 01 LA PERMIT

SHEET NUMBER:

02 OF 08

REV #

REVISION

DRAWN

CHECKED

DATE

RWA

ENGINEERING

12800 University Drive, Suite 175

Fort Myers, Florida 33907

(239) 597-0575 FAX: (239) 597-0578

www.consult-rwa.com

Florida Certificates of Authorization

EB 7663 LB6952

Know what's below. Call before you dig. **811**

0' 10' 20' 40'

SCALE: 1"=20'

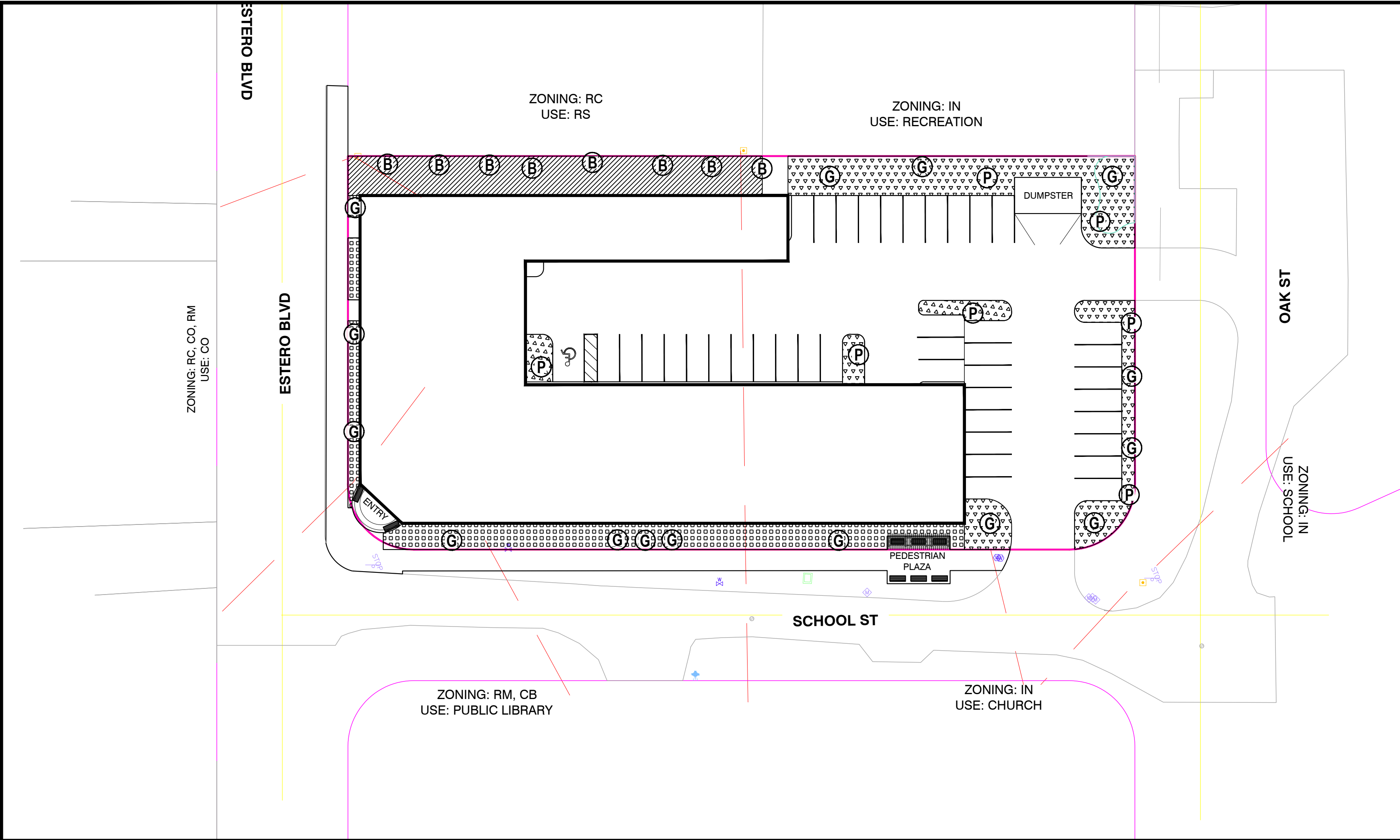
Digitally signed by James M. McCord

Date: 2024.04.17 08:20:07 -04'00'

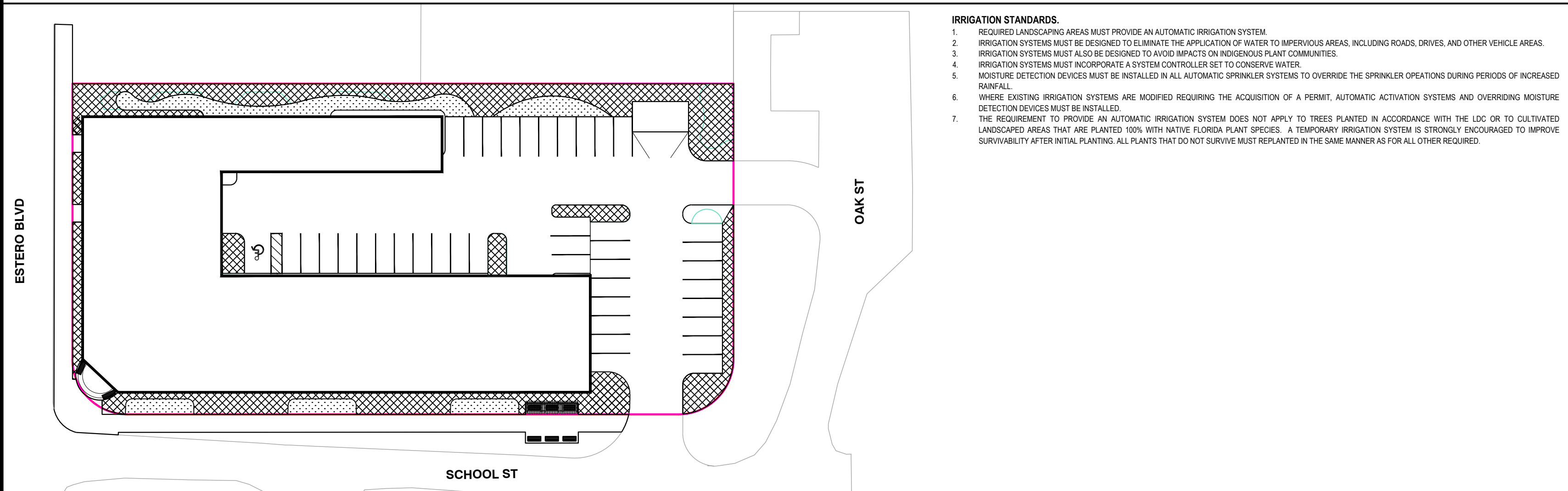
THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

JAMES M. MCCORD

FLORIDA LICENSE NO. 6666882



CODE CALCULATIONS EXHIBIT		CODE REQUIREMENTS LEGEND							
		CODE REQUIRED TREE	SYMBOL	CODE REQUIRED TREE	SYMBOL	CODE REQUIRED TREE	HATCH	CODE REQUIRED PLANTING AREA	HATCH
		BUFFER TREE	B	GENERAL TREE	G	BUFFER AREA	[Hatch]	OPEN SPACE AREA	[Hatch]
		ENHANCEMENT TREE	E	INTERNAL / PARKING / VUE TREE	P	BUILDING PERIMETER AREA	[Hatch]	INTERNAL / PARKING / VUE AREA	[Hatch]



CONCEPTUAL IRRIGATION PLAN		IRRIGATION LEGEND							
		SYMBOL	DESCRIPTION						
		[Symbol]	TURF AREA TO BE IRRIGATED WITH SPRAY HEADS						
		[Symbol]	BED AREAS TO BE IRRIGATED WITH DRIP SYSTEM						

						12800 University Drive, Suite 175 Fort Myers, Florida 33907 (239) 597-0575 FAX: (239) 597-0578 www.consult-rwa.com Florida Certificates of Authorization EB 7663 LB6952					<table><tr><td>DATE:</td><td colspan="2">MARCH 2004</td><td colspan="2">HORIZ. SCALE (FULL):</td><td rowspan="4">CLIENT:</td></tr><tr><td></td><td colspan="2"></td><td colspan="2">#####</td></tr><tr><td>SEC:</td><td>TWP:</td><td>RGE:</td><td colspan="2">HORIZ. SCALE (HALF):</td></tr><tr><td>19</td><td>46 S</td><td>24 E</td><td colspan="2">1" = #####'</td></tr><tr><td colspan="2">DESIGNED:</td><td colspan="2">JMM</td><td colspan="2">VERT. SCALE (FULL):</td><td rowspan="2">TITLE:</td></tr><tr><td colspan="2"></td><td colspan="2"></td><td colspan="2">N/A</td></tr><tr><td colspan="2">DRAWN:</td><td colspan="2">JMM</td><td colspan="2">VERT. SCALE (HALF):</td></tr><tr><td colspan="2"></td><td colspan="2"></td><td colspan="2">N/A</td></tr></table>		DATE:	MARCH 2004		HORIZ. SCALE (FULL):		CLIENT:				#####		SEC:	TWP:	RGE:	HORIZ. SCALE (HALF):		19	46 S	24 E	1" = #####'		DESIGNED:		JMM		VERT. SCALE (FULL):		TITLE:					N/A		DRAWN:		JMM		VERT. SCALE (HALF):						N/A	
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SURFACE WATER MANAGEMENT

- ## LANDSCAPING STANDARDS.

- OF WATER EXCEPT THOSE PORTIONS OF A SHORELINE HAVING A WALL; EXISTING VEGETATION WITHIN THE BUFFER AREA MUST BE RETAINED; AND THE REMOVAL OR CONTROL OF EXOTIC PEST PLANTS MUST NOT INVOLVE THE USE OF HEAVY MECHANICAL EQUIPMENT.
34. FOR DEVELOPMENT ABUTTING WETLANDS: THERE MUST BE A 75' SEPARATION BETWEEN WETLANDS AND ALL BUILDINGS OR OTHER IMPERVIOUS SURFACES.
35. REQUIRED BUFFERS MAY BE USED FOR PASSIVE RECREATION SUCH AS PEDESTRIAN OR BIKE PATHS, PROVIDED THAT: NO REQUIRED TREES OR SHRUBS ARE ELIMINATED; NOT MORE THAN 20% OF THE WIDTH OF THE BUFFER IS IMPERVIOUS SURFACE; THE TOTAL WIDTH OF THE BUFFER AREA IS MAINTAINED; AND ALL OTHER LDC REQUIREMENTS ARE MET.

1. REQUIRED LANDSCAPING AREAS MUST PROVIDE AN AUTOMATIC IRRIGATION SYSTEM.
2. IRRIGATION SYSTEMS MUST BE DESIGNED TO ELIMINATE THE APPLICATION OF WATER TO IMPERVIOUS AREAS, INCLUDING ROADS, DRIVES, AND OTHER VEHICLE AREAS.
3. IRRIGATION SYSTEMS MUST ALSO BE DESIGNED TO AVOID IMPACTS ON INDIGENOUS PLANT COMMUNITIES.
4. IRRIGATION SYSTEMS MUST INCORPORATE A SYSTEM CONTROLLER SET TO CONSERVE WATER.
5. MOISTURE DETECTION DEVICES MUST BE INSTALLED IN ALL AUTOMATIC SPRINKLER SYSTEMS TO OVERRIDE THE SPRINKLER OPERATIONS DURING PERIODS OF INCREASED RAINFALL.
6. WHERE EXISTING IRRIGATION SYSTEMS ARE MODIFIED REQUIRING THE ACQUISITION OF A PERMIT, AUTOMATIC ACTIVATION SYSTEMS AND OVERRIDING MOISTURE DETECTION DEVICES MUST BE INSTALLED.
7. THE REQUIREMENT TO PROVIDE AN AUTOMATIC IRRIGATION SYSTEM DOES NOT APPLY TO TREES PLANTED IN ACCORDANCE WITH THE LDC OR TO CULTIVATED LANDSCAPED AREAS THAT ARE PLANTED 100% WITH NATIVE FLORIDA PLANT SPECIES. A TEMPORARY IRRIGATION SYSTEM IS STRONGLY ENCOURAGED TO IMPROVE SURVIVABILITY AFTER INITIAL PLANTING. ALL PLANTS THAT DO NOT SURVIVE MUST BE REPLANTED IN THE SAME MANNER AS FOR ALL OTHER REQUIRED.

1. APPLICATIONS PURSUANT TO THIS DIVISION ARE ENTITLED TO DEMONSTRATE THAT THE INTENT OF THIS DIVISION CAN BE MORE EFFECTIVELY ACCOMPLISHED THROUGH AN ALTERNATE LANDSCAPE BETTERMENT PLAN.

1. PLANT MATERIALS USED TO MEET THE REQUIREMENTS OF THIS DIVISION MUST MEET THE STANDARDS FOR FLORIDA NO. 1 OR BETTER PER FDACS.

2. ROOT BALL SIZES ON ALL TRANSPLANTED PLANT MATERIALS MUST ALSO MEET STATE STANDARDS.

3. AT LEAST 75% OF THE TREES AND 50% OF THE SHRUBS USED TO FULFILL THESE REQUIREMENTS MUST BE NATIVE FLORIDA SPECIES.

4. FOR REQUIRED TREES, AT LEAST 50% OF THE TREES AT INSTALLATION MUST BE A MIN OF 10' OA, 2" CAL, AND HAVE A 4' SPREAD. THE REMAINING REQUIRED TREES AT INSTALLATION MUST BE A MIN OF 6' OA, 1" CAL, AND HAVE A 3' SPREAD.

5. PALMS MUST HAVE A MIN OF 1' OF CLEAR TRUNK AT PLANTING.

6. COCONUT PALMS MUST BE VARIETIES THAT ARE RESISTANT TO LETHAL YELLOWING.

7. TREES HAVING AN AVG MATURE CROWN LESS THAN 20' MAY BE SUBSTITUTED BY GROUPING THEM TO CREATE THE EQUIVALENT OF 20' CROWN.

8. TREES ADJACENT TO WALKWAYS, BIKE PATHS, AND RIGHTS-OF-WAY MUST BE MAINTAINED WITH 8' OF CT.

9. LARGER TREES MAY BE SUBSTITUTED TO REDUCE THE MIN NUMBER OF GENERAL TREES. TREE CREDITS REQUIRE NO LESS THAN 16' OA AND 4" CAL AT INSTALLATION.

10. MAX GENERAL TREES CREDITS CANNOT EXCEED 50%.

11. SHRUBS MUST BE A MIN OF 24" OA (48" OA FOR TYPE F BUFFERS), 3 GAL CONTAINER SIZE, AND BE SPACED 18'-36" OC.

12. BUFFER SHRUBS MUST BE MAINTAINED A MIN OF 36" OA INCHES (60" OA FOR TYPE F BUFFERS) WITHIN 1 YEAR AFTER INSTALLATION IN PERPETUITY, EXCEPT FOR VISIBILITY AT INTERSECTIONS AND WHERE PEDESTRIAN ACCESS IS PROVIDED.

13. REQUIRED HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND MAINTAINED SO AS TO FORM A CONTINUOUS, UNBROKEN, SOLID VISUAL SCREEN WITHIN ONE YEAR AFTER TIME OF PLANTING.

14. A 2" MIN LAYER, AFTER WATERING-IN, OF APPROVED MULCH MUST BE PLACED AND MAINTAINED AROUND ALL NEWLY INSTALLED TREES, SHRUBS AND GROUND COVER PLANTINGS. EACH TREE MUST HAVE A RING OF MULCH NO LESS THAN 24" BEYOND ITS TRUNK IN ALL DIRECTIONS. THE USE OF CYPRESS MULCH IS PROHIBITED.

15. HIGHLY INVASIVE EXOTIC PLANTS MUST BE REMOVED FROM THE DEVELOPMENT AREA AND BE MAINTAINED FREE FROM INVASIVE EXOTIC PLANTS IN PERPETUITY. INVASIVE EXOTIC PLANTS TO BE REMOVED INCLUDE: MELALEUCA, BRAZILIAN PEPPER, AUSTRALIAN PINE, EARLEAF ACACIA, DOWNY ROSEMYRTLE, TROPICAL SODA APPLE, WEDELIA, BEACH NAUPAKA, AND CHINABERRY.

16. THE FOLLOWING SPECIES OF EXOTIC PLANTS ARE CONSIDERED INVASIVE AND MAY NOT BE USED TO FULFILL ANY REQUIREMENTS OF THIS DIVISION: MELALEUCA, BRAZILIAN PEPPER, AUSTRALIAN PINE, EARLEAF ACACIA, DOWNY ROSEMYRTLE, TROPICAL SODA APPLE, WOMAN'S TONGUE, BISHOP WOOD, CARROTWOOD, ROSEWOOD, MURRAY RED GUM, BENJAMIN FIG, CUBAN LAUREL, CHINESE TALLOW, JAVA PLUM, ROSE APPLE, CORK TREE, WEDELIA, BEACH NAUPAKA, AND CHINABERRY.

17. EXCEPT FOR PROHIBITED SPECIES, EVERY CONSIDERATION MUST BE GIVEN TO RETAINING AS MUCH OF THE EXISTING PLANT MATERIAL AS POSSIBLE.

18. EACH EXISTING NATIVE TREE PRESERVED IN PLACE WHICH HAS A 4" CAL @ DBH WILL RECEIVE A 5:1 TREE CREDIT AGAINST THE TREE PLANTING REQUIREMENTS.

19. NATIVE PALMS PRESERVED IN PLACE WHICH ARE 8' CT WILL RECEIVE A 3:1 TREE CREDIT. EXISTING SAGPAL PALMS, IDENTIFIED ON THE DEVELOPMENT ORDER PLANS AND RELOCATED ON-SITE, WILL BE GIVEN A 2:1 CREDIT.

20. CREDITS FOR EXISTING TREES MAY NOT BE USED TO REDUCE THE REQUIRED PARKING CANOPY TREES.

21. EXISTING NATIVE TREES IN BUFFERS MAY BE USED FOR CREDIT APPLIED TO THE PERIMETER BUFFER PROVIDED THEY OCCUR WITHIN THE SAME SEGMENT (100' OR LESS) OF A REQUIRED BUFFER.

22. CREDITS WILL APPLY ONLY WHEN THE TREES ARE LABELED AS PROTECTED-CREDIT TREES. IF THE PROTECTED-CREDIT TREES DIE WITHIN 3 YEARS FROM THE DEVELOPMENT ORDER CERTIFICATE OF COMPLIANCE, THEY MUST BE REPLACED BY THE NUMBER OF CREDIT TREES TAKEN.

23. CREDITS WILL APPLY WHERE THE PRESERVED TREE IS IN A BARRICADED AREA AT LEAST 2/3 THE RADIUS OF THE DRIP LINE WITH A MIN RADIUS OF 2 1/2'.

24. FOR NATIVE PINE TREES, THE BARRICADED AREA MAY BE NO LESS THAN THE FULL DRIP LINE UNLESS OTHER MEASURES SUCH AS TIE-WALLS OR SPECIAL SLOPE TREATMENT ARE CONSTRUCTED FOR ADDITIONAL PROTECTION.

25. PRIOR TO THE LAND CLEARING STAGE OF DEVELOPMENT, TREE PROTECTIVE BARRIERS MUST BE INSTALLED PER THE DETAIL INCLUDED IN THESE DRAWINGS. FOR ALL OTHER PROTECTED VEGETATION, A BARRICADE MUST BE ERCTED AROUND THE PERIMETER OF THE VEGETATION.

26. NO ONE MAY NOT CAUSE OR PERMIT THE MOVEMENT OF EQUIPMENT OR THE STORAGE OF EQUIPMENT, MATERIAL, DEBRIS, OR FILL TO BE PLACED WITHIN THE REQUIRED PROTECTIVE BARRIER.

27. THE PROTECTED TREES AND ASSOCIATED UNDERSTORY PLANT COMMUNITIES MUST REMAIN ALIVE AND HEALTHY AT THE END OF THE CONSTRUCTION IN ORDER FOR THIS CREDIT TO APPLY.

1. PLANT MATERIALS MUST BE INSTALLED IN SOIL CONDITIONS THAT ARE CONDUCTIVE TO THEIR PROPER GROWTH. LIMEROCK LOCATED WITHIN PLANTING AREAS MUST BE REMOVED AND REPLACED WITH NATIVE OR GROWING QUALITY SOIL BEFORE PLANTING.
2. PLANTS' GROWTH HABITS MUST BE CONSIDERED IN ADVANCE OF CONFLICTS THAT MIGHT BE CREATED (E.G., VIEWS, SIGNAGE, OVERHEAD POWER LINES, LIGHTING CIRCULATION, SIDEWALKS, BUILDINGS, ETC.).
3. TREES MAY NOT BE PLACED WHERE THEY INTERFERE WITH SITE DRAINAGE, SUBSURFACE UTILITIES, OR OVERHEAD UTILITY LINES, OR WHERE THEY WILL REQUIRE FREQUENT PRUNING IN ORDER TO AVOID INTERFERENCE WITH OVERHEAD POWER LINES.
4. ALL LANDSCAPE MATERIALS MUST BE INSTALLED IN A RECOGNIZED HORTICULTURALLY CORRECT MANNER.
5. ALL LANDSCAPED AREAS MUST BE MULCHED UNLESS VEGETATIVE COVER IS ALREADY ESTABLISHED.
6. TREES AND SHRUBS USED IN BUFFERS MUST BE PLANTED IN A MIN WIDTH AREA EQUAL TO 1/2 THE REQUIRED BUFFER (NO LESS THAN 5' WIDTH).
7. ALL LANDSCAPED AREAS MUST BE PROVIDED PROTECTION FROM ENCROACHMENT BY ANY TYPE OF VEHICLE.
8. ALL REQUIRED PLANTS USED IN BUFFERS AND LANDSCAPING MUST BE INSTALLED USING FLORIDA FRIENDLY PRINCIPLES.
9. UTILITY OR DRAINAGE EASEMENTS MAY OVERLAP REQUIRED BUFFERS, NO BUFFER TREES OR SHRUBS MAY BE LOCATED IN ANY UTILITY, DRAINAGE, OR STREET EASEMENT OR RIGHT-OF-WAY.
10. TO AVOID CONFLICTS WITH OVERHEAD UTILITY LINES, ONLY TREES REACHING LESS THAN 20' OA AT MATURITY MAY BE USED DIRECTLY ADJACENT TO AN OVERHEAD LINE.
11. VARIANCES AND DEVIATIONS FROM THE REQUIREMENTS OF THE PLANT INSTALLATION AND MAINTENANCE STANDARDS ARE PROHIBITED, EXCEPT WHEN INCLUDED IN AN APPROVED ALTERNATE LANDSCAPE BETTERMENT PLAN.
12. MIN SAFE SIGHT DISTANCES MUST BE MAINTAINED IN ACCORDANCE WITH THE LDC VISIBILITY REQUIREMENTS.
13. THE OWNER IS RESPONSIBLE FOR MAINTAINING THE REQUIRED LANDSCAPING IN A HEALTHY, VIGOROUS CONDITION AT ALL TIMES. TREE AND PALM STAKING MUST BE REMOVED WITHIN 1 YEAR AFTER INSTALLATION.
14. ALL LANDSCAPING MUST BE KEPT FREE OF INVASIVE EXOTIC SPECIES, REFUSE, DEBRIS, DISEASE, PESTS, AND WEEDS. ONGOING
15. VEGETATION REQUIRED BY THIS CODE MAY ONLY BE PRUNED TO PROMOTE HEALTHY, UNIFORM, NATURAL GROWTH OF THE VEGETATION (EXCEPT WHERE NECESSARY TO PROMOTE PUBLIC HEALTH, SAFETY OR WELFARE). PRUNING MUST BE IN ACCORDANCE ANSI A300 AND THE ISA BEST MANAGEMENT PRACTICES.
16. TREES MUST NOT BE SEVERELY PRUNED TO PERMANENTLY MAINTAIN GROWTH AT A REDUCED HEIGHT OR SPREAD.
17. PRUNING MUST NOT INTERFERE WITH THE DESIGN INTENT OF THE ORIGINAL INSTALLATION.

- ## LANDSCAPE CERTIFICATE OF COMPLIANCE.

1. THE LANDSCAPE ARCHITECT MUST INSPECT AND CERTIFY THAT ALL LANDSCAPING AND THE IRRIGATION SYSTEM ARE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED LANDSCAPE AND IRRIGATION PERMIT PLANS.
2. AN "AS-BUILT" LANDSCAPE PLAN MUST BE SUBMITTED TO HIGHLIGHT ANY CHANGES TO THE APPROVED PERMIT AND INCLUDED WITH THE CERTIFICATION.
3. ANY CHANGES TO AN "ALTERNATIVE LANDSCAPE BETTERMENT PLAN" MUST BE APPROVED BY MINOR CHANGE TO THE DEVELOPMENT ORDER.
4. THE GENERAL CERTIFICATE OF COMPLIANCE PROCEDURE OUTLINED IN THE LDC.
5. RESTORATION STANDARDS FOR INDIGENOUS PLANT COMMUNITIES.
6. A RESTORATION PLAN BASED ON THE MIN LDC STANDARDS WILL BE REQUIRED IF INDIGENOUS PLANT COMMUNITIES HAVE BEEN REMOVED WITHOUT PERMIT OR APPROVAL.
7. RESTORATION PLANTINGS FOR VEGETATION OTHER THAN TREES MUST BE NURSERY GROWN, CONTAINERIZED, AND PLANTED AT NO LESS THAN 36" OC.
8. THE NUMBER OF REPLACEMENT PLANTINGS WILL BE COMPUTED BY THE SQ FT OF THE AREA DESTROYED.
9. ALL OTHER RESTORATION CRITERIA AS SET FORTH IN THE LDC PERTAINING TO TREE PROTECTION WILL APPLY.
10. RESTORATION PLANTINGS FOR NATIVE TREES MUST BE IN COMPLIANCE WITH THE LDC STANDARDS.

1. BEACH IS THE AREA OF SAND ALONG THE GULF OF MEXICO THAT EXTENDS LANDWARD FROM THE MEAN LOW-WATER LINE TO THE PLACE WHERE THERE IS A MARKED CHANGE IN MATERIAL OR PHYSIOGRAPHIC FORM, OR TO THE LINE OF PERMANENT VEGETATION, USUALLY THE EFFECTIVE LIMIT OF STORM WAVES.

2. BEACH WIDTH MEANS THE PERPENDICULAR DISTANCE MEASURED FROM THE EDGE OF WET SAND TO THE PLACE WHERE THERE IS A MARKED CHANGE IN MATERIAL OR PHYSIOGRAPHIC FORM FROM BEACH SAND TO DUNE VEGETATION, SEAWALL, TURF GRASS, ETC.

3. DUNE SANDS ARE SANDS, ROCKS, OR EMERGENT ZONE OF LOOSE SEDIMENT, USUALLY SAND-SIZED SEDIMENT, LYING UPLAND OF THE BEACH AND DEPOSITED BY ANY NATURAL OR ARTIFICIAL MECHANISM, WHICH MAY BE BARE OR COVERED WITH VEGETATION, AND IS SUBJECT TO FLUCTUATIONS IN CONFIGURATION AND LOCATION. IT ENCOMPASSES THOSE ECOLOGICAL ZONES THAT, WHEN LEFT UNDISTURBED, WILL SUPPORT DUNE VEGETATION, AS TO AREAS RESTORED OR RENOURISHED PURSUANT TO A PERMIT ISSUED BY THE TOWN OR STATE, IT ENCOMPASSES THE AREA SPECIFIED IN THE PERMIT AS A DUNE OR ANY AREA SPECIFIED AS SUITABLE FOR ESTABLISHMENT.

1. DUNE VEGETATION MEANS PIONEER SPECIES OF NATIVE VEGETATION WHICH, IF LEFT UNDISTURBED BY MANMADE FORCES, WILL BEGIN TO GROW ON A DUNE INCLUDING SPECIES SUCH AS BITTER PANICUM, COASTAL PANIC GRASS, CROWFOOT GRASS, SALTMEADOW CORDGRASS, SANDBUR, SEACOAST BLUESTEM, SEA OTS, SEASHORE DROPSIED, SEASHORE PASPALUM, SEASHORE SALTGRASS, STIFFLEAF EUSTACHYS, BEACH BENE, BLANKET FLOWER, DUNE SUNFLOWER, FIDDLE-LEAF MORNINGGLORY, PARTRIDGE PEA, RAILROAD VINE, SEA PURSLANE, BEACH CREEPER, NICKER BEACH, COIN VINE, INKBERGY, LANTANA, SAW PALMETTO, SEASHORE ELDER, BAYCEDAR, GREEN BUTTONWOOD, CABBAGE PALM, COCOPLUM, SEAGRAPE, AND SOUTHERN WAX MYRTLE.

2. EDGE OF WET SAND MEANS THE POINT WHERE THE VISIBLE DARKENING OR STAINING OF THE BEACH SAND FROM WAVE ACTION IS NO LONGER DETECTABLE.

3. HAND RAKING MEANS THE USE OF A STANDARD GARDEN RAKE, PITCHFORK, POTATO FORK, OR ANY OTHER HANDHELD TOOL USED FOR THE PURPOSE OF REMOVING OR ALTERING THE "WRACK LINE."

4. MECHANICAL BEACH RAKING MEANS A METHOD OF MAINTAINING THE BEACH BY PULLING A PRONGED RAKE OR A PIECE OF CHAIN LINK FENCE THAT MEETS THE REQUIREMENTS OF THE LDC § 14-6(C). THE RAKE OR CHAIN LINK FENCE MAY BE PULLED BEHIND A TRACTOR, GOLF CAR, ATV, OR OTHER VEHICLE, AS APPROVED BY THE TOWN, WHICH MEETS THE MAXIMUM GROUND-TO-TIRE PRESSURE FOUND IN THE LDC.

5. SEAWARD LINE OF VEGETATION MEANS THE LOCATION CLOSEST TO THE MEAN HIGH-WATER LINE CONTAINING, OR SUITABLE FOR, DUNE VEGETATION. IF THERE IS NO SUCH VEGETATION UPON A PARCEL, OR PORTION OF A PARCEL, IT WILL ENCOMPASS A LINE ALONGSHORE PROJECTED FROM THE CLOSEST AREAS ON EACH SIDE WHERE SUCH VEGETATION DOES EXIST.

6. WET SAND MEANS THE AREA ON THE BEACH WHERE THE SAND IS SATURATED BY SEA WATER FROM WAVE ACTION. THIS AREA IS IDENTIFIED BY A VISIBLE DARKENING OR STAINING OF THE BEACH SAND FROM THE WATER DRIVEN ONSHORE BY WAVE ACTION.

7. WRACK LINE MEANS A WELL-DEFINED ZONE OF THE NATURAL ORGANIC MARINE MATERIAL CAST ON THE SHORE BY THE LAST HIGH TIDE, INCLUDING SEAWEED AND OTHER VEGETATIVE AND ANIMAL DEBRIS, BUT EXCLUDING MANMADE MATERIAL. ANY AREAS OF ORGANIC MARINE MATERIAL LEFT ON THE UPPER BEACH DUE TO ABNORMALLY HIGH SPRING TIDES, STORM TIDES, OR OTHER EXTREME CONDITIONS OR EVENTS, AS DETERMINED BY THE TOWN, ARE NOT INCLUDED IN THE DEFINITION OF "WRACK LINE."

8. IT IS UNLAWFUL AND PROHIBITED FOR ANY PERSON TO DO, CONDUCT, OR PERMIT ANY OF THE FOLLOWING ON A BEACH, UPON A DUNE, OR IN THE WATER ADJACENT TO A BEACH: PLANT VEGETATION OTHER THAN DUNE VEGETATION; DESTROY OR HARM A DUNE OR REMOVE DUNE VEGETATION; DUMP OR DISCARD OR LEAVE LITTER OR GARBAGE, TRASH OR REFUSE, VEGETATIVE CLIPPINGS, OR DEBRIS; DESTROY OR GROSSLY INTERFERE WITH THE NATURAL WRACK LINE AS BY GROOMING OR NON-SELECTIVE RAKING; EXCAVATE, MINE, AND REMOVE, OR HAUL SAND OR SOIL FROM THE BEACH OR DUNE EXCEPT IN EMERGENCY SITUATIONS AS DECLARED BY THE TOWN COUNCIL; DEPOSIT / INSTALL ROCKS, CONCRETE, OR OTHER SHORELINE STABILIZATION MATERIALS WITHOUT A PERMIT FROM DEP AND THE TOWN DEPOSIT/ADD SAND TO THE BEACH AND DUNE SYSTEM WITHOUT A PERMIT FROM DEP.

9. ALL FILL MATERIAL SHALL BE SAND THAT IS SIMILAR TO THE EXISTING BEACH SAND IN BOTH COLORATION AND GRAIN SIZE AND BE FREE OF DEBRIS, ROCKS, CLAY, OR OTHER FOREIGN MATTER.

1. THE USE OF BOXBLADES ON THE BEACH OR DUNE IS PROHIBITED.
2. IN AN EMERGENCY AND/OR STORM EVENT RESULTING IN A BUILD-UP OF SAND AGAINST SEAWALLS, THE USE OF A BOXBLADE MAY BE ALLOWED WITH THE APPROVAL OF DEP, WHERE REQUIRED, AND UPON FILING THAT APPROVAL WITH THE TOWN MANAGER AND MEETING ANY OTHER REQUIREMENTS SET BY THE TOWN.
3. UNDER NORMAL CIRCUMSTANCES, THE RAKING OF THE WRACK LINE IS PROHIBITED.
4. NO MECHANICAL OR HAND RAKING MAY TAKE PLACE SEAWARD OF THE WRACK LINE OR WITHIN 10' LANDWARD OF THE WRACK LINE; PROVIDED THAT HAND RAKING OF THE WRACK LINE MAY BE PERFORMED ANYTIME TO AMELIORATE HAZARDOUS CONDITIONS SUCH AS REMOVAL OF SAND CASTLES OR FILLING IN OF MANMADE HOLES ON THE BEACH.
5. THE TOWN MAY APPROVE THE RAKING OF THE WRACK LINE CONDITIONED UPON PRIOR APPROVAL BY THE DEP IF IT IS DETERMINED THAT EXCESSIVE ACCUMULATION OF NATURAL OR OTHER DEBRIS CAUSED BY EXTREME EVENTS, INCLUDING, BUT NOT LIMITED TO, RED TIDE, RED ALGAE BLOOM, OR STORM-CARRIED DEBRIS, ARE PRESENT. SHOULD SUCH EXCESSIVE ACCUMULATION BE DETERMINED, THE TOWN MAY APPROVE RAKING CONSISTENT WITH THE AUTHORIZATION GIVEN BY DEP. ANY SUCH RAKING WHICH WILL RESULT IN THE UN-REIMBURSED EXPENDITURE OF TOWN FUNDS IN EXCESS OF CURRENTLY BUDGETED FUNDS SHALL FIRST BE APPROVED BY THE TOWN COUNCIL.
6. IF RAKING OCCURS DURING SEA TURTLE SEASON (MAY 1 THROUGH OCTOBER 31), THE RAKING MUST BE IN COMPLIANCE WITH THE LDC.

8. A RESTORATION PLAN SHALL BE ORDERED USING THE STANDARDS IN THIS SECTION. SUCH A RESTORATION PLAN SHALL SET FORTH REPLACEMENT OF THE SAME SPECIES OR ANY SPECIES APPROVED BY CONSENT OF THE BEFORE-MENTIONED PARTIES, OR, IF APPROPRIATE, IN ACCORDANCE WITH THE DIRECTION OF THE COURT OR SPECIAL MAGISTRATE.
9. RESTORATION PLANTINGS FOR VEGETATION OTHER THAN TREES MUST BE NURSERY GROWN, CONTAINERIZED, AND PLANTED AT A MIN DENSITY OF NO LESS THAN 1 1/2 OC.
10. THE NUMBER OF REPLACEMENT PLANTINGS WILL BE COMPUTED BY THE SQ FT OF THE AREA DESTROYED.
11. THE REPLACEMENT STOCK SHALL BE A 2" LINER.
12. HIGHER DENSITY PLANTINGS MAY BE REQUIRED AT THE TOWNS DISCRETION. IF THE DENSITY OR SPECIES OF THE VEGETATION CANNOT BE DETERMINED WHERE THE VIOLATION OCCURRED, THEN AN ASSUMPTION SHALL BE MADE THAT THE DENSITY AND THE SPECIES WERE THE SAME AS ON SIMILAR PROPERTIES.
13. DUNE VEGETATION ALTERATION VIOLATIONS DUE TO RAKING, EXCAVATION, AND/OR CLEARING SHALL BE RESTORED TO NATURAL GROUND ELEVATION AND SOIL CONDITIONS PRIOR TO COMMENCEMENT OF REPLANTING.
14. REPLACEMENT PLANTINGS SHALL GUARANTEE A 80 PERCENT MIN SURVIVABILITY RATE FOR A PERIOD OF NO LESS THAN 5 YEARS
15. ONLY TEMPORARY ABOVE GROUND IRRIGATION MAY BE INSTALLED AND MUST BE REMOVED NO LATER THAN 1 YEAR FROM THE INSTALLATION DATE.

ACTIVITIES THAT DESTROY WETLANDS OR IMPAIR THE FUNCTIONING OF WETLANDS ARE PROHIBITED.

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PROTECTED TREE REMOVAL.

- INDIGENOUS VEGETATION.**

- PROTECTED TREES.**

1. ANY TREE DELINEATED IN THE LDC SHALL BE A PROTECTED TREE.
2. ALL OTHER SPECIES OF TREES NOT NAMED IN THE LDC MAY BE REMOVED WITHOUT A PERMIT IN SUCH A MANNER SO AS NOT TO DISTURB OR DESTROY SURROUNDING PROTECTED TREES OR INDIGENOUS VEGETATION.

PROTECTED TREE LIST.

1. ACER RUBRUM, RHUS COPALLINA, ANNONA GLABRA, ILEX CASPINE, COCCOTHORINAX ARGENTATA, COCOS NUCIFERA, ROYSTONIA ELATA, SABAL PALMETTO, AICENNIA GERMINANS, CARPINUS CAROLINIANA, CORDIA SEBESTENA, BURSERA SIMARUBA, CAPPARIS CYNOPHOLOPHYLLA, BUCIDA BUCHARA, CONOCARPUS ERECTA, LAGUNCULARIA RACEMOSA, CORNUS FOEMINA, CUPRESSACEAE, JUNIPERUS SILICICOLA, EBENACEAE, DIOSPYROS VIRGINIANA, FABACEAE, ACACIA FARNESIANA, LYSILOMA BAHAMENSIS, PISCIDIA PISCIPULA, PITHECELOBIUM UNGUIS-CATI, QUERCUS CHAPMANI, QUERCUS INCANA, QUERCUS LAEVIS, QUERCUS LAURIFOLIA, QUERCUS MYRTIFOLIA, QUERCUS NIGRA, QUERCUS VIRGINIANA, QUERCUS VIRGINIANA GEMINATA, LIQUIDAMBAR STYRACIFLUA, CARYA AQUATICA, CARYA GLABRA, PERSEA BORBONIA, PERSEA PALUSTRIS, MAGNOLIA GRANDIFLORA, MAGNOLIA VIRGINIANA, SWETINIA MAHOGNI, MORACEAE, FICUS AUREA, FICUS CITRIFOLIA, MORUS RUBRA, EUGENIA AXILLARIS, EUGENIA CONFUSA, EUGENIA RHOMBEA, EUGENIA MYRTIODES, MYRTIACEANS FRAGANS, NYSSA SYLVESTICA, XIMENIA AMERICANA, OLEACEAE, FORESTIERA SEGREGATA, FRAXINUS CAROLINIANA, PINUS ELLIOTTII VAR. DENSA, PINUS PALUSTRIS, PLATANUS OCCIDENTALIS, COCCOLOBA DIVERSIFOLIA, COCCOLOBA UVIFERA, RHIZOPHORA MANGLE, PRUNUS CAROLINIANA, ZANTHOXYLUM CLAVAHERCULUS, SALIX CAROLINIANA, BUMEIA CELASTRINA, BUMEIA TENAX, CHRYSOPHYLLUM OLIVIFORME, MASTICHOEDENDRON FORTIODISSIMUM, SIMAROUBA GLAUCA, TAXODIUM ASCENDENS, TAXODIUM DISTICHUM, GORDONIA LASIANTHUS, JACQUILINA KEYENSIS, CELTIS LAEVIATA, AND ULMUS AMERICANA.

UNLAWFUL INJURY OF TREES.

1. IT SHALL BE A VIOLATION TO REMOVE, INJURE, DISFIGURE, OR DESTROY A PROTECTED TREE IN PREPARATION FOR, IN CONNECTION WITH, OR IN ANTICIPATION OF DEVELOPMENT OF LAND, EXCEPT IN ACCORDANCE WITH THE LDC ANY PROTECTED TREE MAY BE LAWFULLY REMOVED ONLY AFTER A PERMIT THEREOF HAS BEEN.
2. WHERE A PROTECTED TREE IS TO BE REMOVED, THE TOWN MAY RELOCATE THE TREE AT THE TOWN'S EXPENSE WITHIN 30 WORKING DAYS.
3. FOR CLEARING PRIOR TO BUILDING PERMIT ISSUANCE, A SEPARATE TREE REMOVAL PERMIT APPLICATION MUST BE SUBMITTED.
4. NO PERMIT IS REQUIRED FOR THE REMOVAL OF UP TO 3 PROTECTED TREES DURING ANY 1 YEAR PERIOD ON A SINGLE-FAMILY RESIDENCE OR MOBILE HOME LOT.
5. PRIOR TO CLEARING, ALL PROTECTED TREES TO BE REMOVED SHALL BE CLEARLY MARKED.
6. WHERE A TREE REMOVAL PERMIT HAS NOT BEEN ISSUED, PROTECTIVE BARRIERS SHALL BE INSTALLED ACCORDING TO THE FOLLOWING: A MIN 6' RADIUS OF ALL SPECIES OF MANGROVES AND PROTECTED SABAL PALMS; MIN OF THE FULL DRIPLINE OF ALL PROTECTED NATIVE PINES; AND 2/3 OF THE DRIPLINE OF ALL OTHER PROTECTED SPECIES.
7. NO PERSON SHALL ATTACH ANY SIGN, NOTICE OR OTHER OBJECT TO ANY PROTECTED TREE OR FASTEN ANY WIRES, CABLES, NAILS, OR SCREWS TO ANY PROTECTED TREE IN ANY MANNER THAT COULD PROVE HARMFUL TO THE PROTECTED TREE, EXCEPT AS NECESSARY IN CONJUNCTION WITH ACTIVITIES IN THE PUBLIC INTEREST.
8. DURING THE CONSTRUCTION STAGE OF DEVELOPMENT, NO CLEANING OF EQUIPMENT OR MATERIAL WITHIN THE OUTSIDE PERIMETER OF THE CROWN (DRIPLINE) OR ON THE NEARBY GROUND OF ANY PROTECTED TREE OR GROUP OF TREES WHICH IS TO BE PRESERVED.
9. NO STORAGE OF BUILDING MATERIAL AND/OR EQUIPMENT, OR DISPOSAL OF WASTE MATERIAL SUCH AS PAINTS, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, OR ANY OTHER MATERIAL HARMFUL TO THE LIFE OF THE TREE WITHIN ITS DRIPLINE.
10. NO PERSON SHALL PERMIT ANY UNNECESSARY FIRE OR BURNING WITHIN 30' OF THE DRIPLINE OF A PROTECTED TREE.
11. ANY LANDSCAPING ACTIVITIES WITHIN THE PROTECTIVE BARRIER AREA SHALL BE ACCOMPLISHED WITH HAND LABOR.
12. ALL PROTECTED TREES DESIGNATED TO BE PRESERVED THAT WERE DESTROYED DURING CONSTRUCTION SHALL BE REPLACED BY TREES OF THE SAME SPECIES AND EQUIVALENT CAL @ DBH.
13. THE TOWN MAY CONDUCT PERIODIC INSPECTIONS OF THE SITE DURING LAND CLEARANCE AND CONSTRUCTION.
14. IF DEVELOPMENT ACTIVITIES SEVERELY STRESS SLASH PINES OR ANY OTHER PROTECTED TREE SUCH THAT THEY ARE MADE SUSCEPTIBLE TO INSECT ATTACK, PREVENTATIVE SPRAYING OF THESE TREES MAY BE REQUIRED.

RESTORATION STANDARDS.

1. A RESTORATION PLAN SHALL INCLUDE A PLANTING PLAN FOR ALL PROTECTED TREES.
2. REPLACEMENT STOCK SHALL BE COMPUTED ON 3:1 BASIS ACCORDING TO THE TOTAL NUMBER OF UNLAWFULLY REMOVED TREES.
3. REPLACEMENT TREES SHALL BE NURSERY GROWN, CONTAINERIZED, AND NO LESS THAN 6' OA.
4. UNDERSTORY VEGETATION SHALL BE RESTORED TO THE AREA FROM WHICH PROTECTED TREES WERE UNLAWFULLY REMOVED OR MUTILATED.
5. GROUND COVER AND GRASSES PLANT SELECTION SHALL BE BASED ON FLUCCS CODES.
6. UP TO 7 SPECIES SHALL BE UTILIZED WITH RELATIVE PROPORTIONS OF FLUCCS CHARACTERISTIC. THE EXACT NUMBER AND TYPE OF SPECIES REQUIRED SHALL ALSO BE BASED UPON THE EXISTING INDIGENOUS VEGETATION ON ADJACENT PROPERTY. REPLACEMENT STOCK SHALL BE NO LESS THAN 1 GAL, NURSERY-GROWN CONTAINERIZED STOCK PLANTED AT NO LESS THAN 3' OC IN THE AREA FROM WHICH PROTECTED TREES WERE UNLAWFULLY REMOVED / DAMAGED.
7. THIS AREA SHALL BE DEFINED BY THE DRIPLINE OF THE TREES. THE NUMBER OF SHRUBS SHALL NOT EXCEED, BUT MAY BE LESS THAN, 25 SHRUBS PER TREE UNLAWFULLY REMOVED OR DAMAGED.
8. THE UNDERSTORY OF THE RESTORED SITE SHALL BE PROTECTED FOR A PERIOD OF NO LESS THAN 10 YEARS, UNLESS ITS REMOVAL IS A PROVISION OF AN APPROVED DO AFTER THE RESTORATION OF THE SITE.
9. IF THE UNLAWFUL REMOVAL OF TREES HAS CAUSED ANY CHANGE IN HYDROLOGY, THEN THE HYDROLOGY SHALL BE RESTORED TO PRE-VIOLATION CONDITION.
10. REPLACEMENT STOCK SHALL BE FLORIDA NO. 1 OR BETTER GRADE WITH 80% SURVIVABILITY FOR A PERIOD OF NO LESS THAN 5 YEARS.
11. A MAINTENANCE PROVISION OF NO LESS THAN 5 YEARS MUST BE PROVIDED IN THE RESTORATION PLAN TO CONTROL INVASION OF EXOTIC VEGETATION.
12. REPLACEMENT STOCK SHALL NOT BE LOCATED ON ANY PROPERTY LINE, OR IN ANY UTILITY EASEMENT THAT PROHIBITS SUCH PLANTINGS.
13. THE RESTORATION PLAN SHALL INDICATE THE LOCATION OF THE REPLACEMENT STOCK CONSISTENT.
14. IF IDENTIFICATION OF THE SPECIES OF PROTECTED TREES THAT WERE UNLAWFULLY REMOVED IS IMPOSSIBLE, THEN A PRESUMPTION IS OF A SIMILAR SPECIES AND MIX AS THOSE FOUND ON ADJACENT PROPERTIES.
15. NO ONE SHALL DELIBERATELY CUT DOWN, DAMAGE, DESTROY, REMOVE, RELOCATE, DEFOLIATE THROUGH THE USE OF CHEMICALS OR OTHER METHODS WITHOUT FIRST OBTAINING A PERMIT. ITEMS REQUIRED FOR A TREE REMOVAL PERMIT SHALL INCLUDE: A SITE PLAN WITH THE SHAPE AND DIMENSIONS OF THE LOT OR PARCEL WITH THE EXISTING AND PROPOSED STRUCTURES AND IMPROVEMENTS; A TREE LOCATION MAP FOR THE REMOVAL OF 3 PROTECTED TREES OR LESS; ANY PROPOSED GRADE CHANGES THAT MIGHT ADVERSELY AFFECT OR ENDANGER ANY PROTECTED TREES WITH SPECIFICATIONS REFLECTING HOW THE TREES CAN BE SAFELY MAINTAINED; AND A TREE REPLACEMENT PLAN.
16. APPROVAL MAY BE GRANTED FOR A PERMIT FOR THE REMOVAL OF ANY PROTECTED TREE IF: TREES WHICH POSE A SAFETY HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR THREATEN TO CAUSE DISRUPTION TO PUBLIC UTILITY SERVICES; TREES WHICH POSE A SAFETY HAZARD TO EXISTING BUILDINGS OR STRUCTURES; TREES WHICH, IF NOT REMOVED, WOULD PRECLUDE VEHICULAR ACCESS TO A LOT OR PARCEL; DISEASED TREES WHICH ARE A HAZARD TO PEOPLE, BUILDINGS OR OTHER IMPROVEMENTS ON A LOT OR PARCEL OR TO OTHER TREES; TREES SO WEAKENED BY AGE, STORM, FIRE, OR OTHER INJURY AS TO JEOPARDIZE THE LIFE AND LIMB OF PERSONS OR CAUSE A HAZARD TO PROPERTY; AND TREES THAT WOULD NOT ALLOW A LANDOWNER NO BENEFICIAL USE OF A LOT OR PARCEL OR WOULD PLACE AN INORDINATE BURDEN ON THE LANDOWNER.
- 17.

MANGROVE ENFORCEMENT.

1. THE RESTORATION PLAN SHALL INCLUDE THE FOLLOWING MIN PLANTING STANDARDS: 3:1 REPLACEMENT RATIO; IF THE NUMBER OF ALTERED MANGROVES CANNOT BE DETERMINED, THEN THE REQUIRED NUMBER OF REPLACEMENT STOCK SHALL BE COMPUTED ACCORDING TO THE TOTAL AREA WHEREIN ALL MANGROVES WERE

UNLAWFULLY ALTERED; THE REPLACEMENT STOCK SHALL BE CONTAINER GROWN MANGROVES NO LESS THAN 1 YEAR OLD AND 24" O.A; REPLACEMENT MANGROVES SHALL BE PLANTED AT A MIN DENSITY OF 36" O.C.; AND IF THE DENSITY OF MANGROVES CANNOT BE DETERMINED WHERE THE VIOLATION OCCURRED, THEN AN ASSUMPTION SHALL BE MADE THAT THE DENSITY WAS THE SAME AS ON ADJACENT PROPERTIES.

MANGROVE ALTERATION VIOLATIONS DUE TO FILLING, EXCAVATION, DRAINAGE, AND/OR CLEARING SHALL BE RESTORED TO NATURAL GROUND ELEVATION AND SOIL CONDITIONS PRIOR TO COMMENCEMENT OF REPLANTING.

REPLACEMENT STOCK SHALL NOT BE LOCATED ON ANY PROPERTY LINE, OR IN ANY UTILITY EASEMENT THAT PROHIBITS SUCH PLANTINGS.

IN THE EVENT THAT THE SPECIES OF MANGROVE CANNOT BE IDENTIFIED ON PROPERTY WHEREIN MANGROVES WERE ALTERED IN VIOLATION OF THIS ARTICLE, THEN A PRESUMPTION SHALL BE MADE THAT THE MANGROVES ILLEGALLY ALTERED WERE OF A SIMILAR SPECIES AND DISTRIBUTION AS THOSE FOUND ON ADJACENT PROPERTIES.

REPLACEMENT PLANTINGS SHALL HAVE A MIN OF 80% SURVIVAL AT THE END OF 5 YEARS, HOWEVER, SUCCESS WILL BE EVALUATED ON AN ANNUAL BASIS.

THE RESTORATION PLAN SHALL INCLUDE A MAINTENANCE PROVISION OF NO LESS THAN 5 YEARS FOR THE CONTROL OF INVASIVE EXOTIC VEGETATION.

NO ONE SHALL ALTER ANY MANGROVE TREE LOCATED IN THE INCORPORATED AREA, WITHOUT FIRST OBTAINING A PERMIT, WHERE APPLICABLE, FROM THE STATE DEPARTMENT OF ENVIRONMENTAL WHENEVER THE REQUIREMENTS OR PROVISIONS OF THIS ARTICLE ARE IN CONFLICT WITH THE REQUIREMENTS OR PROVISIONS OF ANY OTHER LAWFULLY ADOPTED ORDINANCE, THE MOST RESTRICTIVE REQUIREMENTS SHALL APPLY.

SIGNS.

1. A LANDSCAPE PLAN FOR SIGN INSTALLATIONS IS REQUIRED.

SURFACE WATER MANAGEMENT SYSTEMS.

1. SHORELINES MUST BE SINUOUS.
2. THE PLS SHORELINE LENGTH MUST EQUAL 25% OF THE TOTAL LIN FT OF THE LAKE'S CONTROL ELEVATION.
3. THE PLS SHOULD BE CONCENTRATED AT ONE LOCATION OF THE LAKE AND MUST BE LOCATED AWAY FROM RESIDENTIAL LOTS. THE PLS MAY BE LOCATED ADJACENT TO CONTROL STRUCTURES BUT MAY NOT IMPEDE FLOW.
4. THE REQUIRED PLS MAY BE DIVIDED AND PLACED IN MULTIPLE LOCATIONS AS LONG AS NO PLS AREA IS SMALLER THAN 1,000 SQ FT.
5. THE PLS MUST HAVE SLOPES FROM 6:1 TO 4:1 AND EXTEND A MIN OF A 20' WATERWARD OF CONTROL ELEVATION AT A MAX DEPTH OF 2' BELOW THE CONTROL ELEVATION. A DETAILED CROSS SECTION MUST BE PROVIDED IN THE PERMIT PLANS.
6. THE PLS AREAS MUST BE PLANTED WITH A MIN 4 NATIVE HERBACEOUS PLANT SPECIES SELECTED SURVIVAL BASED UPON THE EXPECTED WATER LEVEL FLUCTUATIONS AND MAX DEPTHS. THE LITTORALS MIN SIZE IS A 2' LINER
7. THE REQUIRED NUMBER OF LITTORALS EQUAL A 2' OC SPACING FOR THE ENTIRE AREA OF THE PLS. THE TOTAL NUMBER OF PLANTS FOR THE PLS IS CALCULATED BY MULTIPLYING THE TOTAL LIN FT OF CONTROL BY 25%, THEN MULTIPLIED BY THE 20' SHELF AND THEN DIVIDED BY 4 TO OBTAIN THE 2' OC REQUIREMENT.
8. NATIVE WETLAND TREES MAY BE SUBSTITUTED FOR UP TO 25% OF THE TOTAL NUMBER OF HERBACEOUS PLANTS REQUIRED AT 1 TREE (MIN 10' OA; 2" CAL, WITH A 4' SPREAD) PER 100 HERBACEOUS PLANTS.
9. TREES AND HERBACEOUS PLANTS MUST BE MAINTAINED IN PERPETUITY.
10. HARDENED SHORELINE STRUCTURES (BULKHEADS, GEO-TEXTILE TUBES, RIPRAP) MAY COMPRISE UP TO 20% OF AN INDIVIDUAL LAKE SHORELINE AND CANNOT USED ADJACENT TO SINGLE-FAMILY RESIDENTIAL USES. A 5' COMPENSATORY LITTORAL SHELF PLANTED WITH HERBACEOUS WETLAND PLANTS EQUAL TO THE LIN FT OF THE SHORELINE STRUCTURE MUST BE PROVIDED WITHIN THE SAME LAKE. THE REQUIRED LITTORALS FOR THIS SHELF EQUAL MULTIPLYING THE 5' LITTORAL SHELF WIDTH TIMES THE LENGTH DIVIDED BY 4 TO OBTAIN THE 2' OC REQUIREMENT.

Digitally signed by James M. McCord
Date: 2024.04.17 08:21:04 -04'00'

THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882

GENERAL.

- ## PLANT MATERIALS.

- ## PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS

- BACKFILL MATERIALS FOR CONTAINER GROWN PLANT MATERIALS SHALL BE AMENDED TO A RATIO OF ONE HALF (1/2) NATIVE SOIL & ONE HALF (1/2) APPROVED ORGANIC.
6. AMEND PLANTING BEDS WITH 3" MINIMUM OF APPROVED ORGANICS AND OCOTILLO TO A DEPTH OF 6".
7. GRADE PLANTING BEDS AS TO ASSURE PROPER DRAINAGE AWAY FROM PLANT MATERIALS AND STRUCTURES.
8. INCORPORATE A COMPLETE SLOW RELEASE FERTILIZER BY TILLING.
9. INSTALL OTHER REQUIRED SOIL AMENDMENTS PER MANUFACTURER'S OR INDEPENDENT LAB'S RECOMMENDATIONS TO ACHIEVE OPTIMAL PH LEVELS (5.5-6.5) WITHIN THREE (3) MONTHS OF PLANTING.
10. THE RESULTS OF PRE AND POST SOIL MODIFICATION TESTING SHALL BE SUBMITTED TO RWA, INC'S FOR APPROVAL PRIOR TO PLANTING.
11. SELECT AND MIX TESTING SAMPLES' LOCATIONS BASED ON LIKE PLANTING CONDITIONS AND AREA PROXIMITY.
12. ALL GRADING AND BED PREPARATION SHALL BE SUBJECT TO MORRIS-DEPEW ASSOCIATES, INC FINAL APPROVAL.
13. ANY REJECTED GRADING AND BED PREPARATION SHALL BE REMEDIATED AT THE CONTRACTORS EXPENSE.
14. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS :
15. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS SHALL BE FREE FROM HEAVY CLAY, STONES, LIMESTONE, LUMPS, PLANTS, ROOTS OR OTHER FOREIGN MATERIALS AND NOXIOUS VEGETATION.
16. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS SHALL NOT CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO PLANT GROWTH.
17. PIT PLANTING BACKFILL MATERIALS SHALL BE A FERTILE, FRIABLE, NATIVE SOIL, ORGANIC AMENDMENTS (IF REQUIRED) WITHOUT MIXTURE OF SUBSOIL MATERIALS.
18. PIT PLANTING BACKFILL MATERIALS FOR FIELD GROWN PLANT MATERIALS SHALL BE NATIVE SOIL FROM THE EXCAVATION OF THE PLANTING PIT
19. PIT PLANTING BACKFILL MATERIALS FOR CONTAINER GROWN PLANT MATERIALS SHALL BE AMENDED TO A RATIO OF ONE HALF (1/2) NATIVE SOIL & ONE HALF (1/2) APPROVED ORGANIC.
20. AMEND PLANTING BEDS WITH 3" MINIMUM OF APPROVED ORGANICS AND ROTO TILL TO A DEPTH OF 6".
21. GRADE PLANTING BEDS AS TO ASSURE PROPER DRAINAGE AWAY FROM PLANT MATERIALS AND STRUCTURES.
22. INCORPORATE A COMPLETE SLOW RELEASE FERTILIZER BY TILLING.
23. INSTALL OTHER REQUIRED SOIL AMENDMENTS PER MANUFACTURER'S OR INDEPENDENT LAB'S RECOMMENDATIONS TO ACHIEVE OPTIMAL PH LEVELS (5.5-6.5) WITHIN THREE (3) MONTHS OF PLANTING.
24. THE RESULTS OF PRE AND POST SOIL MODIFICATION TESTING SHALL BE SUBMITTED TO RWA, INC'S
26. FOR APPROVAL PRIOR TO PLANTING.
27. SELECT AND MIX TESTING SAMPLES' LOCATIONS BASED ON LIKE PLANTING CONDITIONS AND AREA PROXIMITY.
28. ALL GRADING AND BED PREPARATION SHALL BE SUBJECT TO MORRIS-DEPEW ASSOCIATES, INC FINAL APPROVAL.
29. ANY REJECTED GRADING AND BED PREPARATION SHALL BE REMEDIATED AT THE CONTRACTORS EXPENSE.

COMMERCIAL FERTILIZER.

- MULCH.**

- SOD**

- CLIENT:

TITLE:

LANDSCAPE CONSTRUCTION NOTES

PROJECT:

MYERSIDE

PROJECT NO.:

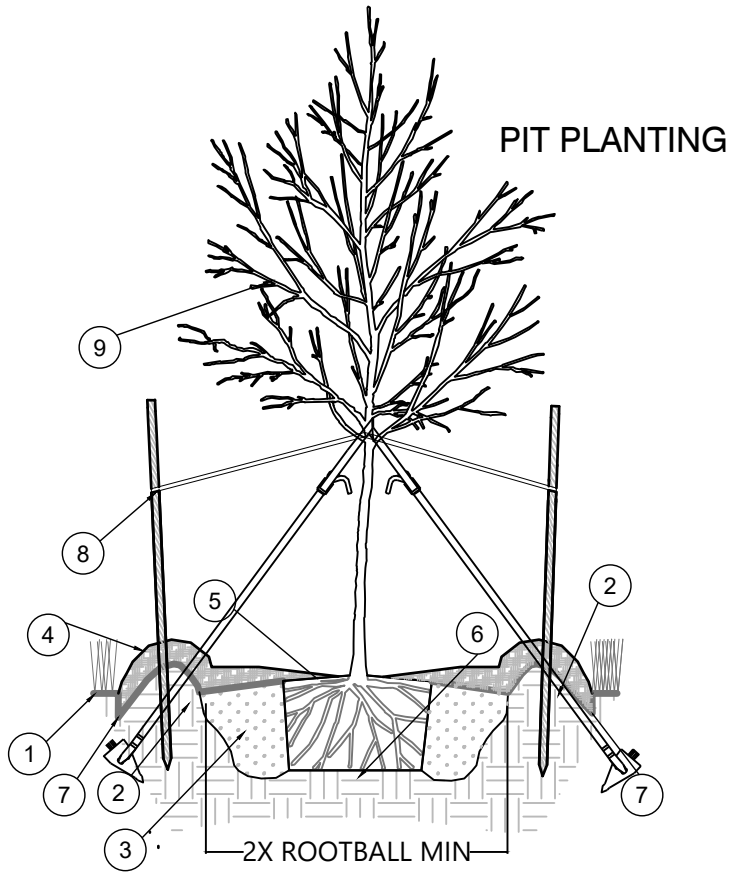
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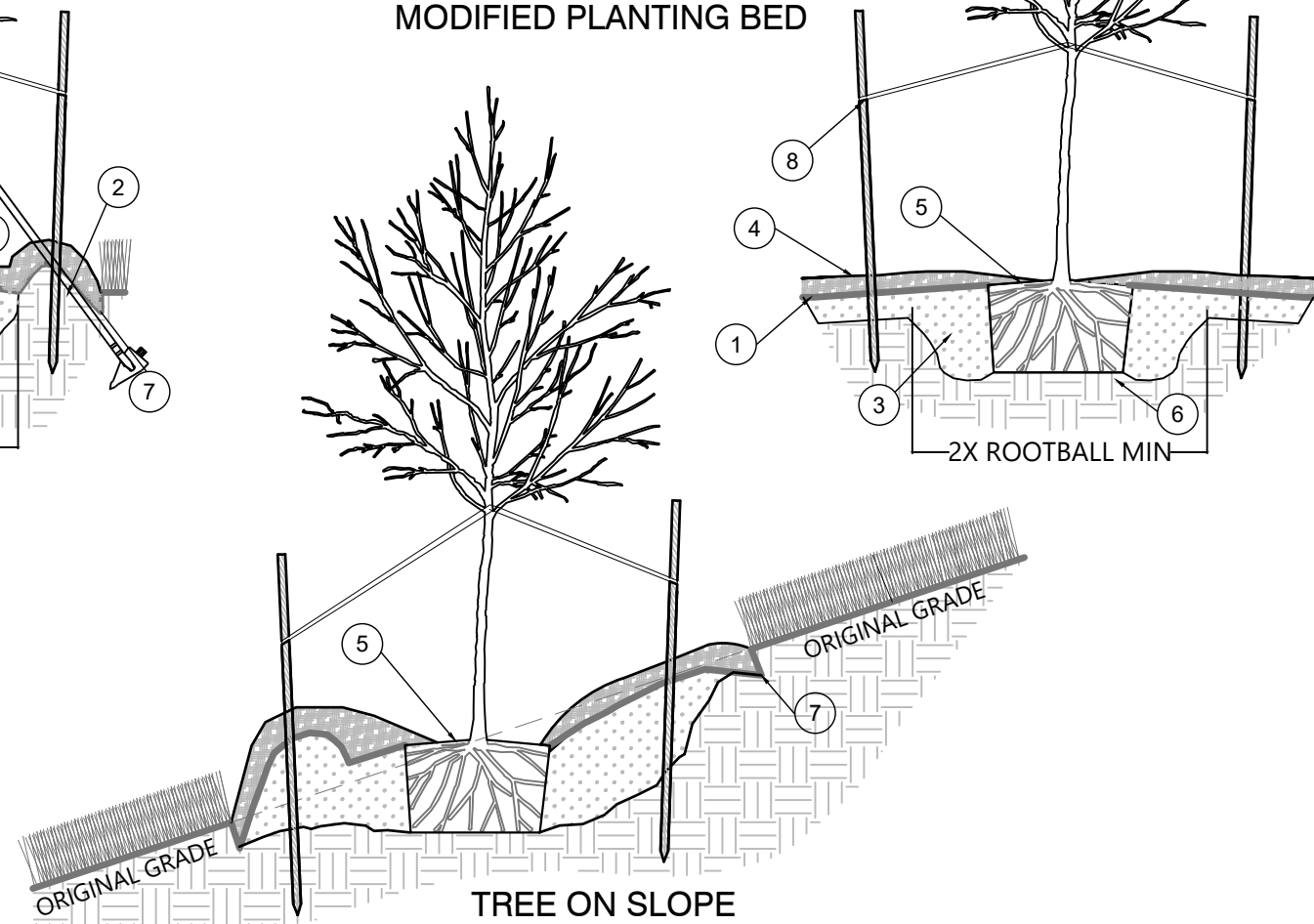
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1. FINISH GRADE
2. 4" X 6" COMPACTED SOIL BASIN RING
3. MODIFIED SOIL BACKFILL (ONLY FOR CONTAINER GROWN TREES)
4. 3" MIN MULCH LAYER
5. ROOT BALL (MODIFY ACCORDINGLY)
6. UNDISTURBED / RE-COMPACTED SOIL BASE
7. BED EDGE TRENCH
8. TREE STAKES (SEE STAKING DETAIL)
9. TREE CROWN (SEE CROWN DETAILS)

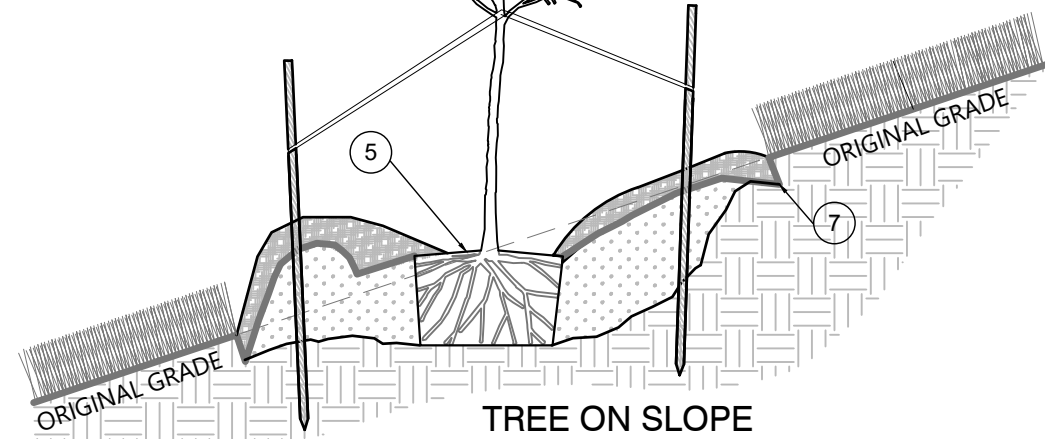
NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1-2004) AND FLORIDA GRADES AND STANDARDS FOR NURSERY STOCK.
TRUNK CALIPER MEASUREMENTS SHALL MEET FLORIDA GRADES AND STANDARDS FOR NURSERY STOCK.
PLANTING HOLE TO BE A MIN. OF 2X THE WIDTH OF ROOT BALL FOR AT LEAST THE FIRST 12" OF DEPTH AND DO NOT DIG THE HOLE DEEPER THAN ROOT BALL DEPTH OR FILL AND COMPACT TO 90% RELATIVE COMPACTION. THE PLANTING HOLE SUB-GRADE AND SIDES SHOULD BE SCARIFIED WHEN 15%+ CLAY SOILS EXIST. THE TOP-MOST ROOTS SHOULD BE VISIBLE AT THE SURFACE OF THE ROOT BALL.
THE TREE TRUNK SHALL NOT BE USED FOR LIFTING / LEVERAGE. LIFT AND SET THE TREE BY ROOT BALL ONLY. REMOVE BURLAP, WIRE AND STRAPS FROM THE UPPER 1/3 OF THE ROOT BALL AFTER THE TREE IS SET IN PLACE. REMOVE ANY TRUNK WRAP REMAINING, CLOSE STAKING, GROW BAG, TAGS, AND TAGGING TAPE AT TIME OF PLANTING.
NO MULCH TO BE PLACED WITHIN 3" OF TRUNK WITH NO MORE THAN 1" OF MULCH PLACED UPON ROOT BALL BACKFILL WITH CLEAN, MODIFIED, WELL-TILLED / BROKEN UP NATIVE SOIL AND ADD APPROPRIATE SOIL AMENDMENT BASED ON SOIL TESTING. DO NOT ADD BACKFILL AMENDMENTS FOR PIT PLANTED B&B TREES. COMPACT BACKFILL TO MINIMIZE AIR POCKETS WITH EVERY 6" LIFTS OF FILL. DO NOT OVER COMPACT SOIL & SETTLE BACK FILL WITH WATERING IN. WATER TREE AFTER FULLY BACKFILLED.
ROOT BALL IS TO REST ON SOIL BASE AND TO BE INSTALLED 1"-2" ABOVE GRADE TO ALLOW FOR SETTLING. FOR WET SOILS, INSTALL ROOT BALL HIGHER AND GRADE TO IT AS REQUIRED FOR PROPER OXYGEN INTAKE OF THE TREE. INSTALL GRAVEL WELLS THROUGH CONFINING LAYERS IF HOLE FAILS PERCUSSION TESTS.
CREATE A 6" BASIN RING AROUND ENTIRE OUTER EDGE OF TREE PIT, LOCATING THE INSIDE EDGE ALONG THE EXCAVATION AND COMPACT BASIN PRIOR TO MULCHING ON ALL SIDES TO RETAIN WATER.
FOR SLOPED PLANTINGS, ORIGINAL SLOPE SHOULD PASS THROUGH THE POINT WHERE THE TRUNK BASE MEETS SUBSTRATE/SOIL.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
CORRECT TREE CROWN AND ROOT BALL AS REQUIRED FOR PROPER CANOPY GROWTH AND ROOT DEVELOPMENT.
STAKE / GUY TREE ACCORDING TO APPROPRIATE DETAIL.



PIT PLANTING



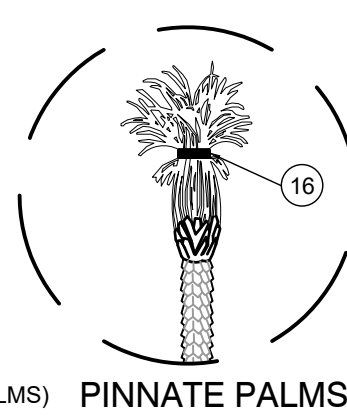
MODIFIED PLANTING BED



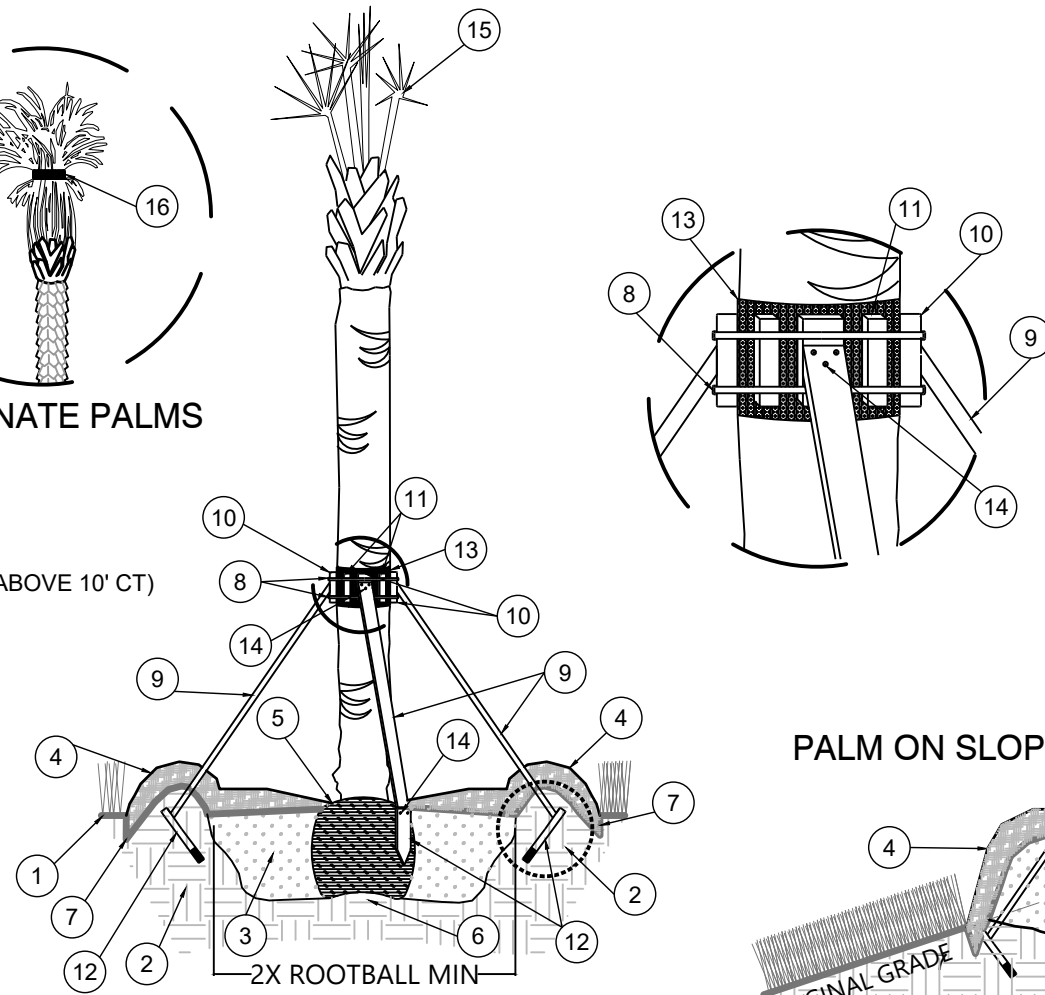
TREE ON SLOPE

1. FINISH GRADE
2. UNDISTURBED OR 90% TO 95% COMPACTED SOIL
3. MODIFIED SOIL BACKFILL (ONLY FOR CONTAINER GROWN PALMS)
4. 3" MIN MULCH LAYER
5. ROOT BALL (MODIFY ACCORDINGLY)
6. RE-COMPACTED SOIL BASE
7. BED EDGE TRENCH
8. STAINLESS STEEL MOUNTING STRAPS WITH ADJUSTABLE BRACKETS
9. 2" X 4" BRACE (3 MIN @ 120 DEG FOR UP TO 10' CT & 4 MIN @ 90 DEG FOR ABOVE 10' CT)
10. 2" X 4" BATTEN (1 PER BRACE ATTACHED WITH SCREWS)
11. 1" X 2" BATTEN (# AS NECESSARY)
12. 2" X 4" STAKE (1 PER BRACE ATTACHED WITH SCREWS)
13. NATURAL BURLAP (3 LAYERS MIN BETWEEN BATTENS AND TRUNK)
14. EXTERIOR DECK SCREWS (OR STAINLESS STEEL SHANK NAIL)
15. HURRICANE CUT
16. NATURAL JUTE ROPE TO TIE FRONDS

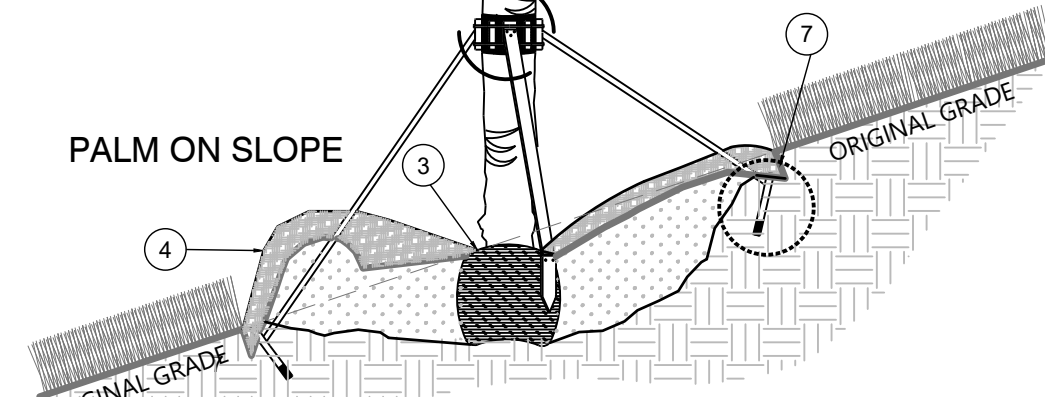
NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
BRACE PALM ACCORDING TO APPROPRIATE STAKING / GUYING DETAIL.
BRACE LOCATIONS SHALL NOT INTERFERE WITH PEDESTRIAN WAYS.
BRACES TO BE REMOVED WITHIN 1 YEAR OF INSTALLATION.
NO BURNT PALMS WILL BE ACCEPTED.
DO NOT SCREW (OR TOE NAIL) BATTENS INTO THE TRUNK OF THE PALM.
ANY TRUNK DAMAGE CAUSED BY NAILS OR SCREWS WILL GIVE CAUSE TO REJECTION OF THE PALM.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
NO FEATHER DUSTER PRUNING. FRONDS SHOULD MAKE A HALF CIRCLE AT A MIN.
HURRICANE CUT ALL SABAL PALMS.
PALM STAKES TO BE PLACED BELOW GRADE TO NECESSARY DEPTH DETERMINED BY SOIL STRUCTURE TO PROVIDE PROPER STABILIZATION.
PLACE BATTENS AND INSTALL ENOUGH BATTENS AS REQUIRED FOR BAND NOT TO COME INTO DIRECT CONTACT WITH TRUNK.
THE TOP-MOST ROOTS SHOULD BE VISIBLE AT THE SURFACE OF THE ROOT BALL.



PINNATE PALMS



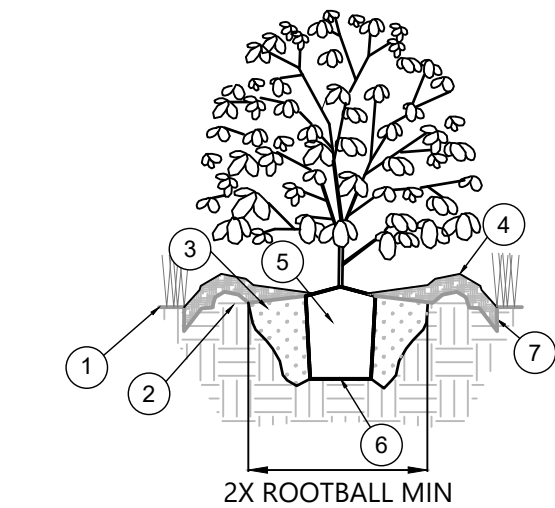
PALM ON SLOPE



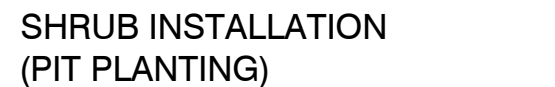
SABAL PALM

TREE INSTALLATION

URBAN TREE FOUNDATION © 2014

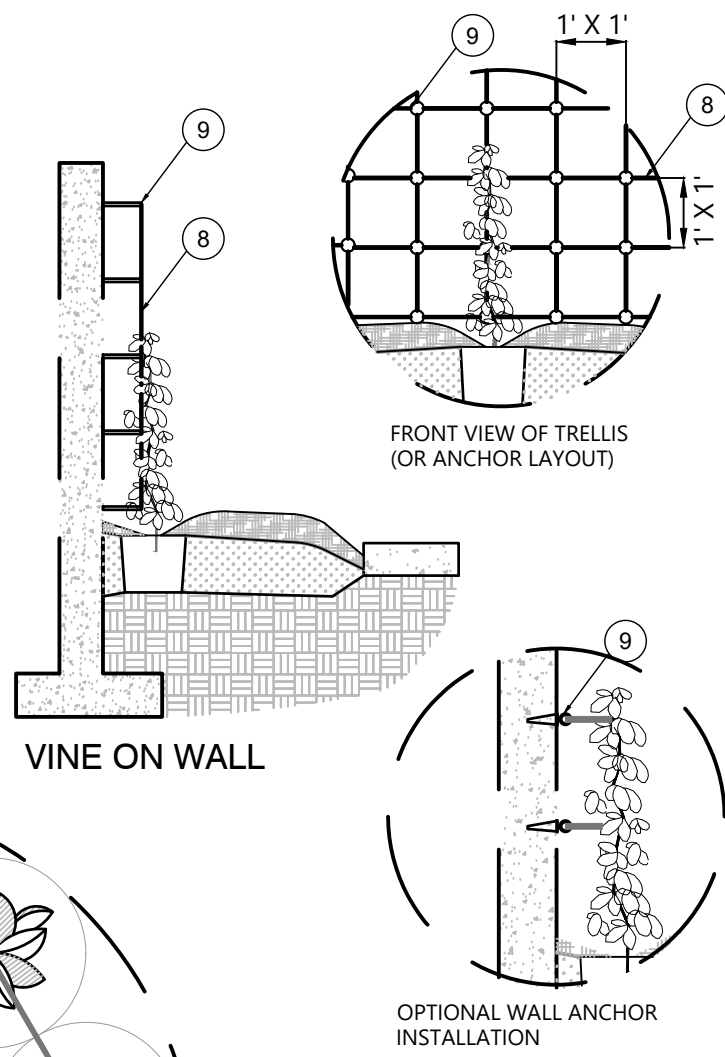
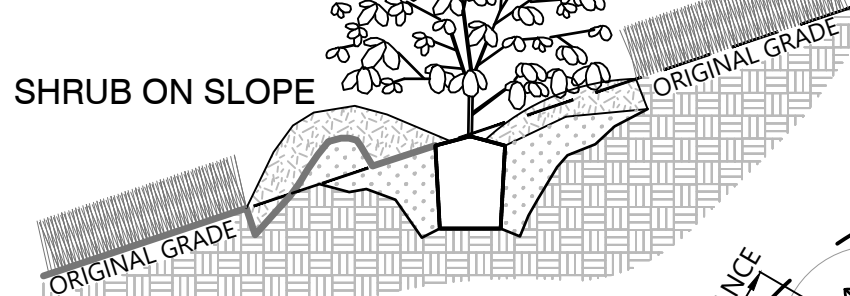


SHRUB INSTALLATION
(MODIFIED PLANTING BED)

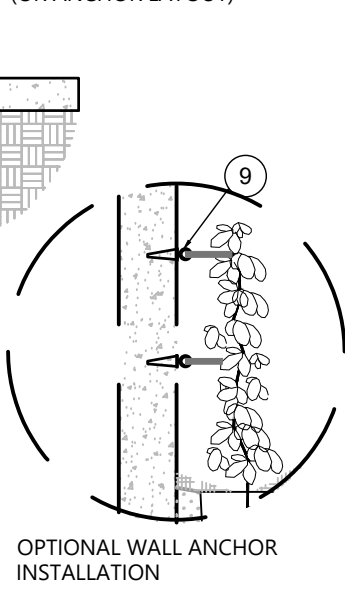
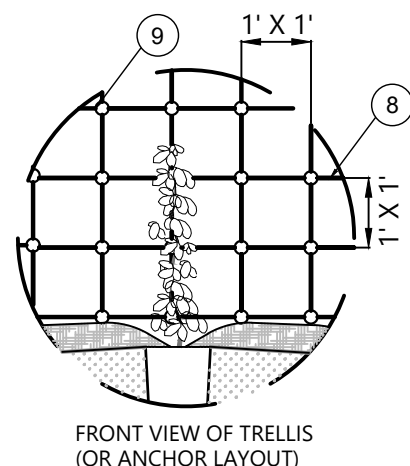


SHRUB INSTALLATION
(PIT PLANTING)

SHRUB ON SLOPE



VINE ON WALL



OPTIONAL WALL ANCHOR
INSTALLATION

1. FINISH GRADE
2. 3" X 6" COMPACTED SOIL BASIN RING
3. MODIFIED SOIL BACKFILL (ONLY FOR CONTAINER GROWN)
4. 3" MIN MULCH LAYER
5. ROOT BALL (MODIFY ACCORDINGLY)
6. RE-COMPACTED SOIL BASE
7. BED EDGE TRENCH
8. STAINLESS STEEL WIRE TRELLIS (OR APPROVED OTHER)
9. STAINLESS STEEL ANCHOR AND EYE HOOK MOUNTING METHOD (OR APPROVED OTHER)

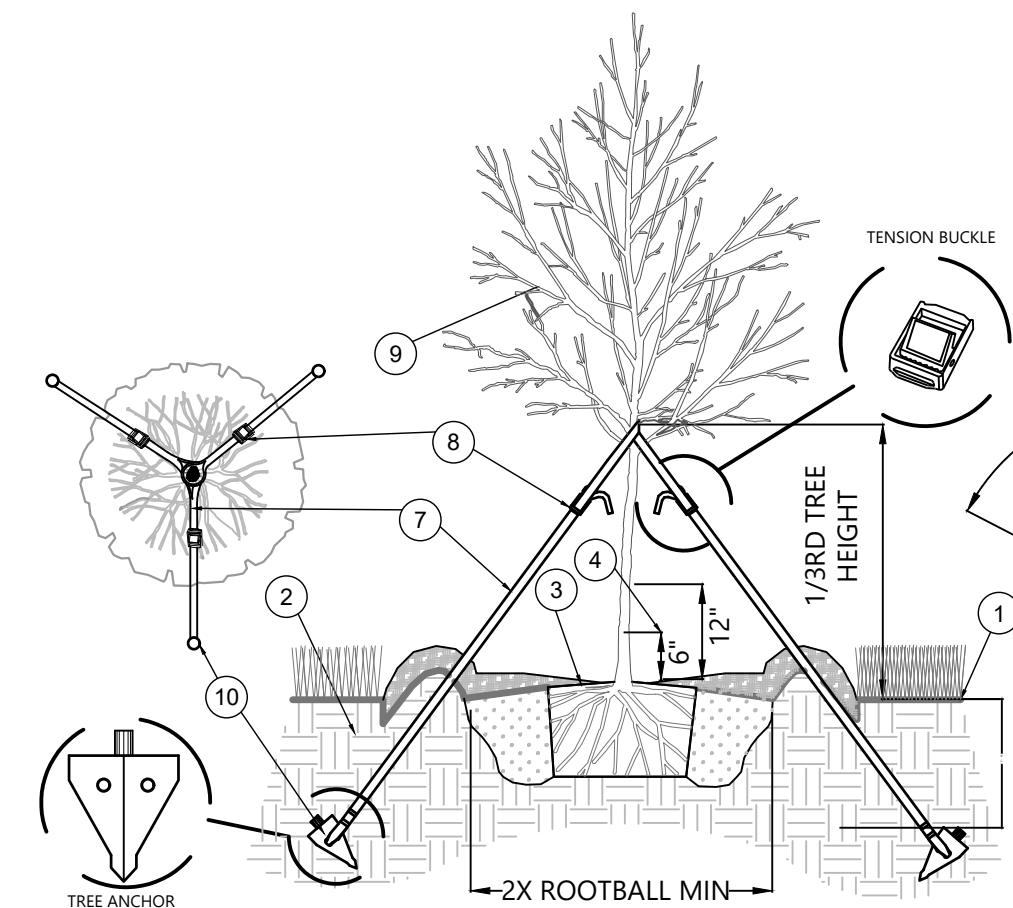
NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1-2004).
PLANTING HOLE TO BE A MIN. OF 2X THE WIDTH OF ROOT BALL FOR AT LEAST THE FIRST 12" OF DEPTH AND DO NOT DIG THE HOLE DEEPER THAN ROOT BALL DEPTH. ROOT BALL IS TO REST ON SOIL BASE THAT IS TO BE COMPACTED TO 90% RELATIVE COMPACTION.
THE PLANTING HOLE THE SUB-GRADE AND SIDES SHOULD BE SCARIFIED WHEN PLANTING IN 15% OR MORE CLAY SOILS.
LIFT AND SET THE SHRUB BY ROOT BALL / CONTAINER ONLY. DO NOT LIFT VIA TRUNK.
IF B&B, PLACE SHRUB IN PLANTING HOLE. REMOVE BURLAP, WIRE AND STRAPS FROM AT LEAST THE UPPER 1/3 OF THE ROOT BALL.
FOR CONTAINER STOCK, AMEND ROOT BALL AS REQUIRED FOR PROPER GROWTH AND ROOT DEVELOPMENT AND MIX WITH EXISTING SOIL THAT HAS BEEN WELL-TILLED OR BROKEN UP. DO NOT ADD AMENDMENTS TO THE BACKFILL SOIL FOR B&B SHRUBS. USE CLEAN BACKFILL AND APPROPRIATE SOIL AMENDMENT BASED ON SOIL TESTING.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
REMOVE ANY NURSERY TAGS, AND TAGGING TAPE AT TIME OF PLANTING. NO WRAPS SHALL BE PLACED ON TRUNK.
LIGHTLY COMPACT TO MINIMIZE AIR POCKETS EVERY 6" LIFTS OF FILL, DO NOT OVER COMPACT SOIL & SETTLE BACK FILL WITH WATERING IN.
ROOT BALL TO BE INSTALLED 1"-2" ABOVE GRADE TO ALLOW FOR SETTLING. FOR WET SOILS, INSTALL ROOT BALL HIGHER AND GRADE TO IT AS REQUIRED FOR PROPER OXYGEN INTAKE OF THE SHRUB.
FOR SLOPED PLANTINGS, ORIGINAL SLOPE SHOULD PASS THROUGH THE POINT WHERE THE TRUNK BASE MEETS SUBSTRATE/SOIL.
LOCATE INSIDE OF BASIN RING TO OUTER EDGE OF TREE PIT AND COMPACT IT ON ALL SIDES TO RETAIN WATER.
NO MULCH TO BE INSTALLED WITHIN 3" OF TRUNK.
NO MORE THAN 1" OF MULCH TO BE INSTALLED UPON ROOT BALL OF SHRUB.

SHRUB & VINE INSTALLATION

URBAN TREE FOUNDATION © 2014

TREE STAKING / GUYING

URBAN TREE FOUNDATION © 2014

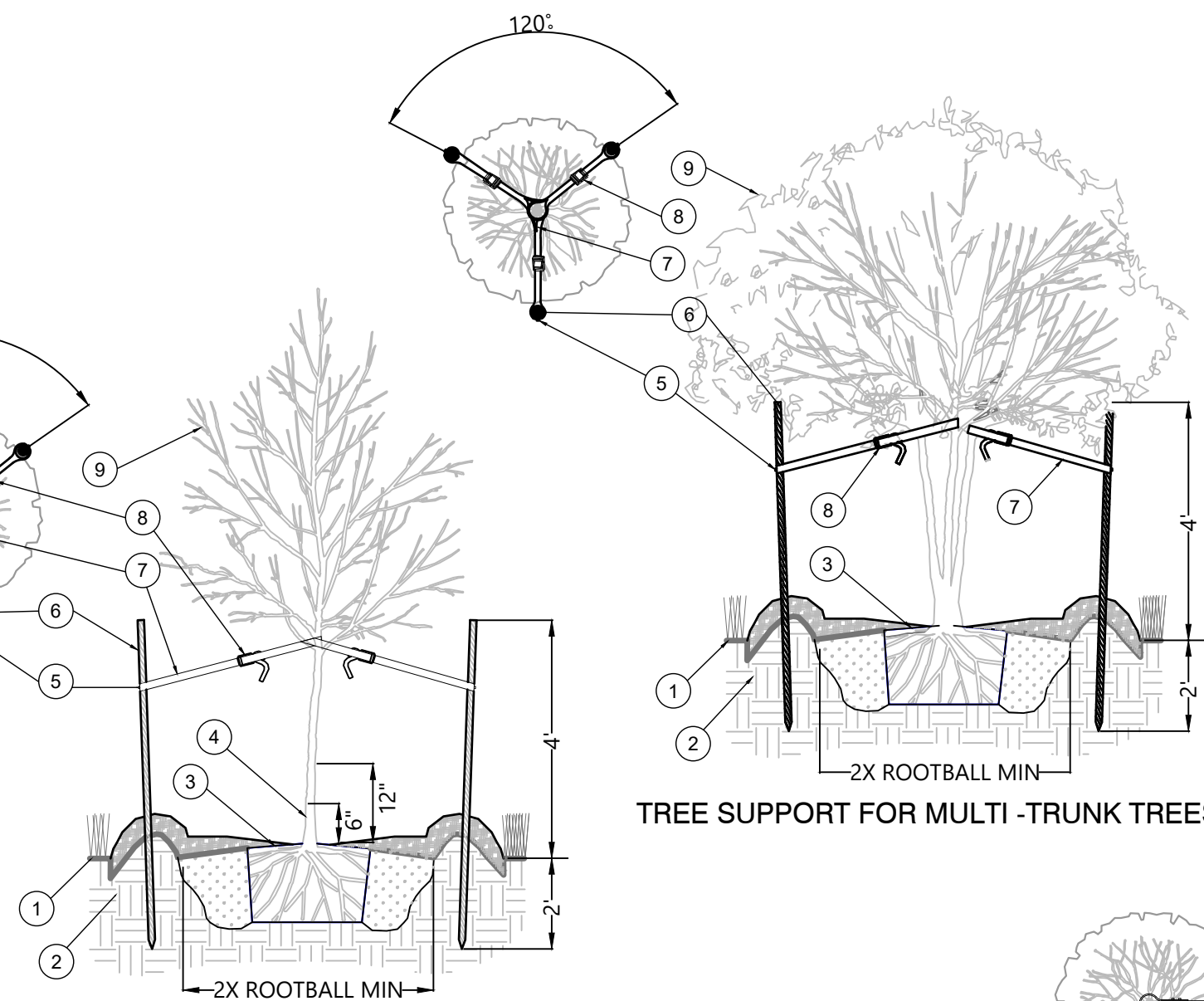


TREE SUPPORT FOR >4" CALIPER

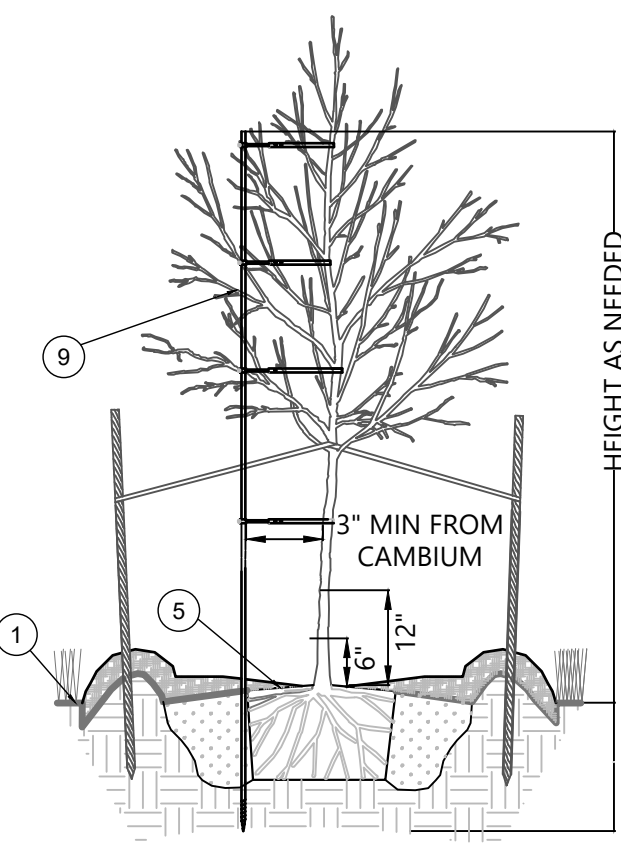
1. FINISH GRADE
2. UNDISTURBED OR 90% TO 95% COMPACTED SOIL
3. ROOT BALL
4. TRUNK CALIPER (MEASURED AT 6" UP TO 4" CAL & AT 12" FOR >4" CAL TREES) (DBH ONLY APPLIES TO EXISTING TREES PER STATE OF FLORIDA)
5. STAINLESS STEEL FASTENER (LAG SCREW WITH WASHER)
6. 3" WOODEN LODGE POST OR HEAVY DUTY METAL T-POST
7. 3/4" MILITARY GRADE EXTERIOR WEBBING STRAP
8. TENSION BUCKLE
9. TREE ANCHOR
10. TREE ANCHOR
11. 1" METAL POLE FOR CENTRAL LEADER CONNECTION
12. NON-ABRASIVE RUBBER NURSERY STRAP

NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
STAKE TREE ACCORDING TO APPROPRIATE STAKING / GUYING DETAIL. STAKE LOCATIONS SHALL NOT INTERFERE WITH PERMANENT BRANCHES. STAKES TO BE REMOVED WITHIN 1 YEAR OF INSTALLATION.
REMOVE ANY CLOSE STAKING FROM NURSERY. IF CENTRAL LEADER NEEDS CORRECTION, IT IS ACCEPTABLE TO MOVE STAKE OR RE-STAKE WITH A METAL POLE TO THE CENTRAL LEADER AND TRUNK WITH A MIN GAP OF 3" FROM CAMBIUM TO ALLOW FOR PROPER CELL FORMATION.
1" DIAM SINGLE METAL STAKE WITH METAL ARM BAR SECURED TO STAKE AND RUBBER STRAP AROUND TRUNK. HEIGHT OF ARM BAR SHALL VARY PER TREE. CONTRACTOR TO ADJUST AS NEEDED TO HOLD TREE ERECT. USE NON - ABRASIVE RUBBER TIES.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
AMEND TREE CROWN AND ROOT BALL AS REQUIRED FOR PROPER CANOPY GROWTH AND ROOT DEVELOPMENT.
TREE ANCHOR DRIVEN BELOW GRADE TO NECESSARY DEPTH DETERMINED BY SOIL STRUCTURE. (1.5' - 2.5' FEET AS NECESSARY)
INSTALL A TENSION BUCKLE ON EACH STRAP. LOOP LOOSE END OF WEBBING AROUND LEADING BRANCH OF TREE. TIE 1/2 KNOT ONTO BACKSIDE OF BUCKLE. PULL BUCKLE TOWARDS TREE ANCHOR TO TENSION LINE.
START STAKING OR GUYING BY PLACING FIST STAKE / ANCHOR ON THE SIDE OF THE PREVAILING WIND PREVAILING WIND.
INSTALL CORRECTIVE STAKE A MIN OF 3" AWAY FROM THE CAMBIUM. STAKES AND ANCHORS TO BE INSTALLED IN UNDISTURBED SOIL.
WOOD STAKES, METAL T-POSTS, AND TREE ANCHORS ARE TO BE DRIVEN INTO UNDISTURBED SOIL A MINIMUM OF 1.5' TO 2.5'. PLACE STAKES IN TREE BASIN. METAL T-POSTS TO BE PAINTED FLAT BLACK. SPACE STAKES / ANCHORS (3 MIN) EQUALLY AROUND THE TREE AT 120 DEGREES OC.
ATTACH 3/4" WEBBING TO CONNECT THE TREE TO STAKES AND ANCHORS. ATTACH WEBBING AT 1/3 THE TREE HEIGHT. USE A STAINLESS STEEL FASTENER TO SECURE WEBBING TO WOOD STAKES. MULTI-TRUNK TREES WILL HAVE ONE WEBBING BAND PER TRUNK IF 3 OR MORE APPROPRIATELY SIZED TRUNKS EXIST.
FOR UP TO 4" CALIPER TREES (3) POLYPROPYLENE GUYLINES 3/4" X 12'=800 LB TEST, OLIVE DRAB, UV RESISTANT (3) NICKEL PLATED SPRING CAM-LOCK TENSION CLIPS FOR UP TO 7" CALIPER TREES (4) POLYPROPYLENE/POLYESTER GUYLINES 1" X 12'=1,000 LB TEST, OLIVE DRAB, UV RESISTANT (4) 1-1/4" NICKEL PLATED, NON-RUSTING SPRING CAM-LOCK TENSION CLIPS (1,500 LB BREAK STRENGTH) (4) ALUMINUM TREE ANCHORS FOR ANY SOIL TYPE

TREE SUPPORT FOR ≤4" CALIPER



TREE SUPPORT FOR MULTI -TRUNK TREES



CENTRAL LEADER CORRECTION STAKING

REV #	REVISION	DRAWN	CHECKED	DATE

RWA
ENGINEERING

12800 University Drive, Suite 175
Fort Myers, Florida 33907
(239) 597-0575 FAX: (239) 597-0578
www.consult-rwa.com
Florida Certificates of Authorization
EB 7663 LB6952

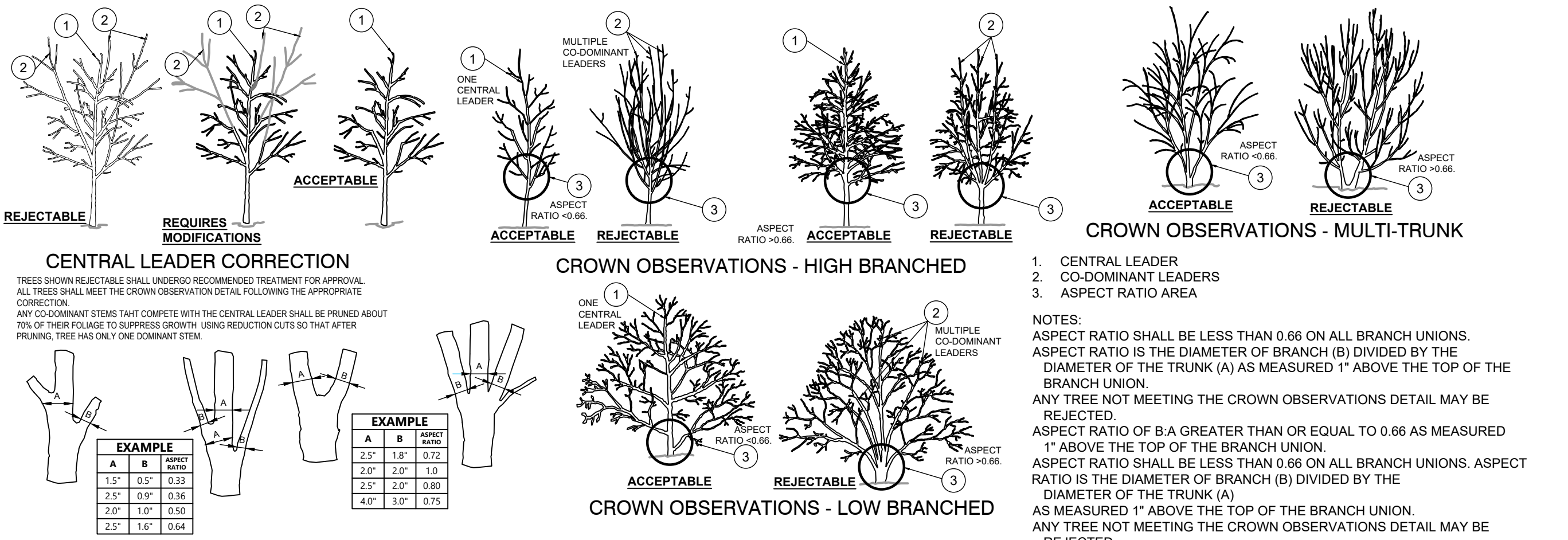
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SCH.:	TWP. RGE. 19 46 S 24 E	HORIZ. SCALE (HALF):	1" = ###/###/###	TITLE:	LANDSCAPE CONSTRUCTION DETAILS
DESIGNED:	JMM	VERT. SCALE (FULL):	N/A	PROJECT NO.:	200022 00 01
DRAWN:	JMM	VERT. SCALE (HALF):	N/A	FILE NAME:	200022 00 01 LA PERMIT

PROJECT:	MYERSIDE	SHEET NUMBER:	07 OF 08
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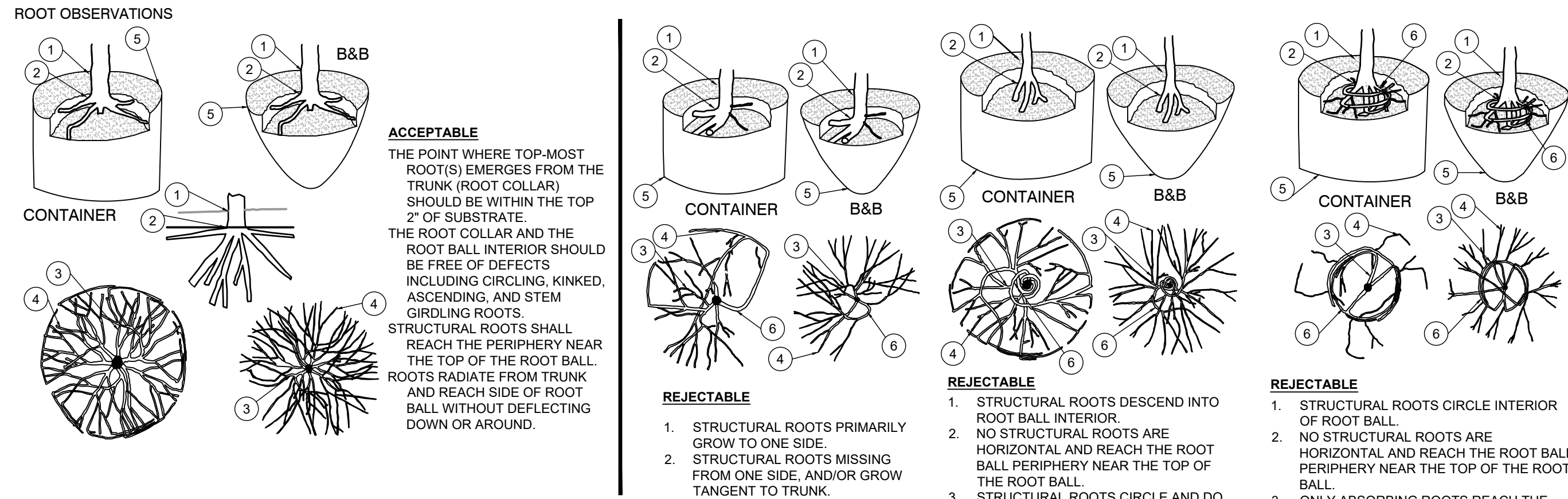
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Digitally signed by James M. McCord
Date: 2024.04.17 08:21:47 -04'00'

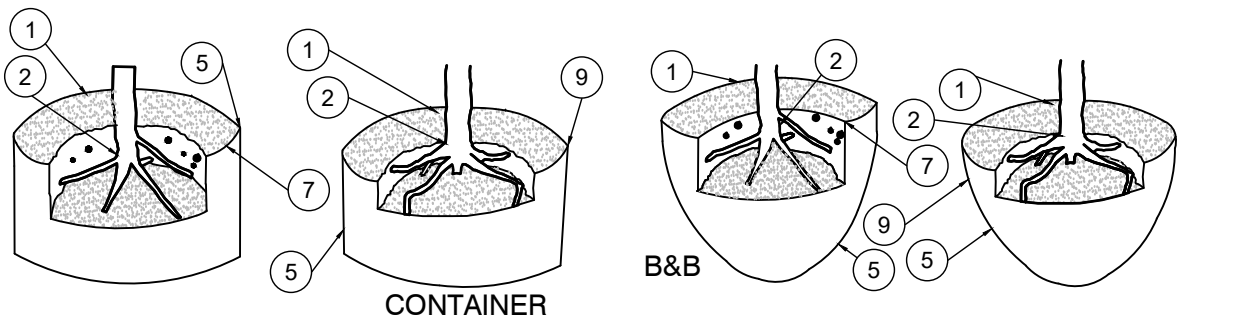
THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.
JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882



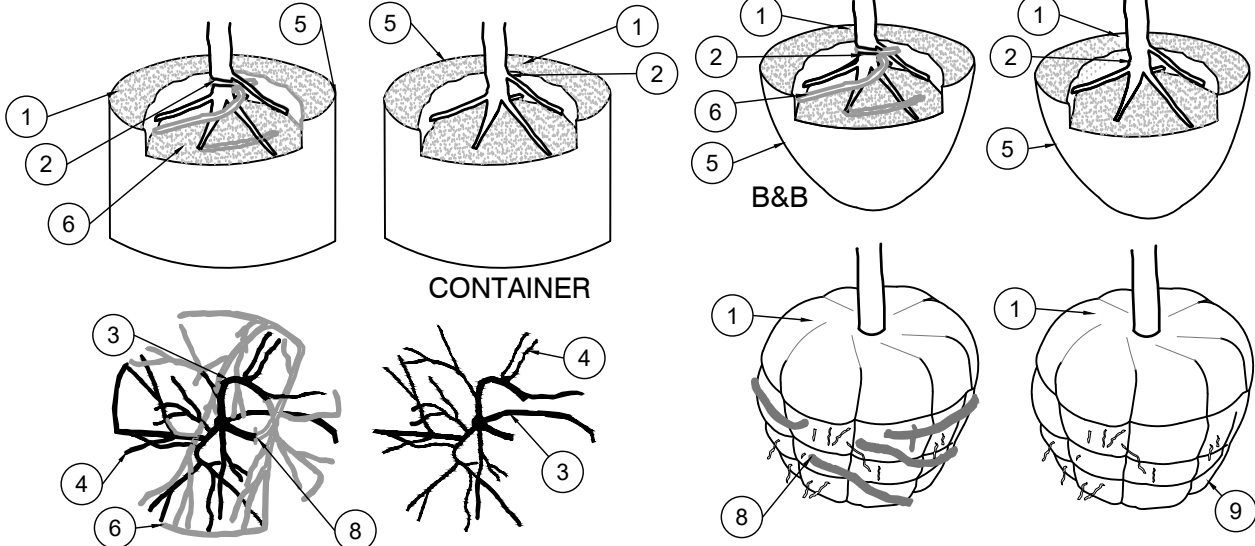
1 TREE CANOPY OBSERVATIONS / CORRECTION DURING INSTALLATION



STEP 1: REMOVAL OF SOIL & ROOTS OVER ROOT COLLAR



STEP 2: ROOT CORRECTION / REMOVE DEFECTS

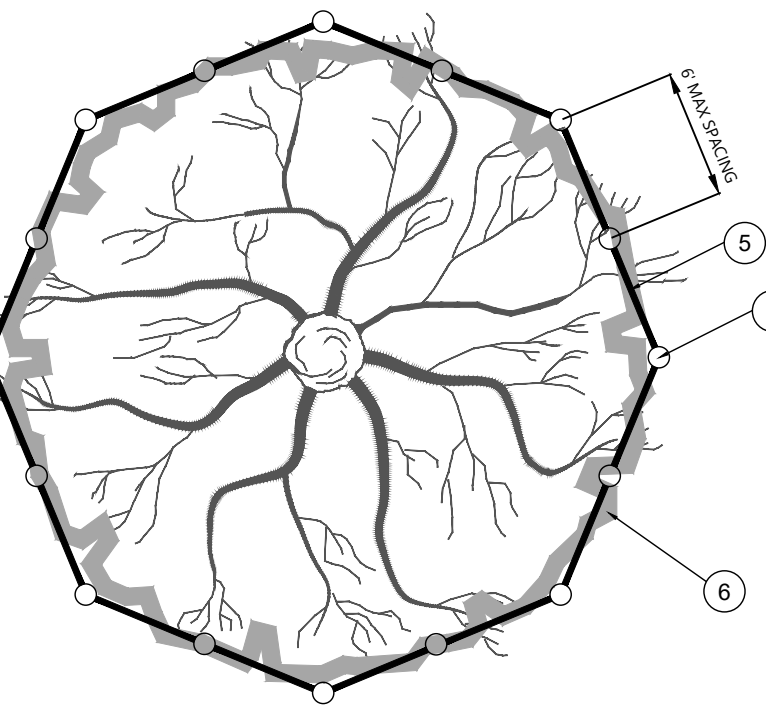


2 ROOT OBSERVATIONS / CORRECTIONS

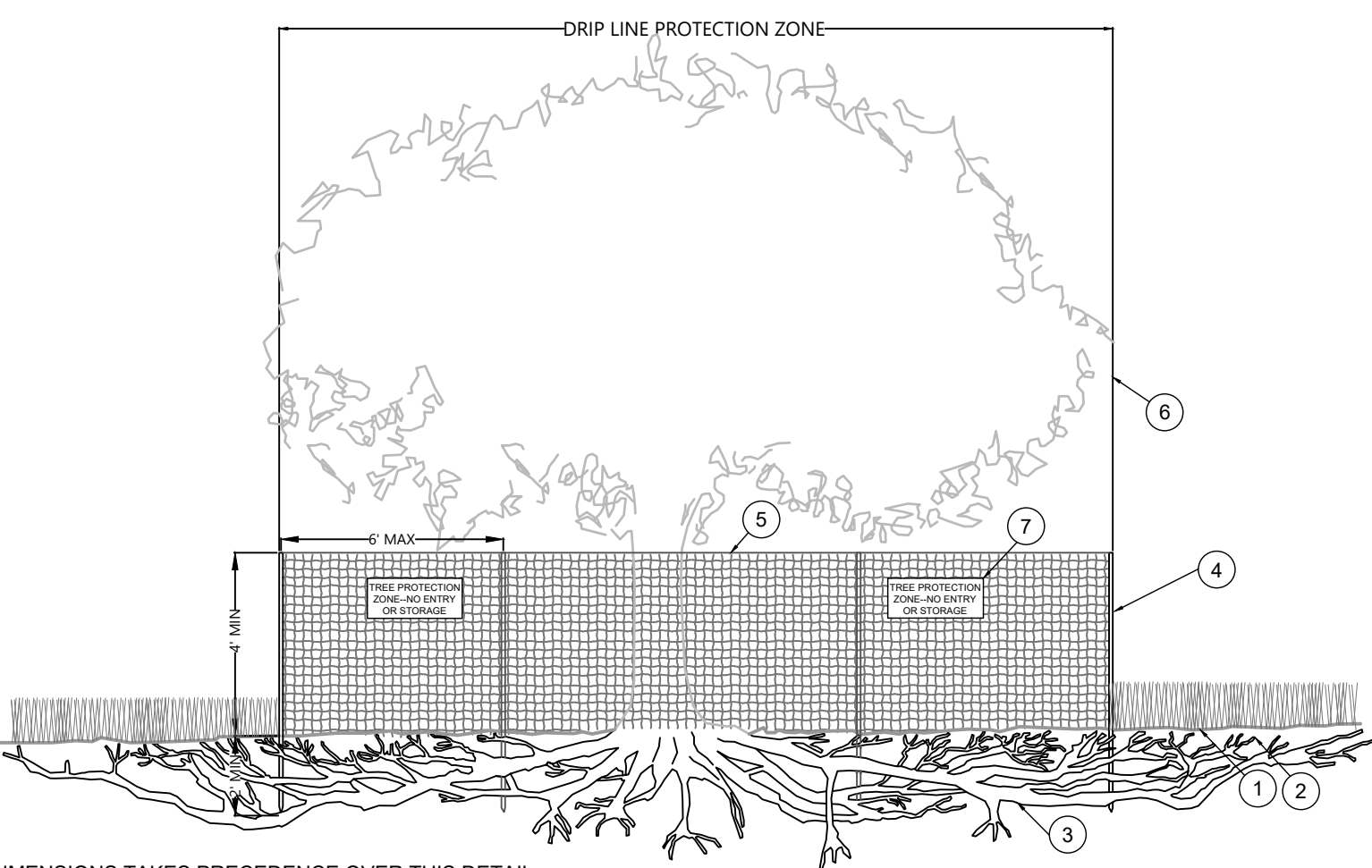
NTS

DATE: MARCH 2004	HORIZ. SCALE (FULL): 1" = 10'-0"	CLIENT: MYERSIDE, LLC	PROJECT: MYERSIDE
SHEET: 19	HORIZ. SCALE (HALF): 1" = 20'-0"	TITLE: LANDSCAPE CONSTRUCTION DETAILS	PROJECT NO.: 200022 00 01
DESIGNED: JMM	VERT. SCALE (FULL): N/A		FILE NAME: 200022 00 01 LA PERMIT
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PLAN VIEW

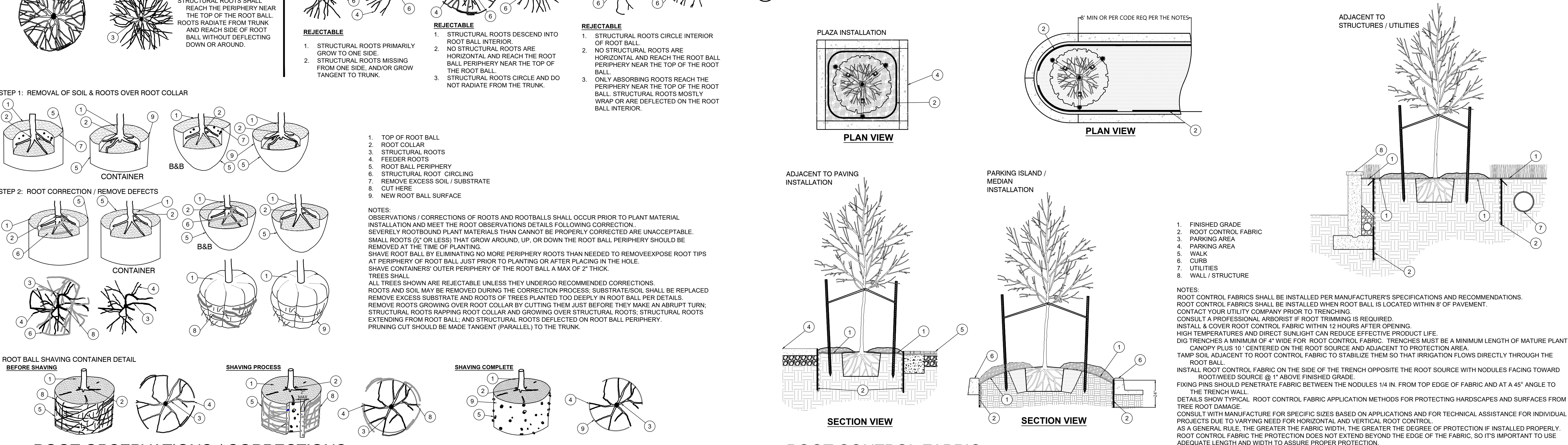


SECTION VIEW



3 TREE PROTECTION DURING CONSTRUCTION

NTS



4 ROOT CONTROL FABRIC

NTS

DATE: MARCH 2004	HORIZ. SCALE (FULL): 1" = 10'-0"	CLIENT: MYERSIDE, LLC	PROJECT: MYERSIDE
SHEET: 19	HORIZ. SCALE (HALF): 1" = 20'-0"	TITLE: LANDSCAPE CONSTRUCTION DETAILS	PROJECT NO.: 200022 00 01
DESIGNED: JMM	VERT. SCALE (FULL): N/A		FILE NAME: 200022 00 01 LA PERMIT
DRAWN: JMM	VERT. SCALE (HALF): N/A		SHEET NUMBER: 08 OF 08

THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) Rezone
NARRATIVE OF REQUEST

BACKGROUND & REQUEST

The subject property is located at 125, 131 – 151 School Street and 2661 – 2681 Estero Boulevard, Fort Myers Beach, FL 33931. The property consists of 3 parcels (19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0230) totaling 1.03+/- acres, situated north of Estero Boulevard., west of School Street, and south of Oak Street (See Figure 1). The property has a Future Land Use (FLU) designation of Boulevard, is within the platted overlay and has a zoning designation of Commercial Planned Development (CPD). The owners of the property are Beverley Milligan and Roland Weinmann who are the officers of Cottages at Myerside LLC & Myerside LLC (Applicant).



Figure 1. Location Map



The Neighborhood Company, on behalf of the Applicant, Cottages at Myerside LLC & Myerside LLC, is submitting a Commercial Planned Development Rezone petition to request the following:

- Rezone the subject property from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to allow the redevelopment of the prior Myerside Resort and Cottages with a 45-unit boutique hotel, four (4) work/live dwelling units and 9,000 square feet of commercial space, providing for a master planned mixed use project.

Historically, the Myerside property was an assemblage of 7 cottages of varying size and condition. These cottages housed multiple rental units. Prior to the Applicant buying the property in 2015, this site had fallen in disrepair and was often subject to code and police enforcement action. Immediately upon purchase, the property owners began cleaning up the site, making improvements and obtaining appropriate approvals to ensure compliance with town regulations. Mostly notably, they obtained approval for a bed and breakfast on the back part of the property and operated the cottages nearer to Estero Boulevard as vacation rentals. At that time, the subject property was home to 12 units which consisted of rooms, suites and full apartments within the 7 historic cottages. The site also contained amenities including a pool, tiki hut, volleyball court and fire pit.

The Applicant was in the process of further improving and enhancing the property when Ian struck. On May 3rd, 2021, the property owners received approval of Ordinance #21-02 (Permit #20200009) by the Fort Myers Beach Town Council which rezoned the property from Residential Conservation (RC) to Commercial Planned Development (CPD) and approved a master concept plan that protected the existing cottages and approved hotel, retail, and restaurant uses, including consumption of alcohol on premises. The intent of this CPD was to create a small boutique resort which ensured the preservation of the historic cottages while legitimizing existing non-conformities. This approval allowed the owners to proceed with confidence and further invest in improving and enhancing the cottages and the site. Following the CPD approval, the owners embarked on the engineering design process and obtained a Development Order a few months prior to Hurricane Ian. Unfortunately, Myerside was devastated by the impacts of the storm, which left only one structure standing. As a result, the owners were forced to re-imagine their cottage resort, redesign the site and once again go through the time-consuming and costly review and approval process.

With a strong desire to build back better and stronger and to provide the island with a mix of complementary land uses that can benefit locals and visitors alike, the Applicant is proposing a new development concept called The Myerside. This project will be mixed-use in nature, neotraditional in design, consistent with the Town's vision for this area, and compatible with surrounding uses. It will offer quality coastal architecture and will be built at a human scale and financially feasible. The proposed project eliminates non-conformities, provides resilient and hardened structures, and incorporates numerous design elements that will ensure a high-quality, mixed-use project and enhancements to the public realm.



PROPOSED USE/DEVELOPMENT

Based on the historical, regulatory, and existing land use context, the property owners are pursuing a redevelopment plan which will provide a true vertically integrated mixed-use project consisting of a boutique hotel (transient lodging), work/live units, and commercial uses. The goal of the commercial component is to develop a health and wellness center where residents and visitors can have a one-stop location for all their health and wellness needs - potential tenants could include a dentist, physiotherapist, emergency clinic, massage therapist, physical fitness center, yoga studio, health food store, café, etc. The intent would be to attract practitioners who were already established on the island and new professionals who would see synergies and benefits to being in one central location, near recreational and civic uses. Given that the project will be a new build, the commercial component could be designed to suit tenants' needs and common areas (e.g. reception/waiting room area) could potentially be shared to create efficiencies and cost savings for the tenants. The resulting commercial uses will reduce the need for travel on and off island for basic essential services, reduce vehicle miles traveled, provide easy access and convenience to the residents and help retain the island's skilled workforce on Fort Myers Beach. Moreover, the intent is to provide four (4) work/live units which would be reserved for owners or employees of the various businesses within The Myerside. These units would require long-term leases and proof of employment. These work/live units are seen as benefits that can help secure quality, long-term commercial tenants, enhance the retention of employees, and reduce trips on the road. Lastly the lodging units offer a unique boutique hotel experience where guests can experience responsive service while being a little removed from the livelier downtown.

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

- A 45-unit boutique hotel
- Four (4) work/live dwelling units
- Commercial space

The total Floor Area Ratio (FAR) requested for the subject site is 1.2, which is consistent with the CR zoning district limit. The FAR calculation includes the commercial space on the ground floor, the lodging and work/live units above, and ground level under-building parking.



Redevelopment, Resiliency and Economic Feasibility

The Myerside Resort and Cottages was destroyed by Hurricane Ian and so was the property owners' dream of preserving historic cottages and enhancing their unique and eclectic little resort. The CPD, Master Concept Plan and detailed Development Order plans approved prior to the storm are no longer feasible.

Ordinance 21-02 allowed the redevelopment of the property with a 14-unit hotel, a restaurant, accessory retail and consumption of alcohol on premises. This was to include the relocation of Building #2, the addition of Building #8, the addition of a retail store and a restaurant within existing buildings (See attached previously approved MCP) However, like many businesses on the island, Myerside must now rebuild from the ground up.

Prior to Ian, the hotel inventory on Fort Myers Beach was approximately 2,156 rooms. This number was below the peak inventory which existed prior to Hurricane Charley in 2004. The Lee County Visitor and Convention Bureau estimates that there has been an 81% decline in available rooms since Ian, with only 408 rooms currently available for occupancy. As an island whose economy is based on tourism, this significant reduction in hotel room supply represents a catastrophic impact on the local economy. Tourism affects all facets of the economy - it creates jobs and small business opportunities for local residents; it supports local bars, restaurants and entertainment venues; it contributes to the Town and County's tax base; and it provides the critical mass needed for certain businesses such as grocery stores and pharmacies to be viable and for services such as dentists, sports therapists, healthcare clinics and gyms to thrive. As such, it is vital that we rebuild the hotel stock and that we promote a strong tourism economy. Redevelopment and reconstruction of hotels and resorts will bring visitors back to the island, which in turn will help reopen restaurants, bars, and retail stores. In combination, all these key commercial uses will provide a strong economic engine for the Town.

The Myerside represents one hotel among many, that when redeveloped, will help strengthen the island's economy, community, and quality of life. However, like many residents and business owners, the Applicant must now overcome significant hurdles. To rebuild, they will have to meet the latest Florida Building Code and FEMA requirements; they will have to deal with escalating construction and insurance costs; and they will be saddled with inflated interest rates. Moreover, the ground level commercial space will need to be "dry flood-proofed" because the property is located within a Coastal A zone. As a result, the cottage resort concept had to be re-imagined. To make the project financially feasible, additional rooms/lodging units are proposed and a commercial component is added to create an additional revenue stream. From a planning standpoint, this mix of uses in this location creates a project that is compatible with surrounding properties, encourages walkability by providing goods and services that will meet the needs of residents and visitors and is complementary to the recreational, civic and commercial uses in the area.



The owners of The Myerside are island residents who are committed to this community. They want to rebuild a unique mixed-use project that will assist in the redevelopment of this island but will also provide public benefits and meet the needs of local residents. The narrative below demonstrates how The Myerside is the right project at the right place.

LOCATION, SITE DESIGN & COMPATIBILITY

Location

The Myerside property is located within the Civic Complex area of Fort Myers Beach at the northwest corner of Estero Boulevard and School Street with the property extending to Oak Street and the Bay Oaks Park. The site is approximately three quarters of a mile east/southeast of “Times Square”. In the Comprehensive Plan, School Street is described as the primary entry into the “Heart of the Island,” and envisioned to contain a mix of commercial and residential uses to serve both island residents and visitors. The Comprehensive plan further describes this area as containing many of the community’s key public facilities such as the historic elementary school, the public library, Town Hall, and Bay Oaks Recreation Center. This area of the island acts as a transitional zone between the more intense commercial, resort, and entertainment uses downtown and the primarily residential area of the island, known as the Quiet Center. The Civic Complex area of Fort Myers Beach is slightly less than one mile from Times Square, which can easily be accessed by pedestrians and cyclists. A public beach access is located at the end of Pompano Street which is approximately 150’ to the south of the property.

Surrounding Uses and Site Design

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Recreation	Institutional	Bay Oaks Recreation Campus/Ball Park
SOUTH	Boulevard	Residential Multifamily, Commercial Office, Residential Conservation	Mixed Commercial & Lodging
EAST	Boulevard	Residential Multifamily, Commercial Boulevard, Institutional	Ft. Myers Beach Public Library & Beach United Methodist Church
WEST	Boulevard	Residential Conservation, Institutional	Mixed Commercial & Lodging

The proposed development will provide numerous enhancements to ensure locational compatibility. The building will be located close to the street in order to “activate the public realm”, encourage pedestrian activity and provide visual interest. Along Estero Boulevard and School Street, public sidewalks will be integrated into the overall pedestrian design, which will include a covered arcade along the storefronts to



protect patrons from the elements. The interface between the roadway and the building will include outdoor seating, shade trees, hardscape/landscape, decorative pavers, and benches. The location of the building, the additional sidewalk along School Street, the proposed landscaping and hardscaping will all create an aesthetically pleasing pedestrian environment consistent with the Boulevard designation as outlined in the Comprehensive Plan.



Figure 2. Rendering of Estero Boulevard & School Street Corner

By utilizing neotraditional design techniques and placemaking strategies, The Myerside intends to create a welcoming environment meant to engage the pedestrian and cyclist and create visual interest for motorists driving by. The pedestrian entrance at the corner of Estero Boulevard and School Street will provide an inviting entry and focal point. A 5' enhanced buffer is proposed along Estero Boulevard, which will provide landscape and hardscape that will separate the pedestrians from the roadway and soften the edges of the proposed project.



Figure 3. Rendering of View from Estero Boulevard

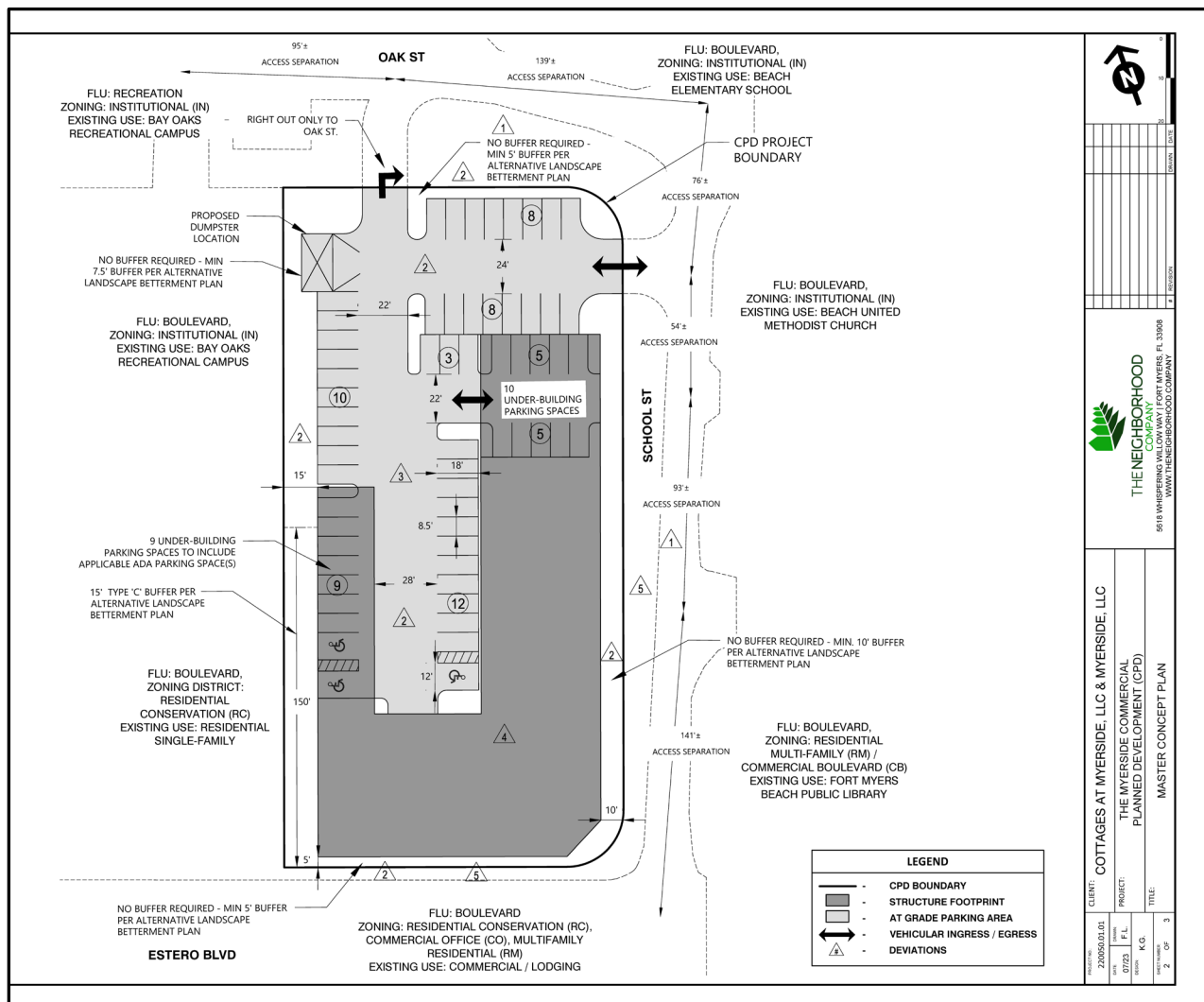
The School Street façade will provide a 10' buffer with a proposed sidewalk that the Applicant has already paid for pursuant to the previous CPD. Along School Street, the Applicant would like to work closely with the Town to develop an enhancement plan that will allow them to make improvements along their property line but also within the public right-of way in order to deliver an attractive and unified design all the way to Oak Street. The redeveloped site will provide easy access for pedestrians and cyclists, encouraging safe and leisurely alternative modes of travel. As depicted in the rendering below, the intent is to provide an attractive streetscape that will be safe and inviting.



Figure 4. Rendering of View from School Street



A mix of covered and open parking will be provided on site. Covered parking will be located on the ground floor beneath a portion of the building along School Street and below the work/live units, with additional open parking spaces within the courtyard located to the center of the development. Access to the site will be via an ingress/egress point off of School Street and a right-out only access point onto Oak Street (See Figure 5). The proposed access point will reduce curb cuts and potential conflict points along Estero Boulevard and will allow The Myerside to provide an uninterrupted pedestrian-friendly façade along that roadway.





Height

The Town's comprehensive plan allows for additional height through Policy 4-C-4 for parcels that are contiguous (or directly across a street) from taller buildings. The Myerside site is directly across from the Fort Myers Beach Library, which has an overall height of 59'± and is adjacent to a residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop. (See Figure 6)



Figure 6: Building Height

The Myerside has been carefully designed to be compatible with adjacent uses and provide for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that directly abut the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a “wedding cake” (stepped back) design where height gradually increases from two to four stories at the center of the building and toward School Street where the 59' library is located. The wedding cake design is also utilized to soften the building's edges. At the corner of Estero Boulevard and School Street, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive building, commercial on the ground floor, and a stepped-back fourth story located at the center of the building and toward the library. The portion of the building, which contains only two stories, is appropriately designed and located adjacent to the existing residential structure along the northern boundary. This architectural design establishes a gradual height transition from the taller Fort Myers Beach Library to the shorter residential property to the west and is compatible with the surrounding taller buildings.



Setbacks & Buffers

The development proposes a build to line of 5'– 10' along Estero Boulevard and School Street, a rear yard (Oak Street) setback of 20' and a side yard setback from the western boundary of 15'. These build to lines and setbacks allow for a design which promotes a pedestrian oriented building and for parking to be placed at the rear and center of the property and away from the pedestrian realm. The greatest setbacks are provided along Oak Street and along the western boundary where the project is adjacent to a vacation rental and a parking lot for Bay Oaks.

The project meets or exceeds all buffering requirements. While the LDC does not require any buffers along rights-of-way, vegetated buffers will be provided along Estero Boulevard (Min. 5' wide buffer), School (Min. 10' wide buffer) and Oak Streets (Min. 5' wide buffer) to "soften the edges", improve the pedestrian realm, and enhance aesthetics. On the western side, where the project is adjacent to a vacation rental, a 15' vegetated buffer will be provided, and where it is adjacent to public parking for Bay Oaks, a vegetated buffer of 10' will be provided. The proposed buffers will create screening and separation from adjacent properties and will create an inviting, more aesthetically pleasing public realm for pedestrians along Estero Boulevard, School and Oak Streets.

Density/Intensity

The Myerside property consists of 1.03± acres and is located within the Boulevard Future Land Use Category, which allows 6 dwelling units per acre, with equivalency factors for hotel units of various sizes. The equivalency factors for guest units within the Boulevard FLU are 2.5 for units less than 450 square feet, 2.0 for units between 450 square feet and 750 square feet, and 1.5 for units between 750 square feet and 1,000 square feet. The Boulevard Future Land Use category also allows up to a Floor Area Ratio (FAR) of 1.5 per Policy 4-C-2 with further regulation through the Zoning District.

In addition to the lodging units, The Myerside redevelopment proposal is requesting four (4) work/live units, which is consistent with previous council discussions related to employee housing and implementing strategies to reduce vehicular trips on the island. These work/live units would be reserved for the businesses within The Myerside and could be beneficial in retaining commercial tenants or employees of those businesses. The work/live units represent a complementary use and a creative way of addressing housing affordability, reducing vehicular trips and securing a stable and competent workforce on the island.



Through the Minimum Use Determination provisions of the LDC, the subject property is entitled to 12 single family units in accordance with the historic plat for this neighborhood, which delineates 12 individual lots on this property. The property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses. This analysis is based on the Minimum Use Determination and starts with the base of 12 single-family dwelling units, removes the proposed 4 work/live dwelling units and applies an equivalency ratio of 2 or 2.5 to the remaining 8 units. This results in 16 – 20 allowed lodging units ranging depending on the equivalency ratio applied.

As discussed in the Comprehensive Plan Compliance section below, additional intensity is requested pursuant to LDC Sec. 34-1803, which allows for additional guest units under “exceptional circumstances” and when providing public benefit. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. These evident exceptional circumstances support the additional intensity requested.

As part of this petition, The Myerside is asking for a total of 45 lodging units, which represents a 25 unit increase from what could be achieved by right. This is a 125% increase from what current zoning allows but is much less than the Margaritaville approval, which allowed a 300% increase from the underlying zoning district’s “by right” density.

The benefits provided by The Myerside include:

- Elimination of numerous non-conformities
- Rebuilding resilient and hardened site improvements and structure
- Increasing existing buffers and setbacks where abutting residential and civic uses
- Enhancing the public realm and creating a pedestrian-friendly environment
- Encouraging bicycle and pedestrian activity
- Providing neighborhood commercial goods and services that will benefit visitors and local residents alike
- Commitment to try to establish a centralized health and wellness center that would support local practitioners and business owners and would provide a convenient one-stop location for local residents
- Providing complimentary uses to the Civic Center as envisioned for this part of the island
- Providing outstanding coastal architecture



- Contributing to the redevelopment of the island and strengthening the Town's tax base
- Providing historically proven onsite management of family-oriented hotel with onsite amenities
- Enhancing the public realm of Estero Boulevard, in support of the Comprehensive Plan's goals, objectives, and policies
- Providing onsite work/live units for employees of the hotel or associated commercial development

In addition to density and lodging equivalents, the intensity of development is also measured by a project's Floor Area Ratio (FAR). For this property, the Comprehensive Plan allows a maximum FAR of 1.5 or 67,300 square feet, but further limits the FAR to a maximum of 1.2 within the CR zoning. The proposed FAR of 1.2 or a maximum of 53,840 square feet is inclusive of the commercial area, lodging units and work/live units, and ground level under-building parking.

Transportation and Parking

A traffic impact statement (TIS) has been performed by Planning Analytics, LLC and is included in this application. The proposed redevelopment of the site includes removal of the existing access points along Estero Boulevard, School Street, and Oak Street. The proposed access points as depicted on the MCP (See Figure 5) include a single ingress/egress from School Street and a right-out only access point along Oak Street. The proposed ingress/egress configuration will reduce curb cuts and potential conflict points along Estero Boulevard and will be a logical and safer circulation pattern on and off the property. Based upon the information contained in the TIS, this development is not projected to create adverse transportation impacts on the island's roadway system. Current trip levels are much lower than historical levels and it is estimated that it could take many years for the island to experience peak-season trip levels that existed prior to Hurricane Ian. It is acknowledged that the Applicant will need to work with the Town of Fort Myers Beach staff to evaluate traffic conditions and potential future right of way needs during the development order review process.

Parking standards for hotels within the Town of Fort Myers Beach are based on LDC Section 34-1804 which states, "the minimum requirement for off-street parking is 1.2 parking spaces for guest units up to 450 square feet and 1.5 spaces for each larger guest unit." Parking requirements for commercial uses are outlined in LDC Sec. 34-2020(d)(4)(b)1 as well as through application of Deviation #3. Based upon preliminary hotel unit size assumptions and square footage of the other proposed uses within the mixed use development, the total number of spaces required for this redevelopment according to LDC standards is 90 parking spaces (See Parking Calculations table below).



Myerside CPD - Mixed Use Project Parking Calculations			
Hotel			
Unit Size	# of Units	Spaces per unit	Parking Spaces
Less than 450 SF	25	1.2	30.0
Greater than 450 SF	20	1.5	30.0
		SubTotal	60.0
Multiple-Occupancy Complex			
Commercial Uses	Square Footage	Spaces per SF	
Retail/Restaurant/Office/Services	9,000	2 per 1,000* or 1 per 500	18
Restaurant Bar Area	300	8 per 1,000 or 1 per 125	2.4
Restaurant Outdoor Seating Area	690	8 per 1,000 or 1 per 125	5.5
		SubTotal	25.9
Residential			
Work/Live Units	# of Units	Spaces per Unit	
Studio or efficiency	4	1	4.0
		SubTotal	4.0
	TOTAL REQUIRED number of parking spaces		89.9 (90)
	TOTAL REQUIRED with 4 vehicle parking space reduction by providing 16 bicycle spaces		86
	TOTAL PROVIDED		60*

*Per LDC Sec. 34-2020(d)(4)(b)(1) and Deviation #3. Restaurant gross floor area limited to 2,250 SF or 25% of 9,000 SF of a multiple occupancy complex's gross floor area.

This CPD proposes 60 on-site parking spaces (See Figure 5 - MCP). Although this number does not meet the strict requirements of the LDC, the Applicant is requesting a deviation (Deviation #3) to reduce the number of required parking spaces by approximately 30%. To put this in context, this reduction is significantly less than standard reductions for the Downtown redevelopment districts and the 67% parking reduction approved for Margaritaville. The reduction is also attributable to recognizing the redevelopment is a mixed use project applying the intent of LDC Sec. 34-2020(d)(4)(b)(1) by having a minimum of three (3) uses (See Deviation #3) within a multiple-occupancy complex (mixed use) sharing a common parking area. Additionally, the Applicant proposes to offset the onsite vehicle parking requirements through assessing mitigation measures such as providing bicycle parking racks (4 bicycle parking spaces equal one vehicle parking space as shown in the table above), valet parking and/or off-site parking through shared parking agreements with adjacent property owners such as Bay Oaks or the Beach United Methodist Church. The site is also located within 100' of a trolley stop, thus encouraging the use of alternative modes



of travel. The Applicant also commits to work with the Town and other local hotel proprietors and agrees to contribute their fair share to comprehensive transportation/parking solutions as may be developed in the future.

Compatibility

As presented above and further discussed in the Rezoning Approval Criteria below, the Applicant and design team assembled an exciting redevelopment concept and thoughtful design which is compatible with surrounding uses, complementary to the Civic Center vision, and provides benefits to residents and visitors alike. Great thought was given to the proposed uses, overall design and architecture of the project. There was careful consideration given to the location and the intent to develop a one-stop health and wellness center near recreational and civic uses already frequented by many local residents. Access to the site was carefully evaluated to reduce conflicts along Estero Boulevard and create a circular ingress and egress pattern. The height and scale of the building were defined based on adjacent uses and with the desire to reduce massing and create a human scale. The architectural design is fresh and contemporary but unmistakably coastal and consistent with the “cottagy, beachy and eclectic” character described in the comprehensive plan and voiced by island residents. The Myerside was carefully designed to engage the public and create a pedestrian-friendly environment through the covered arcade, outdoor seating, new sidewalk along School Street and vegetated buffers. Through various design components, the whole becomes greater than the sum of its parts. The Myerside will provide an attractive, mixed-use project that will be an asset to the Town and will serve the needs of local residents and visitors alike.



REZONING APPROVAL CRITERIA

The proposed rezoning request from CPD to CPD must be found consistent with the established rezoning criteria provided in LDC Section 34-85 and Section 34-216 as well as post-disaster build back criteria in accordance with Policy 4-D-1 of the Fort Myers Beach Comprehensive Plan and LDE Section 34-3238. The following narrative demonstrates compliance with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code.

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

A. COMPREHENSIVE PLAN AMENDMENTS

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

Mixed Use Districts Designation – Civic Center and Coconut Village RV Park



The applicant is aware that the town is currently in the beginning stages of amending their Future Land Use Map (FLUM) categories. As of the date of this submittal, the town is considering a Future Land Use Change for the subject property that would remove the property from the Boulevard FLUM designation and place the property within the “Civic Center and Coconut Village RV Park” FLUM designation. The applicant intends to comply with and be consistent with any land use change that may be approved during the process of this application. However, at this time, the applicant does not have the leisure to wait for such proposed changes to be finalized by the town. In the meantime, the applicant intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center and Coconut Village RV Park land use designation and working with staff to ensure compatibility of the proposed project.



B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The proposed mixed-use project has been designed to provide enhancements that are attractive and add functionality along Estero Boulevard. The first floor of the building will contain commercial uses with the on-site vehicle parking located behind the primary building to help promote a pedestrian friendly and engage the public realm. The building proposes to have an inviting covered arcade style walkway along Estero Boulevard and School Street with lush landscaping and hardscaping to complement and enhance the streetscape and the pedestrian realm. The exceptional architectural design as depicted in the images below is of an appropriate pedestrian scale and with the enhanced landscaping results in a boulevard with added character, is safe and interesting to walk, bike, as well as drive all supporting the vision embodied through the Town of Fort Myers Comprehensive Plan's Community Design Element.





The proposed building is designed to promote a pedestrian scale by utilizing the build-to development feature encouraged in the town. Additionally, the building is designed to provide a “wedding cake” approach or step-back element as the building increased in height. This element eliminates a sense of a building that may be overwhelming to the pedestrian and softens the building edges. The use of enhanced landscaping and green areas between the building and right-of-way will also be provided creating an improved view along this heavily travelled corridor. Additionally, the proposed project is designed with a coastal old Florida/cracker style architecture theme to add to the aesthetics of this main frontage and further providing a desirable and attractive experience to those coming to or just passing by The Myerside.

The project will be constructed with an overall height of 50’ (ground to roof top) which provide a transition from the library building to the east which measures an overall height of approximately 59’ and the residential building to the west which has an overall height of approximately 35’. The proposed height is compatible with the surrounding buildings and supports the desire for Estero Boulevard. to be a pedestrian-friendly boulevard in character.

Based on the elements described, The Myerside redevelopment will contribute to enhancing Estero Boulevard to be one of the premiere public spaces in the town, thus demonstrating consistency with the Community Design Element, Objective 1-A, Policy 1-A-1.



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 devastation caused by Hurricane Ian has emphasized the need for more resilient structures on Fort Myers Beach. The Myerside, though portions of the existing structures were left standing, sustained significant damage and destruction and intends to redevelop to a more sustainable mixed-use development. As expressed in Object 4-A, the desire is for the small-town character of Fort Myers Beach to be maintained while continuing the pedestrian-oriented “public realm” that encourages people to move around without their cars even in the midst of peak-season congestion. In planning the redevelopment of the property, the owners have considered what is needed in this area of the island for both visitors and residents to achieve this goal.

With the construction of a new building that meets Florida Building Code and FEMA standards, the site will be more resilient and able to withstand impacts from future hurricanes. Through the reconfiguration of the various access points and on-site parking locations, improved pedestrian elements, enhanced landscape and hardscape along Estero Boulevard and School Street, and developing a true mixed use development, The Myerside will contribute to Fort Myers Beach’s goal of being a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in this beach resort environment.

POLICY 4-A-1: Maintaining the town’s current “human scale” is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.

The overall site, building placement, height and massing were carefully designed to create a mixed use development that’s approachable and at a human scale. While today’s construction requirements mandate stronger and taller structures especially in coastal flood zones, additional landscape and hardscape proposed along Estero Boulevard and School Street soften the development’s massing and contribute to creating a human scale in the town and along Estero Boulevard. The subject property is an ideal location



for guests to use as their home base as they explore all the island has to offer through walking, bicycling, and the accessible trolley service.

POLICY 4-A-9: Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster build back (Objectives 4-D and 4-E) only apply if the current use is maintained.

The proposed redevelopment shall support the Fort Myers Beach goals of keeping a healthy and vibrant “small town” atmosphere. This development is designed to not only benefit hotel guests, but to also provide uses that can be enjoyed by, and to benefit, the general public/local residents. The proposed redevelopment focuses on providing commercial opportunities to support the health and wellness sector of the local economy. It will also be a benefit through the reestablishment of transient lodging displaced from the impacts of Hurricane Ian help support the local tourist economy. Enhancing pedestrian mobility and connectivity along Estero Boulevard, beautification of the public realm through enhanced landscaping and hardscaping, and fair share contributions to mobility solutions such as a potential future water ferry and airport shuttle service, public parking for bicycles, bicycles for guests, along with the rebuilding of structures to be compliant with today’s Florida Building Code further contributes to the amenities the local residents and visitors expect. Through these proposed amenities, contributions, and architectural style, the development complies with Policy 4-A-1 and 4-A-9.

POLICY 4-B-5: BOULEVARD A mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanent. To obtain approval for a new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contributed to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process.

The Myerside redevelopment proposes a mixed-use development containing hotel lodging units, work/live units and commercial retail/services to complement the surrounding community and uses. The design to incorporate appropriate height, build-to elements, on-site parking to the rear of the property, enhanced landscaping are in place to complement adjacent property as well as being compatible to the residential property to the west, the civic uses to the north and east and transient lodging/commercial uses to the



south. The Myerside will ultimately comply with all applicable design standards as required under the Land Development Code at the time of Development Order approval.

OBJECTIVE 4-C APPLYING THE FUTURE LAND USE MAP – The Future Land Use Map shall be interpreted in accordance with the following policies.

Policy 4-C-2: The maximum intensity of allowable commercial development in any category may be controlled by height regulations or other provisions of this plan and the LDC. 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.

Under the provisions of Policy 4-C-2, “other” categories can achieve a Floor Area Ratio (FAR) of 1.5. The current maximum FAR allowed under the Commercial Resort (CR) zoning district is 1.2. A maximum FAR of 1.2 is proposed utilizing the Commercial Planned Development process to rezone the subject property from CR to CPD, which is consistent with Policy 4-C-2.

The proposed redevelopment is located within the Boulevard Future Land Use category. As stated above, the LDC shall specify maximum commercial intensities using floor area ratios (FAR). The redevelopment proposes to be 9,000 square feet of commercial uses with 45 units of hotel/motel and 4 work/live housing units for a total of approximately 53,463 SF. See the following FAR analysis breakdown:

FAR Analysis:

An FAR of 1.2 allows for a maximum of **53,840.2 SF** on 1.03 acres (44,866.8 SF).

Ground floor:

- Interior space area only = **12,533 SF**
- Under building parking area = **5,752 SF**

2nd Floor: Interior space area = **17,636 SF**

3rd Floor: Interior space area only (no pool deck) = **11,183 SF**

4th Floor: Interior space area only (excluding penthouse balconies) = **6,359 SF**

TOTAL: 53,463 SF, which is below the max. of 53,840.2 SF

The proposed FAR is 1.2 which equates to a maximum of 53,840.2 SF, is slightly above the estimated square footage of the proposed redevelopment. Thus, the proposed FAR is consistent with the Boulevard Future Land Use category and Policy 4-C-2.



POLICY 4-C-3. iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The proposed redevelopment has been designed in a manner that is compatible with the nearby residential property and will provide an alternative 15' Type “C” buffer adjacent property to the west. The proposed commercial uses will be complementary in nature as the project is intended to be focused on health and wellness and other community commercial uses supporting island residents and visitors. The project proposes additional landscaping and a reduction in entrances onto the property from Estero Boulevard and School Street. The features described above and uses proposed demonstrate consistency with Policy 4-C-3.iv.

POLICY 4-C-3. v. The following principles shall be considered by the town when evaluating requests for new commercial uses:

- a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.**
- b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.**

The proposed Myerside redevelopment is requesting 9,000 square feet of commercial uses, which will be targeted toward health and wellness uses and/or other commercial uses to complement the surrounding civic and community uses while providing services to residents and island guests, thus supporting Policy 4-C-3.v.

POLICY 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the buildback situations (see Policies 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result



from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.

The Myerside site is directly across the street from the Fort Myers Beach Library which has an overall height of 59'± and has an adjacent residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop. (See Figure 6 on page 9)

The Myerside has been carefully designed to be compatible with adjacent uses and provides for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that directly abut the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a “wedding cake” (stepped back) design where height gradually increases from two stories to four stories at the center of the building and toward School Street where the 59' library is located. The wedding cake design is also utilized to soften the building's edges. At the corner of Estero and School, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive, pedestrian friendly ground floor with the stepped-back fourth-story portion of the building adjacent to Estero Boulevard and School Street. The portion of the building, which contains only two stories, is appropriately designed and oriented to the adjacent taller residential structure along the northern property boundary and remaining section along Estero Boulevard. This architectural design establishes a gradual transition from the height of the Fort Myers Beach Library to the residential property to the west and is compatible with the surrounding tall buildings.

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 buildings associated with the proposed project will be more resilient, complying with the latest and more stringent state requirements – labeled as Florida Building Code compliant structures, and also eliminating the current non-conforming buildings and setbacks. Additionally, flood proofing will be provided, improving the resiliency of the island's structures supporting the Objective 4-D.

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 Coastal Management Element addresses special coastal management concerns which are specific to the Town of Fort Myers Beach and its need to protect resources, human life and property which are vulnerable to events such as hurricanes and flooding. The proposed development will be constructed in compliance with up-to-date Florida Building Codes and FEMA standards thus complying with GOAL 5 and Policy 5-A-1.

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-A-2 PARKING: Even though existing parking lots are not used to capacity; parking is not abundant at Fort Myers Beach. The welcome rebirth of commercial activity near Times Square will increase the demand for parking. The Town of Fort Myers Beach will address parking shortages through the methods outlined in this plan.

The minimum required parking for the proposed development will be provided onsite. Supplemental parking and parking adjustments will be provided through alternative parking opportunities and methods such as



the use of bicycle parking racks (4 bicycle parking spaces equal one vehicle parking space), valet parking, and off-site parking through potential shared parking agreements with adjacent property owners. Estimated parking space calculations are based on the uses proposed as outlined in the Land Development Code. The site, as designed, provides 60 parking spaces in conjunction with a requested deviation.

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.

The Town of Fort Myers Beach has completed extensive improvements to Estero Boulevard and through the Comprehensive Plan encourages a variety of travel modes to address traffic congestion caused by the influx of visitors drawn to the town every year. The developer has incorporated additional bike racks for public use and will be providing bicycles as an amenity for its guests as a way to encourage a less car centric experience for those on the island. The proposed development will also provide enhanced landscaping and sidewalks both adjacent to and within the development to encourage pedestrian mobility both on and off property.

The developers are willing to participate in and make appropriate contributions to programs which the town may set up to alleviate mobility challenges on the island during peak traffic times. Alternatives which have been discussed to date such as, but not limited to, shuttle service from local airports with central drop-off points for guests, a water taxi, a hidden-path system through Fort Myers Beach for bicycles and pedestrians and a trolley system for visitors with both on and off island locations are all options which may benefit the Town, its visitors and residents.

OBJECTIVE 7-I LEVEL-OF-SERVICE STANDARD: Maintain minimum acceptable levels of service for the transportation system.

POLICY 7-J-2 TRAFFIC IMPACT ANALYSES: A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 2010 to:

- i. decrease the thresholds for requiring traffic impact analyses;
- ii. require them to study the cumulative impacts of potential development; and



- iii. **use the results in assessing whether impacts are acceptable, and whether an improved design could offset some of the impacts.**

A Traffic Impact Statement (TIS) has been performed by Planning Analytics, LLC and concludes that the redevelopment of this 45-unit hotel, 4 work/live units and 9,000 square feet of commercial uses will not place an undue burden on the island roadway network. The trip generation rates for the proposed uses were estimated based upon the Institute of Transportation Engineers (ITE), Trip Generation – 11th Edition.

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.

Complying with GOAL 8 and Policy 8-A-1, the proposed development will connect to central water and sewer utilities.



D. DESIGN STANDARDS COMPLIANCE

(1) Encouraging traditional building forms that reinforce the pedestrian orientation and desired visual quality of the Town of Fort Myers Beach

As described above, The Myerside offers a neo-traditional mixed-use form with commercial uses at ground level and lodging uses above. The building is set close to the roadway to activate the public realm and encourage pedestrian activity. Fenestration is prevalent at ground level to create an attractive and inviting environment. The pedestrian environment is further enhanced by improved sidewalk, a covered arcade, outdoor seating, shade trees and attractive landscaping. The proposed architecture is quintessentially coastal and incorporates Old Florida design elements for an attractive and beachy feel.

(2) Encouraging buildings of compatible type and scale to have creative ornamentation using varied architectural styles.

The proposed project can be characterized as contemporary coastal and includes Old Florida/cracker style architectural elements. As described in the Height section above, close attention was given to developing a design in which height and scale are compatible with surrounding uses the importance and utilizing a wedding cake approach to maintain a human scale.

(3) Enhancing the town's business districts as attractive destinations for recreation, entertainment and shopping.

The proposed project will provide for a mixture of uses that enhance the island's aesthetics, commerce, entertainment and recreation attributes. As described above the commercial component is intended to provide essential services to visitors and residents alike. The close proximity to Bay Oaks will encourage recreation activities and promote walkability. The intent planned restaurant will provide entertainment and dining opportunities.

(4) Maintaining and enhancing the town's sense of place and its property values.

A sense of place is cultivated by design choices, complementary uses, architecture, incorporating island character and history, and having locally owned and operated businesses. The Myerside intends to incorporate all those elements and wants to be a place where people feel welcomed and where visitors want to return every year.



(5) Implementing the design concepts in the Fort Myers Beach Comprehensive Plan.

As described throughout this narrative, The Myerside strives to incorporate design concepts articulated in the Comprehensive Plan. The intent is to comply with the vision articulated for the Civic Center and the Heart of the Island, to improve the public realm, to provide attractive architecture and to encourage bicycle and pedestrian activity.



E. DECISION MAKING COMPLIANCE

The following considerations from LDC Sec. 34-85 shall be considered by town council whenever applicable:

(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 CPD 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. Utilizing the proposed CPD rezone request, reductions or elimination of any existing non-conformities will be corrected as applicable.

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

The existing sight was significantly damaged due to Hurricane Ian which rendered the previous redevelopment approval impossible to complete. Due to the damage to buildings which were to be redeveloped through the previously approved CPD, the property owners have had to reevaluate their former plan and create a project that will be more resilient and provide more appropriate uses for the island and its residents.

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

The proposed change will not have any impact on the intent of this chapter (LDC). The CPD rezone will allow the redevelopment of the devastated Myerside Cottages and Resort to continue to be an economic tourist and resident benefit.

(4) The testimony of any applicant.

The professional experts retained by the applicant to support this petition will provide testimony at both the Local Planning Agency (LPA) hearing and the Town Council hearing.

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

The Town staff will review the petition and provide a written report to be presented to the local planning agency at their appropriate public hearing. The petition along with the staff's report and the LPA recommendation will then be presented to the Town Council at the designated public hearing.

(6) The testimony of the public.

The public will be provided with the opportunity to present testimony to the LPA and Town Council.



(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.

As evidenced through this narrative, the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set for the in the Fort Myers Beach Comprehensive Plan.

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

The proposed use is an ideal location for the requested use. Its proximity to the beach, civic and community uses, orientation along Estero Boulevard will serve the visitors and residents of the island who wish to stay and seek commercial services in this area. Its vision for a health park/community office component will also better serve not only the residents but also visitors alike.

(9) Whether urban services are, or will be, available and adequate to serve the

The urban services were in place and utilized by the existing Myerside development and will remain in place to adequately serve the subject site. It is critical to note that adequate services were in place for well over 2,000 hotel/motel units prior to both Hurricanes Charley and Ian, but now approximately only 400 hotel/motel units are online. This is a decline of almost 81%. 2020 Census data also shows that the overall permanent population in Fort Myers Beach has declined roughly 11% since the 1990 Census. The Town's population estimates associated with transient lodging also show a decline over the last 30 years and the percentage of the in-season population attributed transient lodging has declined from 24% to 18%.

- 1990 Peak Season Population Estimate – Lodging: 3,620 or 24% of the overall population.
- 2020 Peak Season Population Estimate – Lodging: 3,133 or 18% of the total population.

Based on the data outlined above, existing urban services are and will be available to support not only the proposed Myerside redevelopment but many other proposed projects that will assist in the rebuilding of Fort Myers Beach.

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

The proposed redevelopment is located on a previously developed site which does not contain any environmentally critical areas or natural resources.



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

The request is compatible with existing or known planned commercial, residential and civic uses adjacent to the subject redevelopment and will not cause damage, hazard, nuisance or other detriment to persons or property of Fort Myers Beach. The property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses, and the proposed redevelopment will maintain compatibility.

(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.

The proposed request does not create any burden upon existing transportation or other services and facilities. The roads will have adequate capacity to serve the project as indicated within the TIS provided as part of this application. Adequate transportation services, utilities and recreational facilities were in place for well over 2,000 hotel/motel units prior to both Hurricanes Charley and Ian. With now just over 400 hotel/motel units available for occupancy, there will continue to be available transportation capacity and level of service to not only support the proposed Myerside redevelopment, but many more future transient lodging units and other non-residential developments needed in the Town. Additionally, the Town is actively working to promote alternative modes of transportation and provide mobility solutions to mitigate peak seasonal traffic.

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

This request to rezone the subject property from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) will be presented at public hearings before the LPA and the Town Council consistent with LDC Sec. 34-216(a)(1). As demonstrated throughout this narrative the proposed CPD meets the following findings criteria under LDC Sec. 34-216(2):

- a. The proposed uses are appropriate to the location as they are compatible with surrounding uses and lodging was in existence for years prior to Hurricane Ian.
- b. Sufficient safeguards are in place or will be provided through applicable special conditions within the rezoning approval document, to protect the public interest.
- c. Special conditions will be provided through the rezoning approval document as determined to be necessary.
- d. The proposed uses meet all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category. See Section "C" within the above narrative.



2. Policy 4-C-4 on building heights taller than the standard height limit. See Section “C” within the above narrative.
3. Policy 4-C-8 on density transfers. Not Applicable.
4. Policy 4-E-1 on pre-disaster build back. See Section “C” within the above narrative.
5. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts. See Section “C” within the above narrative.

CONCLUSION

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. Utilizing the CPD process, and compliance with today’s Florida Building Codes and FEMA standards, The Myerside will provide an economic catalyst through an attractive, mixed-use project that will be an asset to the Town and will serve the needs of local citizens and island visitors alike.



THE NEIGHBORHOOD COMPANY

THE MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING

SCHEDULE OF USES

Lodging

Principal:

Hotel/Motel (Inclusive of Hotel Condominiums)
Guest Units

Accessory:

Hotel/Motel Accessory Uses
Personal Services
Recreational Facilities

Residential

Work/Live Units

Commercial

Offices, General or Medical
Personal Services
Restaurant with Bar Area
Retail Store, Small & Large
Subordinate Commercial Uses



THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING
SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

1. **A deviation from LDC Sec. 10-285, Table 10-1 – Connection Separation, which requires minimum separation between street and accessways, in order to allow driveway separations as depicted on the Master Concept Plan (MCP).**

Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. School Street and Oak Street are classified as local streets, requiring streets and accessways to be spaced 125 feet from centerline to centerline.

The proposed site configuration has removed several nonconforming access points from the site along Estero Boulevard and School Street. This application proposes to use existing access point locations, one on School Street and one on Oak Street. School Street will provide full ingress/egress into the site and Oak Street will be a right-out only egress point.

The separation between the egress point on Oak Street and the nearest accessway to the west measures approximately 95 feet. This distance is approximately 30 feet short of the required separation of 125 feet needed per the LDC. The point of ingress/egress for the redevelopment is proposed on School Street. This access point has a separation distance from Oak Street of approximately 60 feet, an approximate separation of 55 feet from the Beach United Methodist Church access into their overflow parking area, and 148 feet from the Fort Myers Beach Public Library access onto School Street. The School Street ingress/egress point is approximately 65 feet short of the required 125 feet from the Oak Street intersection.

The proposed improvements address operational and safety issues on the property and Estero Boulevard, enhance functionality through the decreased width of the accessway and the relocation of on-site parking to a more desirable and appropriate onsite location behind the primary structure. This proposed layout now provides for the dumpster location to be internal to the site with access for service trucks on internal drive aisles, reduces curb cuts and potential conflict points along Estero Boulevard, School Street and Oak Street. Providing for these improvements and site layout achieves general



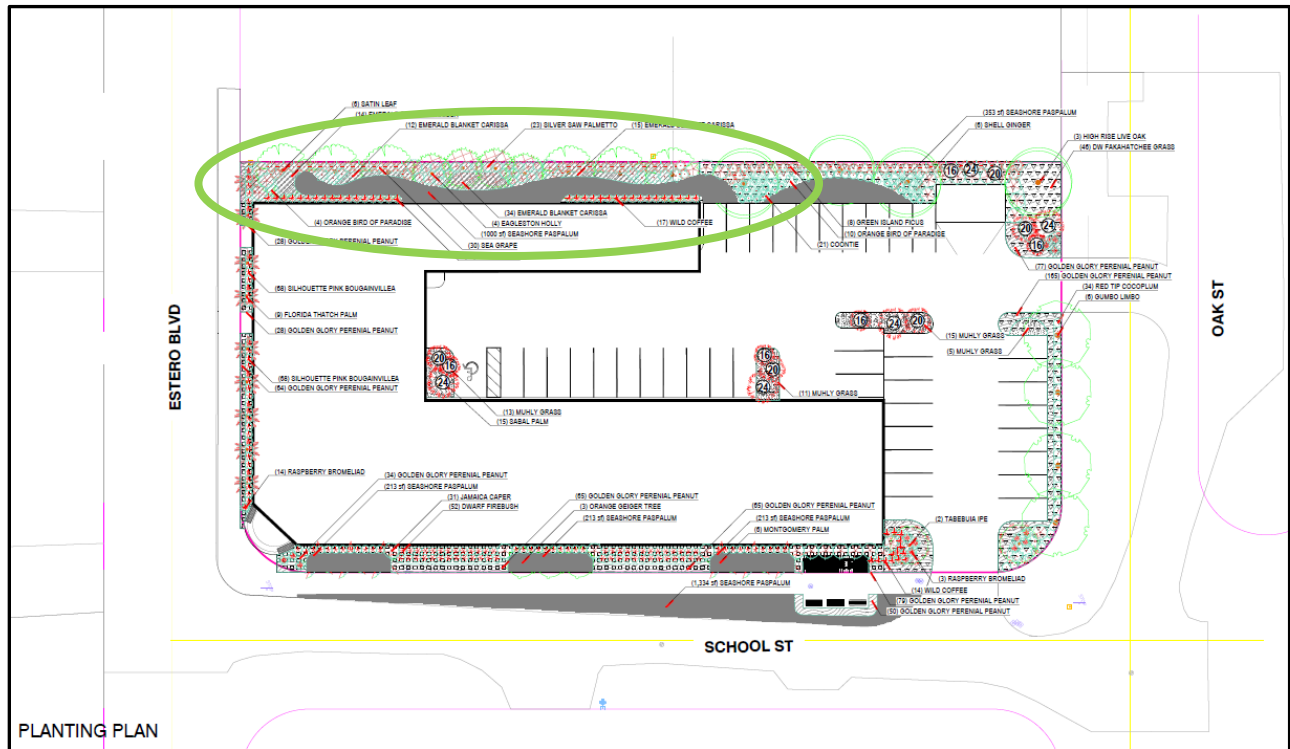
consistency with the intent of LDC Section 10-285 to provide as much connection separation as possible while protecting the health, safety and welfare of island residents and visitors.

2. **A deviation from LDC Sec. 10-416 - Landscaping standards to allow the use of an alternative landscape betterment plan pursuant to LDC Section 10-419. This section states applications are entitled to demonstrate that the intent of the landscaping standards can be more effectively accomplished through an alternate landscape betterment plan. The use of an alternate landscape betterment plan addresses all landscaping requirements pertaining to the redevelopment of the site; such as, but not limited to landscape islands, building perimeters, buffers, walls, parking and vehicular use areas.**

Justification: The deviation from LDC Sec. 10-416 is requested to allow the use of an alternate landscape betterment plan for all landscaping and buffering associated with the redevelopment of the subject property. Please see the plans prepared by James McCord, L.A. with RWA Engineering signed and sealed on 04-17-2024.

The limited size of the property and the need to redevelop the site due to damages received from Hurricane Ian has created unique circumstances that limit the ability to meet the strict landscaping standards as outlined in the LDC such as proposing underbuilding parking and limited surface area parking located behind the primary structure. The proposed surface parking is not visible by the majority of the public but will still be heavily landscaped within appropriately located landscape islands of adequate size to sustain the required trees and approved grass/ground cover landscape materials. In addition, the alternative landscape betterment plan includes enhanced buffer plantings in place of the required wall for a Type "C" buffer along a portion of the western boundary. The enhanced plantings within the buffer area (See planting plan and rendering elevation – page 3 of 9) will create a more natural, lush and complementary buffer rather than a "walled, locked in" setting adjacent to the neighboring property.

The intent of the alternative landscape betterment plan approved under the Development Order will provide additional landscaped areas along the perimeter of the project to help offset any potential landscape island size reduction. The alternative landscape betterment plan as allowed per LDC Sec. 10-419, demonstrates the proposed landscaping effectively meets and exceeds the minimums intended under LDC Sec. 10-416 and will not cause or result in any negative impacts to the community's health, safety, and welfare.



3. A deviation from LDC Sec. 34-1804(a) and Sec. 34-2020, which regulates parking for hotel/motels, non-residential, residential, and combined use developments, to allow a 30% reduction in required parking and a minimum of three (3) individual uses within a master planned mixed use development.

Justification: The requested deviation from LDC Sec. 34-1804(A) and Sec. 34-2020 is to primarily allow for a 30% reduction in the required parking for a mixed use development by promoting and providing alternatives such as bicycle parking, valet parking and off-site parking through potential shared parking agreements with adjacent property owners. Under the intent of regulations provided in the town's LDC, the proposed mixed-use development would require approximately 84 parking spaces, which includes a reduction of 4 vehicle spaces by providing 16 bicycle spaces throughout the



development. This parking requirement utilizes the intent of LDC Sec. 34-2020(d)(4)(b)(1) which allows for two (2) spaces per 1,000 square feet for combined uses (5 or more; not inclusive of a hotel and restaurants are limited to 25 percent of the gross floor area) of a “multiple-occupancy complex” or in this instance a master planned mixed use development. This deviation is also specifically requesting a reduction from the 5 or more “individual business establishments” as part of the multiple-occupancy complex” under LDC Sec. 34-2020(d)(4)(b)(1) to 3 or more commercial establishments that are integrated within a master planned mixed use development.

Other areas of the town allow for substantial parking reductions between 50 and 67 percent. In an effort to benefit from this desire to “park once” and promote alternative parking options and modes of transportation around the island, The Myerside is proposing a 30% parking reduction for this area of town, thus, providing approximately 60 on-site parking spaces along with the commitment to integrate at least 16 bicycle parking spaces throughout the development. The developer will also ensure connectivity through integrated pedestrian infrastructure to the surrounding rights-of-way and sidewalks to the existing trolley stop within 100 feet of the property; will evaluate valet parking and/or shared parking agreement solutions at time of final development order if the proposed parking is deemed insufficient. The developer also commits to work with the town and other local hotel proprietors to contribute their fair share to comprehensive transportation/parking solutions as may be developed in the future.

The proposed parking plan, utilizing a 30% required parking reduction, commitment of providing 3 or more commercial uses within the master planned mixed use development, and access to alternative modes of transportation will further reduce over-parked developments, help alleviate traffic congestion on the island, and in turn reduce any significant associated negative impacts to the health, safety and welfare of the island's residents and visitors.

- 4. A deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 37 feet and a maximum of four (4) stories.**

Justification: The Town's comprehensive plan allows for additional height through Policy 4-C-4 for parcels of land that are contiguous (or directly across a street) from taller buildings. The Myerside site is directly across the street from the Fort Myers Beach Library which has an overall height of 59'± and has an adjacent residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop.



The Myerside has been carefully designed to be compatible with adjacent uses and provides for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that are next to the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a “wedding cake” (stepped back) design where height gradually increases from two stories to four stories at the center of the building and toward School Street where the 59’ library is located. The wedding cake design is also utilized to soften the building’s edges. At the corner of Estero Boulevard and School Street, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive building, commercial on the ground floor, and a stepped-back fourth story located at the center of the building and toward the library. The portion of the building, which contains only two stories, is appropriately designed and located adjacent to the existing residential structure along the northern boundary. This architectural design establishes a gradual height transition from the taller Fort Myers Beach Library to the shorter residential property to the west and is compatible with the surrounding taller buildings. Based on the above justification, the granting of this deviation will not be injurious to the neighborhood or negatively impact the overall health, safety, and welfare of the island or its residents.



5. A deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 5 to 10 feet along Estero Boulevard and School Street.

Justification: The proposed Myerside development is meant to be consistent with the Town's vision to enhance the public realm and promote a building form that engages the public along Estero Boulevard and other streets such as School Street. An effective design element to achieve this is the use of build-to lines rather than front setbacks.

Under the CR zoning district, build-to lines are not required to be utilized for development/redevelopment in this area of town. The Myerside property is located within the area identified in the town's Comprehensive Plan as the "Heart of the Island" and within the Boulevard future land use category. Both of these identified areas focus on the public realm and walkability through the following policies or vision statements:

- Estero Boulevard needs to be an interesting place to walk along; scaled for people to feel comfortable walking along.
- Bring buildings closer to sidewalks.
- Parking should be placed at the rear of buildings.
- Adopting design guidelines that encourage architecture and urbanism along Estero Boulevard which contributes to the human scale.
- Maintaining the town's current "human scale."
- Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.
- Contribute to the public realm.

By allowing The Myerside to deviate from the required front setbacks and replacing that requirement with build-to lines of 5 to 10 feet along Estero Boulevard and School Street helps implement the Comprehensive Plan's vision for the Heart of the Island and the Boulevard future land use category. The Myerside concept, as shown below in the submitted renderings, is committed to enhancing the public realm and contributing to the desired aesthetic described in the town's Comprehensive Plan.



Estero Boulevard



School Street



The proposed deviation to allow for build-to lines along Estero Boulevard and School Street will be a benefit to the public and will not negatively impact the public's health, safety and welfare.

6. **A deviation from LDC Sec. 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors, in order to exceed said factors as allowed per LDC Sec. 34-1803(a)(2). This would allow a maximum intensity of 45 guest units rather than the 20 allowed per the existing table.**

Justification: The Myerside property consists of 1.03+ acres and is located within the Boulevard Future Land Use Category, which allows 6 dwelling units per acre with the equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1803(a)(1) for guest units within the Boulevard FLU are 2.5 for units less than 450 square feet, 2.0 for units between 450 square feet and 750 square feet, and 1.5 for units between 750 square feet and 1,000 square feet.

The subject property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses, including consumption of alcohol on premises. However, it should be noted that under the Minimum Use Determination provisions of the LDC, the subject property is entitled to 12 single family dwelling units in accordance with the historic plat for this neighborhood, which delineates 12 individual lots on this property.

When starting with a base of 12 dwelling units it is necessary to reduce that base number by 4 units to 8 dwelling units due to the 4 work/live dwelling units proposed as part of the mixed use development. Applying 8 dwelling units to the equivalency ratio of 2 or 2.5 to the remaining 8, the allowed lodging units would range from 16 – 20. A maximum of 20 units could be achieved by right per current LDC provisions.

The proposed additional 25 hotel rooms/transient lodging units are requested pursuant to LDC Sec. 34-1803(a)(2), which allows for additional units under “exceptional circumstances” and when providing public benefits. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. Additionally, through the planned development process, the applicant is proposing the following public benefits that contribute to the project's consistency with LDC Sec. 34-1803(a)(2):



- Elimination of numerous non-conformities
- Rebuilding resilient and hardened site improvements and structure
- Increasing existing buffers and setbacks where abutting residential and civic uses to ensure cohesive redevelopment
- Enhancing the public realm and creating a pedestrian-friendly environment
- Encouraging bicycle and pedestrian activity
- Providing neighborhood commercial goods and services that will benefit visitors and local residents alike
- Commitment to try to establish a centralized health and wellness center that would support local practitioners and business owners and would provide a convenient one-stop location for local residents
- Providing complimentary uses to the Civic Center as envisioned for this part of the island
- Providing outstanding coastal architecture
- Contributing to the redevelopment of the island and strengthening the Town's tax base
- Providing historically proven onsite management of family-oriented hotel with onsite amenities
- Enhancing the public realm of Estero Boulevard, in support of the Comprehensive Plan's goals, objectives, and policies
- Providing onsite work/live units for employees of the hotel or associated commercial development

These exceptional circumstances and public benefits support the additional hotel rooms/transient lodging units requested.

The Myerside is asking for a total of 45 boutique hotel units as an integrated and significant component of the mixed use redevelopment encouraged by the Town. This is a 25 unit increase from what could be achieved by-right as described above but is much less than the Margaritaville approval that allowed a 300% increase from the underlying zoning district's "by right" density. The requested deviation and justification outlined above will ensure a public benefit, results from exceptional circumstances and will not adversely impact the public's health, safety, and welfare.



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: 125, 131-151 School St. and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931

STRAP Number: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Applicant: Cottages at Myerside LLC & Myerside LLC Phone: 239-314-8009

Contact Name: Roland Weinmann Phone: _____

Email: roland@myerside.com Fax: _____

Current Zoning District: CPD

Future Land Use Map (FLUM) Category: Boulevard

FLUM Density Range: 14 Units Max Per PD 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*: Cottages at Myerside LLC & Myerside LLC Phone: 239-314-8009

**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: 145 School St. Fort Myers Beach, FL 33931

Email: roland@myerside.com Fax: _____

Contact Name: Roland Weinmann Phone: 239-314-8009



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: See attached list 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 CPD to ☒ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: DCI20200009
- ☐ 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: LDC Sec. 10-473 Description: Waiver from
Listed Species Survey requirement due to previously developed property.

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

- ☐ Single Owner (individual or husband and wife)
- Name: Cottages at Myerside LLC & Myerside LLC Phone: 239-314-8009
- Mailing Address: 145 School St. Fort Myers Beach, FL 33931
- Email: Roland@myerside.com 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

Myerside LLC

Cottages at Myerside LLC

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: 10/10/2023

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

Name Beverly Mulligan Address 133 Andre Mar Drive, FMB, FL 33931

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]
Signature

Roland Weismann
Printed Name

STRAP # 19-46-24-W3-0020C.0230 & 19-46-24-W3-0020C.0270

AFFIDAVIT

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

I, Roland Weismann (name), as Owner (title)
of Cottages at Myreside 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.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: 10/10/2023

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

Name Beverley Milligan Address 133 Andre Mar Drive, MMB, FL 33931

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]
Signature

Roland Weinmann
Printed Name

STRAP # 19-46-24-W3-0020C.0290

AFFIDAVIT

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

I, Roland Weinmann (name), as Owner (title)
of Myerside 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.

4/30/2021

Page 6 of 11

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Cottages at Myerside LLC

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

[Signature]

Signature

Owner

Title

Roland Weinmann

Typed or Printed Name

10/10/2023

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 12 day of October, 2023, by Roland Weinmann ☒ who is personally known to me OR ☐ who has produced _____ as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Property Address: 131-151, 125 School St and 2661-2681 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: _____

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

Myerside LLC

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

[Signature]

Signature

Roland Weinmann

Typed or Printed Name

Owner

Title

10/10/2023

Date

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of Y physical presence OR ☐ online notarization, this 10 day of Oct, 2023, by Roland Weinmann ☒ who is personally known to me OR ☐ who has produced _____ as identification.

[Signature]
Notary Public Signature



PART VI - Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Property Address: 131-151, 125 School St and 2661-2681 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: _____

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) 300+/- feet

Depth (please provide an average width if irregular in shape) 150+/- feet

Frontage on street: 300+/- feet. Frontage on waterbody: N/A feet

Total land area: 1.03+/- ☒ acres ☐ square feet

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

Northwest of the intersection of School St and Estero Blvd.

☒ 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.



**THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING**

ADDITIONAL AGENTS LIST

Attorney

Noel Davies
Davies Duke, PLLC
1415 Panther Lane, Suite 442
Naples, FL 34109
239-216-2792
Noel.davies@daivesduke.com

Surveyor

RWA Engineering
12800 University Drive, Suite 175
Fort Myers, FL 33907
239-597-0575
MAW@consult-rwa.com

Landscaping

RWA Engineering
James M. McCord, RLA, LEED AP®
12800 University Drive, Suite 175
Fort Myers, FL 33907
239-597-0575
Jmccord@consult-rwa.com

Traffic Consultant

Planning Analytics, LLC
Jason Utley, AICP, PTP
1439 SE Airport Rd.
Arcadia, FL 34266
941-258-5061
Richardjasonutley@hotmail.com



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

Public Hearing

- ☐ General Requirements
- ☐ DRI
- ☒ Planned Development
- ☐ Conventional Rezoning
- ☐ Special Exception
- ☐ Variance
- ☐ Appeal
- ☐ Other

Administrative Action

- ☐ General Requirements
- ☐ Planned Dev. Amendment
- ☐ Commercial Antenna
- ☐ Consumption on Premises
- ☐ Forced Relocation of a Business
- ☐ Interpretation of LDC
- ☐ Minimum Use Determination
- ☐ Setback Variance
- ☐ Other

Name of Project: Myerside Resort CPD

Applicant: Cottages at Myerside LLC & Myerside LLC

Strap Number: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Street Address: 25, 131-151 School St. and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931

Phone Number: 850-803-5621

Email: kg@theneighborhood.company



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

Section Number	Requirement
LDC Sec. 10-473	Listed Species Survey

Scope of project and reasons for request

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

See attached Waiver Narrative.

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.

Signature

October 10, 2023

Date

Director's Decision ☒ Approved ☐ Denied

Comments:

10/14/2023 Listed Spp Survey by Staff. No listed spp. observed.

Signature

Date

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

Page 2 of 2

SUBMIT



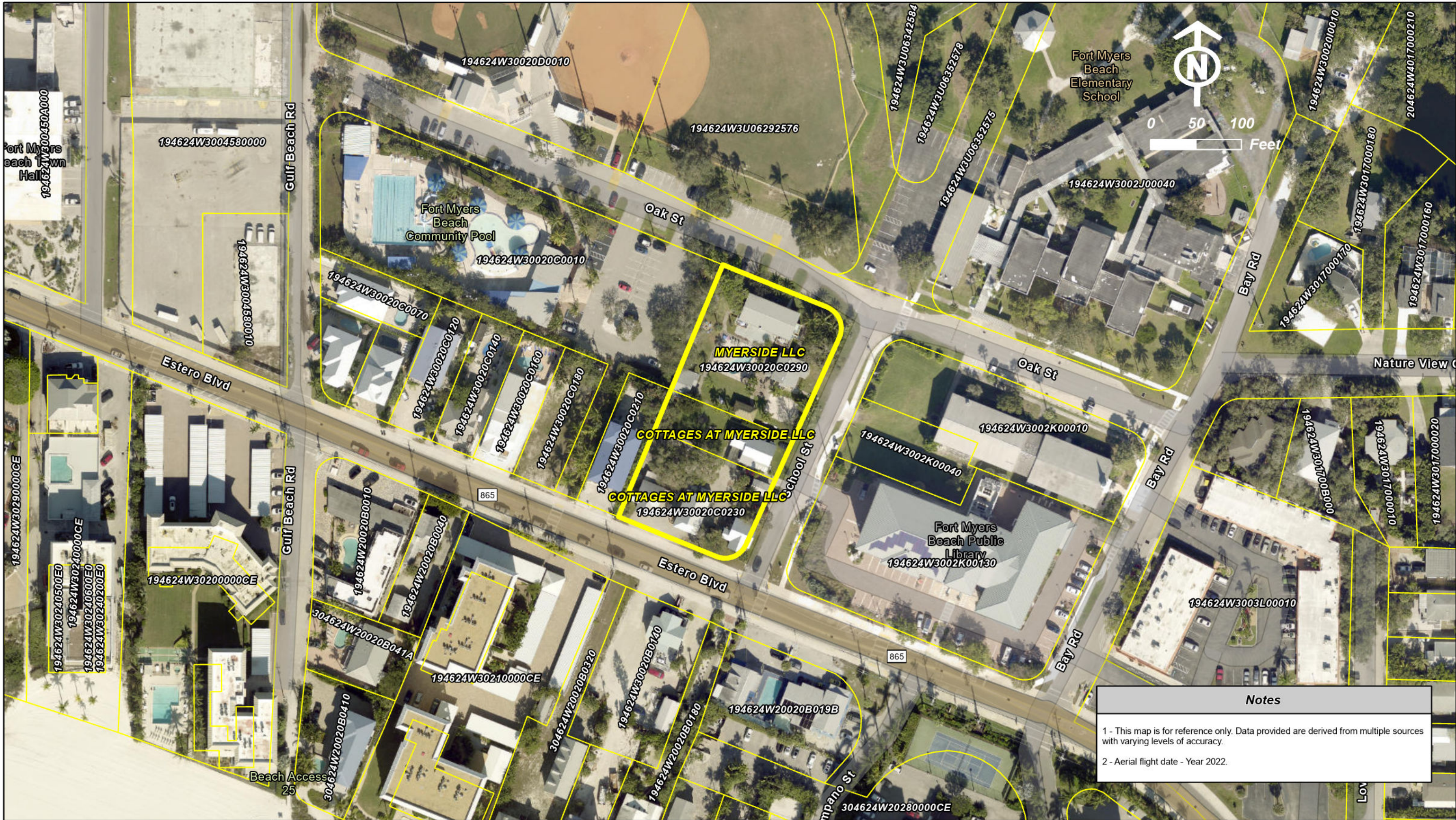
THE NEIGHBORHOOD COMPANY

Myerside Resort Commercial Planned Development (PD) A Commercial Planned Development

Waiver Justification Narrative

The property located at 125, 131-151 School St. and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931 is the subject property for an application to be submitted for a rezoning request from Commercial Planned Development (CPD) to Commercial Planned Development (CPD). This rezone request is necessary to allow the redevelopment of the Myerside site due to the destruction which was caused by Hurricane Ian in September 2022.

The Neighborhood Company, on behalf of our clients, Cottages at Myerside, LLC and Myerside, LLC, is submitting this Waiver Request from LDC Sec. 10-473 which requires a Listed Species Survey to be completed and submitted with the rezone request application. This request is made due to the property being previously developed, no native vegetation exists on the property, and the redevelopment will be within the limits of the previously developed site. Therefore, there are no listed species to impact on this site.



THE NEIGHBORHOOD
COMPANY

Myerside

Exhibit 5-1 Property Owners Map

FILE NO:	220037.01.01
DRAWN BY:	F.L.
DESIGN BY:	P.V.
DATE:	FEBRUARY 2023



THE NEIGHBORHOOD
COMPANY

I Roland Weinmann, as authorized member of Myerside LLC owner of property located at 131 – 151 School St., Fort Myers Beach, FL, identified by STRAP Number 19-46-24-W3-0020C.0290, 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.

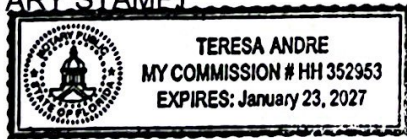
Myerside LLC

By: [Signature]
Print Name: Roland Weinmann
Title: Owner

STATE OF Florida
CITY OF Fort Myers Beach

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 10th day of October, 2023 by Roland Weinmann, as owner of Myerside, LLC, on behalf of the company(s), who ☐ is personally known to me OR ☐ has produced a(n) driver's license as identification.

(NOTARY STAMP)



[Signature]
Notary Public, State of Florida
Print Name: Teresa Andre
My Commission Expires: 1/23/27



THE NEIGHBORHOOD
COMPANY

I Roland Weimann, as authorized member of Cottages at Myerside LLC owner of property located at 2661-2681 Estero Blvd. & 125 School St., Fort Myers Beach, FL, identified by STRAP Number 19-46-24-W3-0020C.0230 & 19-46-24-W3-0020C.0270, 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.

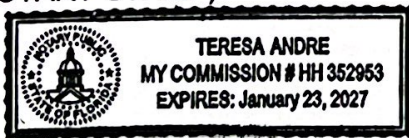
Cottages at Myerside LLC

By: [Signature]
Print Name: Roland Weimann
Title: Owner

STATE OF Florida
CITY OF Fort Myers Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of October, 2023 by Roland Weimann, as Owner of Cottages at Myerside, LLC, on behalf of the company(s), who ☐ is personally known to me OR ☐ has produced a(n) driver's license as identification.

(NOTARY STAMP)



[Signature]
Notary Public, State of Florida
Print Name: Teresa Andre
My Commission Expires: 1/23/27



**MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Rezone**

EXHIBIT 6-1: LEGAL DESCRIPTION

**LEGAL DESCRIPTION:
(AS TAKEN FROM ATTORNEY AFFIDAVIT)**

PARCEL 1:

LOTS 29, 30, 31, 32, 33, AND 34, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0290;
AND

PARCEL 2:

LOTS 27 AND 28, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0270;
AND

PARCEL 3:

LOTS 23, 24, 25 AND 26, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0230;

**LEGAL DESCRIPTION:
(AS SURVEYED)**

A TRACT OR PARCEL OF LAND SITUATED IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF LOT 28, BLOCK C, WINKLER SUBDIVISION, PLAT BOOK 8, PAGE 45, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

THENCE ALONG THE EAST LINE OF SAID BLOCK C ALSO BEING THE WESTERLY RIGHT-OF-WAY OF SCHOOL STREET (50 FEET WIDE) S.21°18'00" W FOR 125.00 FEET TO A POINT ON A CURVE TO THE RIGHT;

THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.66°18'00"W. FOR 35.36 FEET;



THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD (A.K.A. C.R. 865) N.68°42'00"W., FOR 125.00 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY AND LOT 22, BLOCK C OF SAID WINKLER SUBDIVISION;

THENCE N.21°18'00"E. ALONG A LINE PARALLEL WITH AND 250.00 WEST OF THE EAST RIGHT-OF-WAY LINE OF SCHOOL STREET (50 FEET WIDE),, FOR 300.00 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 34, BLOCK C, OF SAID WINKLER SUBDIVISION;

THENCE ALONG THE NORTH LINE OF SAID LOT 34 S.68°42'00"E. FOR 125.00 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.23°42'00"E. FOR 35.36 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SCHOOL STREET (50 FEET WIDE);

THENCE ALONG SAID WEST RIGHT-OF-WAY OF SCHOOL STREET (50 FEET WIDE) S.21°18'00"W., FOR 250.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 44,732 SQUARE FEET OR 1.03 ACRES, MORE OR LESS.

PARCEL 1:
LOTS 29, 30, 31, 32, 33, AND 34, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP
THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA, PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C-0290;
AND

AND
PARCEL 3: 24, 25 AND 26, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OF PLAT 06 PLAT 23, LOTS 23, THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0230.

AS SHOWN ON PARCEL OF LAND SITUATED IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 24 EAST, COUNTY OF LEE, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT CONVENIENTLY MARKING THE NORTHEAST CORNER OF LOT 28, SUBDIVISION C, WINKLER SUBDIVISION, PLAT BOOK C, PAGE 45, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

THENCE ALONG THE EAST LINE OF SAID BLOCK C AND ALSO BEING THE WESTERLY RIGHT-OF-WAY OF SCHOOL STREET (ONE FOOT WIDE) 32'11"X20' TO A POINT ON A CURVE TO THE NORTH;

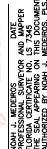
THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF A QUADRANT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00";

AND BEING SUBTENDED BY A CHORD WHICH BEARS 5.66°18'00" FOR 33.36 FEET.

THE SOUTHERLY 3.92 FEET LONG ARC OF A QUADRANTAL CURVE TO THE RIGHT BEING A RADIUS OF 250 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.23°27'40"E. FOR 36.36 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF SAID SCHOOL STREET (50 FEET WIDE);

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF SCHOOL STREET (50 FEET WIDE) S.00°00'00" E. 100.00 FEET TO A POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

THENCE ALONG 47.32 SQUARE FEET OR 10.50 ACRES, MORE OR LESS.

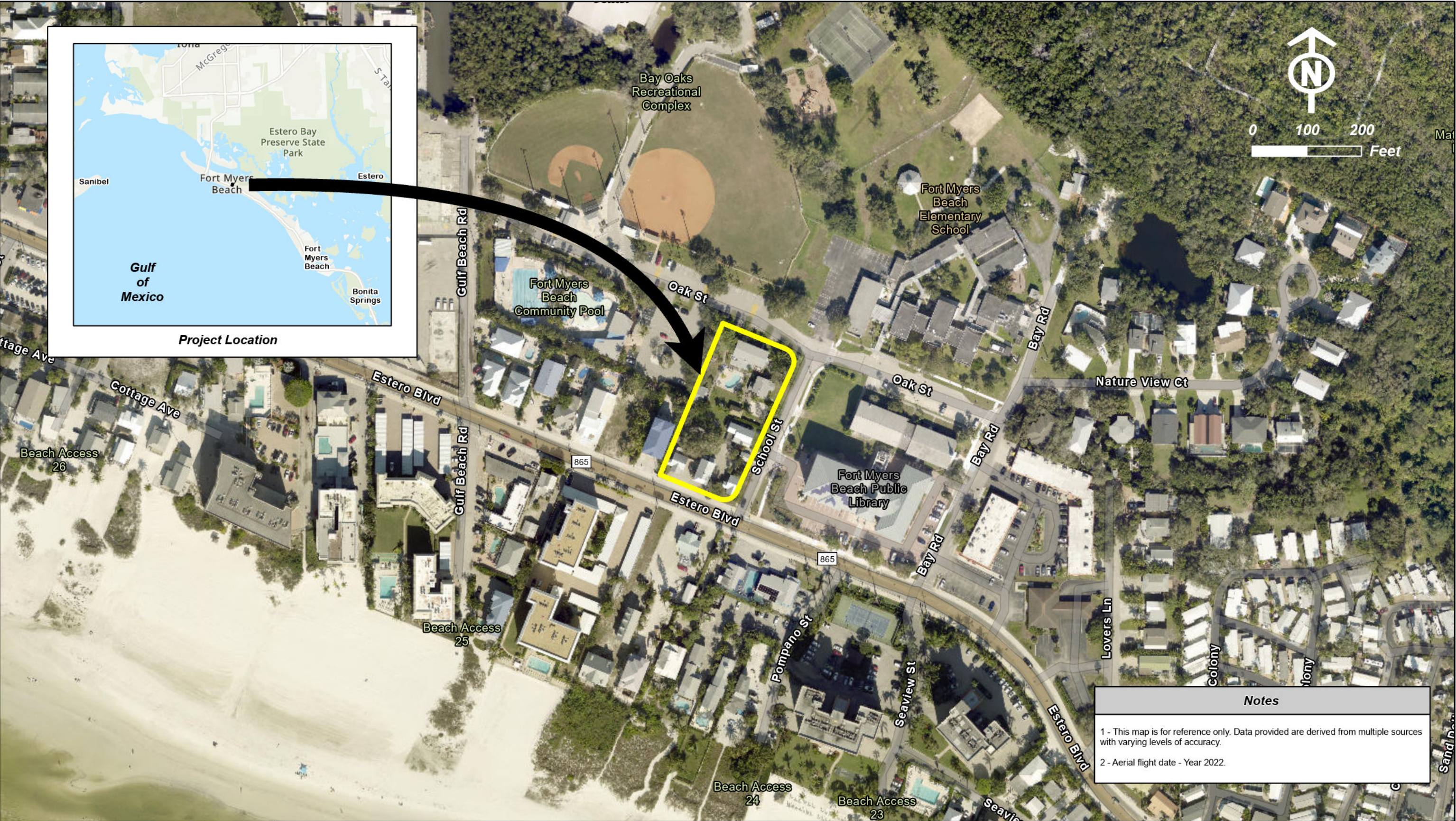


RWA

[illegible]

PROJECT:	MYSIDE	DATE:	08-10-2019
2671 ESTERO BOULEVARD, FORT MYERS BEACH		SHEET NO.	1 OF 1

Page 380 of 507



Myerside
Exhibit 6-3 Area Location Map

FILE NO:	220037.01.01
DRAWN BY:	F.L.
DESIGN BY:	P.V.
DATE:	FEBRUARY 2023

Buffer: 500 List Size: 206

Folioid	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry
10227543	COTTAGES AT MYERSIDE LLC		145 SCHOOL ST		FORT MYERS BEACH	FL	33931	
10227544	COTTAGES AT MYERSIDE LLC		145 SCHOOL ST		FORT MYERS BEACH	FL	33931	
10227545	MYERSIDE LLC		145 SCHOOL ST		FORT MYERS BEACH	FL	33931	
10227526	SK FMB GROUP LLC		17761 SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
10227527	PRARAZ BUILDERS LLC		4110 CENTER POINTE DR #210		FORT MYERS	FL	33916	
10227528	MLINARIC MARJAN &		330 JEFFERSON CT		FORT MYERS BEACH	FL	33931	
10227529	ALLSTAR PROPERTIES LLC		15373 LAUGHING GULL LN		BONITA SPRINGS	FL	34135	
10227532	CORCELLI DONALD N & MARY E		290 IBIS ST		FORT MYERS BEACH	FL	33931	
10227534	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227536	GULF BEACH LLC		100 GULF BEACH RD		FORT MYERS BEACH	FL	33931	
10570126	DJ AREND FARMS INC		15759 RD 138		PAULDING	OH	45879	
10570127	REEF OF FMB LLC	JARET BISHOP	2411 US RT 22 SW		WASHINGTON COURT HOUSE	OH	43160	
10227537	NECULA MONICA C		7335 HERITAGE PALMS ESTATES DR		FORT MYERS	FL	33966	
10227538	KELLER GARY J & LOLA		2621 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227539	2633 ESTERO LLC		3269 BRIGHTON PLACE DR		LEXINGTON	KY	40509	
10227540	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227542	FOLLIARD PATRICK M & AMY		430 S RIVER RD		NAPERVILLE	IL	60540	
10227552	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10600372	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10610451	LEE COUNTY DISTRICT SCHOOL BOA		2855 COLONIAL BLVD		FORT MYERS	FL	33966	
10227557	BOARD OF TRUSTEES OF UNITED ME		450 MARTIN LUTHER KING JR AVE		LAKELAND	FL	33815	
10227558	BOARD OF TRUSTEES OF UNITED ME		450 MARTIN LUTHER KING JR AVE		LAKELAND	FL	33815	
10227560	FORT MYERS BEACH PUBLIC LIBRAR		2755 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227562	ESTERO ISLAND LLC		40385 STONELEIGH ST		NORTHVILLE	MI	48167	
10227609	FORT MYERS BEACH FIRE CONTROL		100 VOORHIS ST		FORT MYERS BEACH	FL	33931	
10227610	FORT MYERS BEACH FIRE CONTROL		100 VOORHIS ST		FORT MYERS BEACH	FL	33931	
10227761	RODRIGUEZ WILFREDO		8880 NW 2ND ST		CORAL SPRINGS	FL	33071	
10227764	COVELESKI RONALD R &		210 NATURE VIEW CT		FORT MYERS BEACH	FL	33931	
10462578	ESTERO BEACH CLUB CONDO ASSN		15751 SAN CAROLOS BLVD #8		FORT MYERS	FL	33908	
10462580	ESTERO BEACH CLUB EAST CONDO	ALLIANT PROPERTY MANAGEMENT	13831 VECTOR AVE		FORT MYERS	FL	33907	
10610452	TOWN OF FORT MYERS BEACH		2525 ESTERO PKWY		FORT MYERS BEACH	FL	33931	
10610453	TOWN OF FORT MYERS BEACH		2525 ESTERO PKWY		FORT MYERS BEACH	FL	33931	
10610433	LEE COUNTY DISTRICT SCHOOL BOA		2855 COLONIAL BLVD		FORT MYERS	FL	33966	
10610454	LEE COUNTY DISTRICT SCHOOL BOA		2855 COLONIAL BLVD		FORT MYERS	FL	33966	
10230037	LOV LLC		5432 BROADMOOR ST		ALEXANDRIA	VA	22315	
10230038	CONNER CHARLES R & GAIL D		53 POMPARNO ST		FORT MYERS BEACH	FL	33931	
10230039	CAPTAIN'S QUARTERS FMB LLC		7 IRONWOOD CT		LAKE ZURICH	IL	60047	
10230040	BERNHARD MATTHEW C &		1678 STATE ROUTE 60		ASHLAND	OH	44805	
10230041	MAXWELL EMILY JANE		APT 6	1250 MYERLEE COUNTRY CLUB BLVD	FORT MYERS	FL	33919	
10230042	LUMPKINS NANCIE LEE TR		16730 PINEY POINT RD		PINEY POINT	MD	20674	
10230043	FOREMAN BRADFORD G		50 GULF BEACH RD		FORT MYERS BEACH	FL	33931	
10230044	HIMMELSTEIN ASSOCIATES LLC		PO BOX 218		SOMERS POINT	NJ	8244	
10230080	CAPER BEACH CLUB CONDO ASSN		2810 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227767	DIAMOND PROPERTY ALLIANCE LLC		1900 E GOLF RD STE 1275		SCHAUMBURG	IL	60173	
10227768	BROWELL BRIAN R & DEBRA I		900 ROSA LN		LAFAYETTE	IN	47905	
10227769	COFFMAN JOYCE A		55 HIAWATHA LN		GALESBURG	IL	61401	
10227770	STUCK STEVEN L & LORRAINE M		362 MISTY PINE TR		PRUDENVILLE	MI	48651	
10227771	VOLPE KENT R +		919 WARWICK LN		LIBERTYVILLE	IL	60048	
10227772	OLSEN SUSAN L		406 SPRING CREEK CT		ALBANY	IL	61230	
10227773	RAMEY STEVEN L & NANCY K		1634 DORRELL CT		GREENWOOD	IN	46143	
10227774	KDMJ ASSOCIATES INC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
10227775	LAIRD W E & DORIS M		1125 MERCER DR		TALLAHASSEE	FL	32312	
10227776	KREUTZ DAVID TR		2580 ESTERO BLVD # 31		FORT MYERS BEACH	FL	33931	
10227777	INCAUDO DANIEL +		98 PELICAN GLIDE LN		INLET BEACH	FL	32461	
10227778	JOHNSTON DEAN + DEBI		PO BOX 20010	149 WESTMOUNT DR N	ORILLIA	ON	L3V 7X9	CANADA
10227779	GREGORY W GARNETT TRUST +		244 N WOODRIDGE DR		PITTSBORO	IN	46167	
10227780	T&R MULDOWNEY FAMILY LLC +	CJ KENTNER	5667 N CL MYERS DR		BYRON	IL	61010	
10227781	RAMEY STEVEN L & NANCY K		1634 DORRELL CT		GREENWOOD	IN	46143	
10227782	LTE 6020 LLC		2024 OAKRIDGE ST		SAINT PAUL	MN	55119	
10227783	HV DESIGNS LLC		2592 INDIAN WELLS TRL		XENIA	OH	45385	
10227784	MANNING DEBORAH A TR		2580 ESTERO BLVD #44		FORT MYERS BEACH	FL	33931	
10227785	ZECHINATI JAMES &		924 WESTCHESTER WAY		RICHMOND	KY	40475	
10227786	SCHRADER CHARLES H TR		2580 ESTERO BLVD #51		FORT MYERS BEACH	FL	33931	
10227787	CAPPARIS PROPERTIES LLC		1500 COLONIAL BLVD #200		FORT MYERS	FL	33907	
10227788	KOOP ROBERT N & SHARON L		1137 ELMWOOD LN		ELK GROVE VILLAGE	IL	60007	
10227789	AREND DAVID L & JOANNA L		15759 ROAD 138		PAULDING	OH	45879	
10227790	HIGHLAND MANOR APARTMENTS LLC		818 LAUREN DR		VILLA HILLS	KY	41017	
10227791	GULFWAY 101 LLC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
10227792	GULFWAY 102 LLC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
10227793	WOLFE CHARLES G & PAMELA M		401 MONOCACY DR		BATH	PA	18014	
10227794	GARNETT RODNEY S & ALTHEA N		7377 N COUNTY ROAD 550 E		PITTSBORO	IN	46167	
10227795	ESTERO BEACH CLUB CONDO ASSN		2580 ESTERO BLVD OFC		FORT MYERS BEACH	FL	33931	
10227796	YEAGER JOHN A & M ELAINE		4923 STONEHAVEN DR		COLUMBUS	OH	43220	
10227797	ESTERO FMB RENTAL LLC		2580 ESTERO BLVD #44		FORT MYERS BEACH	FL	33931	
10227798	SEASHORE PROPERTIES LLC	AARON DL + MICHELLE A WRIGHT	515 PRESCOTT PL		WEST FARGO	ND	58078	
10227799	FLORIDA WRIGHT ENTERPRISES LLC		10100 CYPRESS COVE DR UNIT 354		FORT MYERS	FL	33908	
10227800	ALEXANDER MICHAEL B TR		9667 WINDGATE DR		BLOOMINGTON	IL	61705	
10227801	NORRIS MARK A & SUSAN K		3155 E STRATER RD		KENDALLVILLE	IN	46755	
10227802	CHESNUT STEVEN WAYNE &		6701 IDLEWILD ST		FORT MYERS	FL	33966	
10227803	MEYER LAURELEE M		2580 ESTERO BLVD #303		FORT MYERS BEACH	FL	33931	
10227804	TUBBS THOMAS A TR		2580 ESTERO BLVD #304		FORT MYERS BEACH	FL	33931	
10227805	ROMBERG TINA RUIZ &		2580 ESTERO BLVD #305		FORT MYERS BEACH	FL	33931	
10227806	HEUCK DAVID & MICHELLE		14690 FAIR HAVEN RD		FORT MYERS	FL	33908	
10227807	DELBERT G CLARK TRUST +		29785 KESTRAL LANE ST		SAINT JOSEPH	MN	56374	
10227808	EBC 403 LLC		1922 MADISON ST		MADISON	WI	53711	
10227809	CONKLIN KERRY P TR		12956 ROCKY POINTE ROAD		MC CORDSVILLE	IN	46055	
10227810	ALLEN RICHARD JOHN		532 E POLK RD		ITHACA	MI	48847	
10227811	MORRISON STEVEN L &		9207 175TH ST W		ILLINOIS CITY	IL	61259	
10227812	COMBS JILL A GRAVEL &		14 OAKRIDGE CIR		WARE	MA	1082	
10227813	EBC 503 LLC		1922 MADISON ST		MADISON	WI	53711	
10227814	MELLEMA GARY & LARI ANN		11 HAYES CT		TROPHY CLUB	TX	76262	
10227815	WRIGHT AARON DAVID LEE &		515 PRESCOTT PL		WEST FARGO	ND	58078	
10227817	PITTENGER PHILIP J +		5081 OUTERVIEW DR		SPRINGFIELD	OH	45502	
10227818	SCHWAB STEPHEN & HOLLY		111 WATEREDGE LN		FREDERICKSBURG	VA	22406	
10227819	TURNER KENNETH A & SANDRA S		2709B DAY ISLAND BLVD W		UNIVERSITY PLACE	WA	98466	
10227820	BUBNIAK WILLIAM A		24 MEADOW LARK DR		COHOES	NY	12047	
10227821	MENA FRANK & LAURA +		4400 SW 133RD AVE		MIAMI	FL	33175	
10227822	JOHNSON MICHAEL A		71 SUNSET LN		SPRINGVILLE	NY	14141	
10227823	PRAULT VINCENT W &		10 THOMAS DR		NORMAL	IL	61761	
10227824	KONOPKA MARK A &		840 S MEDINA LINE RD		WADSWORTH	OH	44281	
10227825	2650 ESTERO 25 LLC		573 W17240 LAKE DR		MUSKEGO	WI	53150	
10227826	HART KATHLEEN & ROBERT		705 BEACH CREEK		WILDWOOD	NJ	8260	
10227827	FLAHERTY MARTIN & DONNA		8953 S 87TH AVE		HICKORY HILLS	IL	60457	

10227828	VERRUSO CARMELO L TR	2650 ESTERO BLVD #33	FORT MYERS BEACH	FL	33931
10227829	MORRIS DAVID A	4 BLUEBERRY PL	CHESHIRE	CT	6410
10227830	MURPHY JOHN THOMAS & BIRDIE	49 CHADWIN DR	LINDSAY	ON	K9V 0E8 CANADA
10227831	FOSTER EDWINA G &	28 OCEAN AVE	PATCHOGUE	NY	11772
10227832	BARBIERI MARIQUITA	7226 CLAYTON RD	SAINT LOUIS	MO	63117
10227833	LAUCHNER JOEL K & WANDREA R	2650 ESTERO BLVD #43	FORT MYERS BEACH	FL	33931
10227834	HOLLOWAY MICHELLE & JAMES	600 SE BRENTWOOD DR	WAUKEE	IA	50263
10227835	EBCE 45 LLC	S73W17240 LAKE DR	MUSKEGO	WI	53150
10227836	TODD JOSEPH K & SUSAN D	2650 ESTERO BLVD APT 51	FORT MYERS BEACH	FL	33931
10227837	SUN SAND & SURF PROPERTIES LLC	601 E OGDEN AVE #510	MILWAUKEE	WI	53202
10227838	STEPANIUK MARY C	2650 ESTERO BLVD #53	FORT MYERS BEACH	FL	33931
10227839	MORAN PATRIC J & BEVERLY A	620 NORTH PARK BLVD	GLEN ELLYN	IL	60137
10227840	WHITE JOHNIE C II &	376 ATWOOD DR	LEXINGTON	KY	40515
10227841	TURNER KENNETH A & SANDRA S	2709B DAY ISLAND BLVD W	UNIVERSITY PLACE	WA	98466
10227842	SUSAN WEIDENKOPF WATTS TRUST +	16774 PANTHER PAW CT	FORT MYERS	FL	33908
10227843	UNKNOWN HEIRS OF	10939 YOUNG RD	ANSONIA	OH	45303
10227844	BDR SUNSHINE LLC	1150 BRIDLEWOOD LN	LEXINGTON	KY	40515
10227845	CARLIN GRANT A +	830 EASTLAWN	WIDSOR	ON	N8S 3H7 CANADA
10227846	GRANDGEORGE ROBERT E &	PO BOX 459	SOMONAUK	IL	60552
10227847	ARNESON MARGARET M &	PO BOX 210	SHERIDAN	IL	60551
10227848	HONKALA DEBRA S TR	PO BOX 361	SOMONAUK	IL	60552
10227849	WEAVER FREDERICK I & JILL S	2650 ESTERO BLVD UNIT 205	FORT MYERS BEACH	FL	33931
10227850	MADER JEANNE R TR	20 THORNTON RD	LONDONDERRY	NH	3053
10227851	TROJAN DARWIN M & JODI P	9 ALGONQUIN TRL	BARRIE	ON	L4M 5M2 CANADA
10227852	BEVIS WILLIAM J & CRYSTAL L L/	9231 SYCAMORE SPRINGS CT	DAYTON	OH	45458
10227853	HUNTER HARRY + JOANNE	2650 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
10227854	HUNTER HARRY + JOANNE	2650 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
10227855	TOlLEY PELOTON LLC	2650 ESTERO BLVD # 306	FORT MYERS BEACH	FL	33931
10227856	PALMS TO POWDER LLC	226988 BOULDER RIDGE	WAUSAU	WI	54401
10227857	STANDISH MARTHA	22 BROOKSIDE RD	WALLINGFORD	PA	19086
10227858	PRICE JEREMY TR	450 1ST STREET SOUTHWEST	CEDAR RAPIDS	IA	52404
10227859	ROTH VERRA ANNE	6731 NW 28TH AV	FT LAUDERDALE	FL	33309
10227860	KITCHEN JANICE K L/E	2650 ESTERO BLVD #406	FORT MYERS BEACH	FL	33931
10227861	FAUSTINI ROSE MARIE TR	2650 ESTERO BLVD #502	FORT MYERS BEACH	FL	33931
10227862	RDW LIMITED PARTNERSHIP	813 WESTCHESTER DR	LEXINGTON	KY	40502
10227863	DIETRICH DONALD B TR	9099 RIVERSIDE DR E STE 1318 E	WINDSOR	ON	N8S 4P9 CANADA
10227864	JOHNSON MICHAEL A	71 SUNSET LN	SPRINGVILLE	NY	14141
10227865	DVORAK DAVID M & JANETTE	2650 ESTERO BLVD #506	FORT MYERS BEACH	FL	33931
10230081	DUGAN MARILOU A TR	5725 LAKE BRIAR DR	MILLSTADT	IL	62260
10230082	BOYE CHARLES & LOURDES	4366 SW 130TH AVE	DAVIE	FL	33330
10230083	MILLIES FRED L + JOANN J TR	W 240 S 10050 CASTLE RD	BIG BEND	WI	53103
10230084	KUPSTYS ALBERT P & ELLEN N	6900 ESTERO BLVD APT205	FORT MYERS BEACH	FL	33931
10230085	DAVID A WARD TRUST +	1221 N SHORE DR	CLEAR LAKE	IA	50428
10230089	GULF VIEW LLC	4114 COCHRANE PKWY	AMES	IA	50014
10230090	LANG VIVIAN J G TR	206 SUNSET DR	HALLANDALE BEACH	FL	33009
10230091	PETER WILLIAM C TR	2532 ESTERO BLVD #205	FORT MYERS BEACH	FL	33931
10230092	DINGLE LINDA A	1235 YALE PL # 204	MINNEAPOLIS	MN	55403
10230093	GOETZ ROBERT JOHN &	2800 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
10230094	FELLIN JAMES S & MICHELLE A	114 SHERBORNE DR	MCMURRAY	PA	15317
10230099	SPLITTORFF LYNN A TR	1217 BUCKINGHAM CT	RAYMORE	MO	64083
10230100	LUCKE THOMAS J TR	PO BOX 75	WISCONSIN DELLS	WI	53965
10230101	CHRISTIE EDWARD C +	30 HIGH ST	ALLENDALE	NJ	7401
10230102	BELTRAMI DEBRA L TR	1028 E TALBOT ST	ARLINGTON HEIGHTS	IL	60004
10230103	MAYER THOMAS R & MUSA J	250 W 82ND ST APT 42	NEW YORK	NY	10024
10230104	HEFFERON DANIEL J	9095 COTTONWOOD CANYON PLACE	LENEXA	KS	66219
10230109	MATTEI BARBARA M	521 CANYON CIR	WISCONSIN DELLS	WI	53965
10230110	GAMAUF DONALD F & JEAN E TR	2800 ESTERO BLVD #502	FORT MYERS BEACH	FL	33931
10230111	COOPER DANAH HARPER TR	6718 DANIEL CT	FORT MYERS	FL	33908
10230112	HOFFMAN JEAN E TR	1304B W DAVISON ST	ROANOKE	IL	61561
10230113	LUCKE THOMAS J TR	801 MEADOW LAWN	WISCONSIN DELLS	WI	53965
10230114	BALTES DORIS J TR	2021 NUTT RD	DAYTON	OH	45458
10230119	BRECKENFELDER DAVID &	640 RANDY LANE	FORT MYERS BEACH	FL	33931
10230120	KALLIES CAPER LLC	2640 MALAITA CT	CAPE CORAL	FL	33991
10230121	MILLIES DANIEL R	597 W23685 PAR AVE	BIG BEND	WI	53103
10230122	BRUNNER KENT A & KIMBERLY S TR	494 CARRIAGE LN	HUDSON	WI	54016
10230123	BRUNNER KIMBERLY S TR	494 CARRIAGE LN	HUDSON	WI	54016
10230124	ANDOLINI PROPERTIES LTD	4800 MUNSON NW	CANTON	OH	44718
10230129	2800 ESTERO 701 LLC	8428 MARKET AVE	N CANTON	OH	44721
10230130	2800 ESTERO 702 LLC	8428 MARKET AVE N	N CANTON	OH	44721
10230131	KLEINE JANET M TR	933 ST JAMES PARK AVE	MONROE	MI	48161
10230132	KLEINJAN FAMILY LP	333 33RD AVE S	SAINT CLOUD	MN	56301
10230133	SAND JAMES W & JEAN T TR	32276 NARNIA LN	AVON	MN	56310
10230134	HARDIN JANICE P TR	834 FREEMAN LAKE RD	ELIZABETHTOWN	KY	42701
10230139	BENSON MARK M TR	735 N WATER ST STE 205	MILWAUKEE	WI	53202
10230140	WOOD KELLY R &	2800 ESTERO BLVD #802	FORT MYERS BEACH	FL	33931
10230141	DOERR BRUCE TR	924 MAES RD	MURPHYSBORO	IL	62966
10230142	GALMARINI MARIA JULIA TR	104 HISPANIOLA LN	BONITA SPRINGS	FL	34134
10230143	HEWITT INVESTMENTS LLC	8638 HART DR	WIND LAKE	WI	53185
10230144	COX KINNEY CHERYL	5214 PALOMAR LN	DALLAS	TX	75229
10230149	MATTEI RENTAL LLC	346 CHURCH ST	WISCONSIN DELLS	WI	53965
10230150	LAUE JEANNE TR	2800 ESTERO BLVD #902	FORT MYERS BEACH	FL	33931
10230151	KELLEY BEACHFRONT RESORT LLC	3248 TAVOLARA LN	NAPLES	FL	34114
10230152	SMITH RONNIE A & NANCY	740 GRAYSON LN	JACKSON	TN	38305
10230153	VITALE PIETRO TR	2800 ESTERO BLVD #905	FORT MYERS BEACH	FL	33931
10230154	VITALE GIOVANNI TR	20400 HALL ROAD	CLINTON TOWNSHIP	MI	48038
10230159	GERMANTOWN MUTUAL INSURANCE CO	PO BOX 1020	GERMANTOWN	WI	53022
10230160	MOSS BRENDA JOYCE	328 GLENBROOK DR	MIDLAND	ON	L4R 5G4 CANADA
10230161	LASH RONALD D & JANICE M	2800 ESTERO BLVD #1003	FORT MYERS BEACH	FL	33931
10230162	RICHARD L KIEFER JR TRUST +	11751 N 400 EAST RD	GRIDLEY	IL	61744
10230163	SAND LEO M TR	2800 ESTERO BLVD #1005	FORT MYERS BEACH	FL	33931
10230164	HEWITT INVESTMENTS LLC	8638 HART DR	WIND LAKE	WI	53185
10230169	DUFF J SCOTT & DIANE L	9085 OCONNERS POINT DR	BELLE CENTER	OH	43310
10230170	BAGNOLA BRIDGET F TR	7004 SALERNO ST NW	CANTON	OH	44718
10230171	STEVEN JOHN SHEBA TRUST +	192 GILWOOD PARK DR	PENETANGUISHENE	ON	L9M 1Z6 CANADA
10230172	HAGEN LYMAN B +	2330 LANE RD	COLUMBUS	OH	43220
10230173	RIEMEN BRETT & LESLIE	2763 TOWER RD	MCFARLAND	WI	53558
10230174	BRANDEWIE BRIAN & JODELL L	19029 BRIGADOON PL	CORNELIUS	NC	28031
10230175	MATTEI MONTE +	346 CHURCH ST	WISCONSIN DELLS	WI	53965
10230176	SAND LEO M TR	2800 ESTERO BLVD #1005	FORT MYERS BEACH	FL	33931
10230177	DONNELLY RICHARD A	304 RON AIRE DR	PIQUA	OH	45356
10230178	MAZA MICHAEL & LISA	2175 LAKE SHORE LANDING	ALPHARETTA	GA	30005
10230179	JOHNSTON S LLC	9430 TALL PINES WAY	PIQUA	OH	45356
10230180	ATANASOFF KRIST D +	156 SUNSET SHORE RD	IRON RIVER	MI	49935

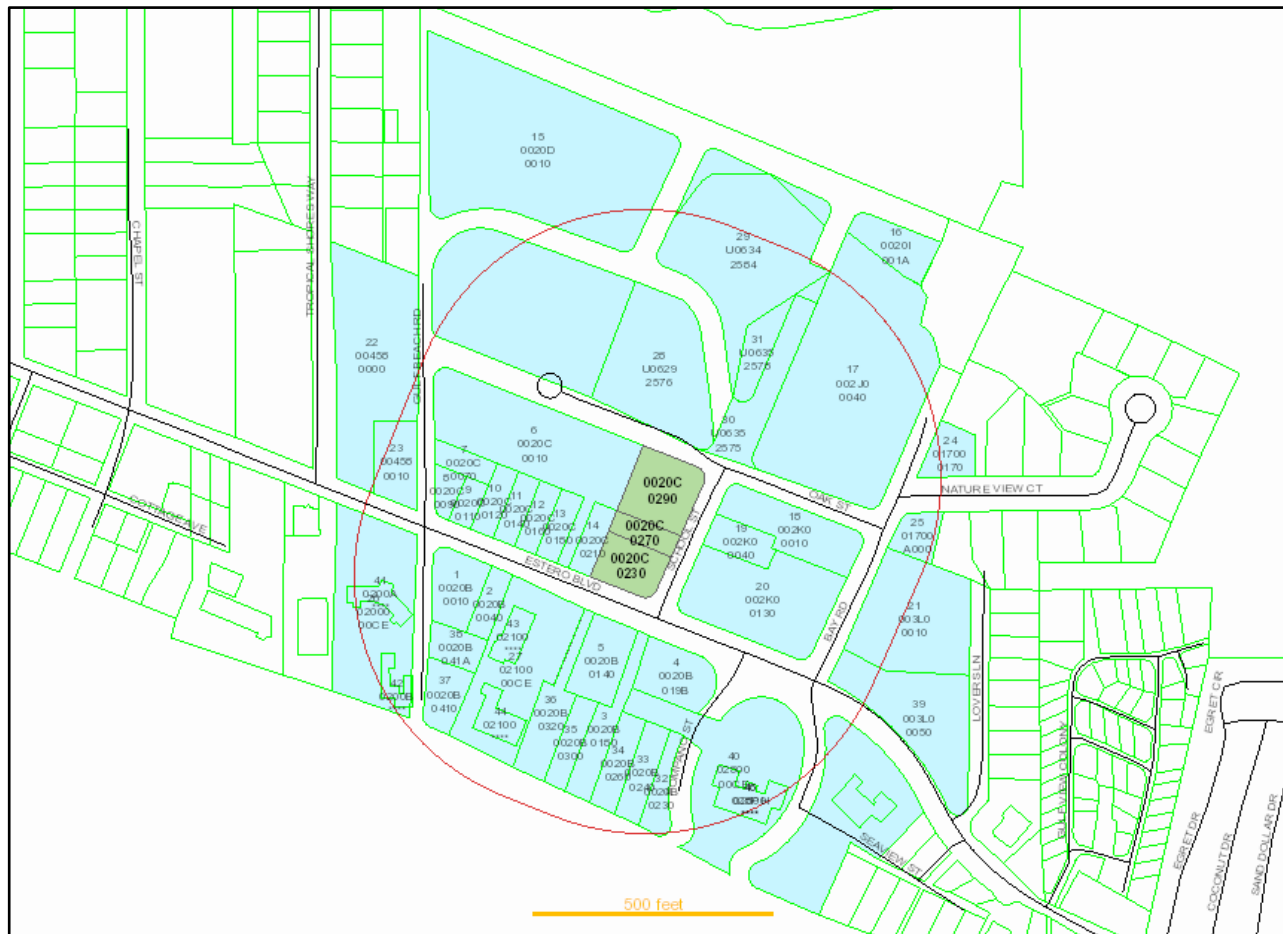


THE NEIGHBORHOOD COMPANY

**Myerside Commercial Planned Development (CPD)
125, 131-151 Second St. and 2661-2681 Estero Blvd., Fort Myers Beach, FL**

Exhibit 6-7

500' Surrounding Property Owners Map



SK FMB GROUP LLC
17761 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS FL 33916

MLINARIC MARJAN &
330 JEFFERSON CT
FORT MYERS BEACH FL 33931

ALLSTAR PROPERTIES LLC
15373 LAUGHING GULL LN
BONITA SPRINGS FL 34135

CORCELLI DONALD N & MARY E
290 IBIS ST
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
FINANCE DEPT
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

GULF BEACH LLC
100 GULF BEACH RD
FORT MYERS BEACH FL 33931

DJ AREND FARMS INC
15759 RD 138
PAULDING OH 45879

REEF OF FMB LLC
JARET BISHOP
2411 US RT 22 SW
WASHINGTON COURT HOUSE OH 43160

NECULA MONICA C
7335 HERITAGE PALMS ESTATES DR
FORT MYERS FL 33966

KELLER GARY J & LOLA
2621 ESTERO BLVD
FORT MYERS BEACH FL 33931

2633 ESTERO LLC
3269 BRIGHTON PLACE DR
LEXINGTON KY 40509

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

FOLLIARD PATRICK M & AMY
430 S RIVER RD
NAPERVILLE IL 60540

TOWN OF FORT MYERS BEACH
FINANCE DEPT
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

LEE COUNTY DISTRICT SCHOOL BOA
2855 COLONIAL BLVD
FORT MYERS FL 33966

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

FORT MYERS BEACH PUBLIC LIBRAR
2755 ESTERO BLVD
FORT MYERS BEACH FL 33931

ESTERO ISLAND LLC
40385 STONELEIGH ST
NORTHVILLE MI 48167

FORT MYERS BEACH FIRE CONTROL
100 VOORHIS ST
FORT MYERS BEACH FL 33931

FORT MYERS BEACH FIRE CONTROL
100 VOORHIS ST
FORT MYERS BEACH FL 33931

RODRIGUEZ WILFREDO
8880 NW 2ND ST
CORAL SPRINGS FL 33071

COVELESKI RONALD R &
210 NATURE VIEW CT
FORT MYERS BEACH FL 33931

ESTERO BEACH CLUB CONDO ASSN
15751 SAN CAROLOS BLVD #8
FORT MYERS FL 33908

ESTERO BEACH CLUB EAST CONDO
ALLIANT PROPERTY MANAGEMENT
13831 VECTOR AVE
FORT MYERS FL 33907

TOWN OF FORT MYERS BEACH
2525 ESTERO PKWY
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
2525 ESTERO PKWY
FORT MYERS BEACH FL 33931

LEE COUNTY DISTRICT SCHOOL BOA
2855 COLONIAL BLVD
FORT MYERS FL 33966

LEE COUNTY DISTRICT SCHOOL BOA
2855 COLONIAL BLVD
FORT MYERS FL 33966

LOV LLC
5432 BROADMOOR ST
ALEXANDRIA VA 22315

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

CAPTAIN'S QUARTERS FMB LLC
7 IRONWOOD CT
LAKE ZURICH IL 60047

BERNHARD MATTHEW C &
1678 STATE ROUTE 60
ASHLAND OH 44805

MAXWELL EMILY JANE
APT 6
1250 MYERLEE COUNTRY CLUB BLVD
FORT MYERS FL 33919

LUMPKINS NANCIE LEE TR
16730 PINEY POINT RD
PINEY POINT MD 20674

FOREMAN BRADFORD G
50 GULF BEACH RD
FORT MYERS BEACH FL 33931

HIMMELSTEIN ASSOCIATES LLC
PO BOX 218
SOMERS POINT NJ 08244

CAPER BEACH CLUB CONDO ASSN
2810 ESTERO BLVD
FORT MYERS BEACH FL 33931

DIAMOND PROPERTY ALLIANCE LLC
1900 E GOLF RD STE 1275
SCHAUMBURG IL 60173

BROWELL BRIAN R & DEBRA I
900 ROSA LN
LAFAYETTE IN 47905

COFFMAN JOYCE A
55 HIAWATHA LN
GALESBURG IL 61401

STUCK STEVEN L & LORRAINE M
362 MISTY PINE TR
PRUDENVILLE MI 48651

VOLPE KENT R +
919 WARWICK LN
LIBERTYVILLE IL 60048

OLSEN SUSAN L
406 SPRING CREEK CT
ALBANY IL 61230

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

KDMJ ASSOCIATES INC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

LAIRD W E & DORIS M
1125 MERCER DR
TALLAHASSEE FL 32312

KREUTZ DAVID TR
2580 ESTERO BLVD # 31
FORT MYERS BEACH FL 33931

INCAUDO DANIEL +
98 PELICAN GLIDE LN
INLET BEACH FL 32461

JOHNSTON DEAN + DEBI
PO BOX 20010
149 WESTMOUNT DR N
ORILLIA ON L3V 7X9
CANADA

GREGORY W GARNETT TRUST +
244 N WOODRIDGE DR
PITTSBORO IN 46167

T&R MULDOWNNEY FAMILY LLC +
CJ KENTNER
5667 N CL MYERS DR
BYRON IL 61010

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

LTE 6020 LLC
2024 OAKRIDGE ST
SAINT PAUL MN 55119

HV DESIGNS LLC
2592 INDIAN WELLS TRL
XENIA OH 45385

MANNING DEBORAH A TR
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

ZECHINATI JAMES &
924 WESTCHESTER WAY
RICHMOND KY 40475

SCHRADER CHARLES H TR
2580 ESTERO BLVD #51
FORT MYERS BEACH FL 33931

CAPPARIS PROPERTIES LLC
1500 COLONIAL BLVD #200
FORT MYERS FL 33907

KOOP ROBERT N & SHARON L
1137 ELMWOOD LN
ELK GROVE VILLAGE IL 60007

AREND DAVID L & JOANNA L
15759 ROAD 138
PAULDING OH 45879

HIGHLAND MANOR APARTMENTS LLC
818 LAUREN DR
VILLA HILLS KY 41017

GULFWAY 101 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

GULFWAY 102 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

WOLFE CHARLES G & PAMELA M
401 MONOCACY DR
BATH PA 18014

GARNETT RODNEY S & ALTHEA N
7377 N COUNTY ROAD 550 E
PITTSBORO IN 46167

ESTERO BEACH CLUB CONDO ASSN
2580 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

YEAGER JOHN A & MELAINE
4923 STONEHAVEN DR
COLUMBUS OH 43220

ESTERO FMB RENTAL LLC
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

SEASHORE PROPERTIES LLC
AARON DL + MICHELLE A WRIGHT
515 PRESCOTT PL
WEST FARGO ND 58078

FLORIDA WRIGHT ENTERPRISES LLC
10100 CYPRESS COVE DR UNIT 354
FORT MYERS FL 33908

ALEXANDER MICHAEL B TR
9667 WINDGATE DR
BLOOMINGTON IL 61705

NORRIS MARK A & SUSAN K
3155 E STRATER RD
KENDALLVILLE IN 46755

CHESNUT STEVEN WAYNE &
6701 IDLEWILD ST
FORT MYERS FL 33966

MEYER LAURELEE M
2580 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

TUBBS THOMAS A TR
2580 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

ROMBERG TINA RUIZ &
2580 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HEUCK DAVID & MICHELLE
14690 FAIR HAVEN RD
FORT MYERS FL 33908

DELBERT G CLARK TRUST +
29785 KESTRAL LANE ST
SAINT JOSEPH MN 56374

EBC 403 LLC
1922 MADISON ST
MADISON WI 53711

CONKLIN KERRY P TR
12956 ROCKY POINTE ROAD
MC CORDSVILLE IN 46055

ALLEN RICHARD JOHN
532 E POLK RD
ITHACA MI 48847

MORRISON STEVEN L &
9207 175TH ST W
ILLINOIS CITY IL 61259

COMBS JILL A GRAVEL &
14 OAKRIDGE CIR
WARE MA 01082

EBC 503 LLC
1922 MADISON ST
MADISON WI 53711

MELLEMA GARY & LARI ANN
11 HAYES CT
TROPHY CLUB TX 76262

WRIGHT AARON DAVID LEE &
515 PRESCOTT PL
WEST FARGO ND 58078

PITTENGER PHILIP J +
5081 OUTERVIEW DR
SPRINGFIELD OH 45502

SCHWAB STEPHEN & HOLLY
111 WATEREDGE LN
FREDERICKSBURG VA 22406

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

BUBNIAK WILLIAM A
24 MEADOW LARK DR
COHOES NY 12047

MENA FRANK & LAURA +
4400 SW 133RD AVE
MIAMI FL 33175

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

PRAULT VINCENT W &
10 THOMAS DR
NORMAL IL 61761

KONOPKA MARK A &
840 S MEDINA LINE RD
WADSWORTH OH 44281

2650 ESTERO 25 LLC
S73 W17240 LAKE DR
MUSKEGO WI 53150

HART KATHLEEN & ROBERT
705 BEACH CREEK
WILDWOOD NJ 08260

FLAHERTY MARTIN & DONNA
8953 S 87TH AVE
HICKORY HILLS IL 60457

VERRUSO CARMELO L TR
2650 ESTERO BLVD #33
FORT MYERS BEACH FL 33931

MORRIS DAVID A
4 BLUEBERRY PL
CHESHIRE CT 06410

MURPHY JOHN THOMAS & BIRDIE
49 CHADWIN DR
LINDSAY ON K9V 0E8
CANADA

FOSTER EDWINA G &
28 OCEAN AVE
PATCHOGUE NY 11772

BARBIERI MARIQUITA
7226 CLAYTON RD
SAINT LOUIS MO 63117

LAUCHNER JOEL K & WANDREA R
2650 ESTERO BLVD #43
FORT MYERS BEACH FL 33931

HOLLOWAY MICHELLE & JAMES
600 SE BRENTWOOD DR
WAUKEE IA 50263

EBCE 45 LLC
S73W17240 LAKE DR
MUSKEGO WI 53150

TODD JOSEPH K & SUSAN D
2650 ESTERO BLVD APT 51
FORT MYERS BEACH FL 33931

SUN SAND & SURF PROPERTIES LLC
601 E OGDEN AVE #510
MILWAUKEE WI 53202

STEPANIUK MARY C
2650 ESTERO BLVD #53
FORT MYERS BEACH FL 33931

MORAN PATRIC J & BEVERLY A
620 NORTH PARK BLVD
GLEN ELLYN IL 60137

WHITE JOHNIE C II &
376 ATWOOD DR
LEXINGTON KY 40515

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

SUSAN WEIDENKOPF WATTS TRUST +
16774 PANTHER PAW CT
FORT MYERS FL 33908

UNKNOWN HEIRS OF
10939 YOUNG RD
ANSONIA OH 45303

BDR SUNSHINE LLC
1150 BRIDLEWOOD LN
LEXINGTON KY 40515

CARLIN GRANT A +
830 EASTLAWN
WIDSOR ON N8S 3H7
CANADA

GRANDGEORGE ROBERT E &
PO BOX 459
SOMONAUK IL 60552

ARNESON MARGARET M &
PO BOX 210
SHERIDAN IL 60551

HONKALA DEBRA S TR
PO BOX 361
SOMONAUK IL 60552

WEAVER FREDERICK L & JILL S
2650 ESTERO BLVD UNIT 205
FORT MYERS BEACH FL 33931

MADER JEANNE R TR
SUSAN M MACLENNAN
20 THORNTON RD
LONDONDERRY NH 03053

TROJAN DARWIN M & JODI P
9 ALGONQUIN TRL
BARRIE ON L4M 5M2
CANADA

BEVIS WILLIAM J & CRYSTAL L L/
9231 SYCAMORE SPRINGS CT
DAYTON OH 45458

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

TOLLEY PELOTON LLC
2650 ESTERO BLVD # 306
FORT MYERS BEACH FL 33931

PALMS TO POWDER LLC
226988 BOULDER RIDGE
WAUSAU WI 54401

STANDISH MARTHA
22 BROOKSIDE RD
WALLINGFORD PA 19086

PRICE JEREMY TR
450 1ST STREET SOUTHWEST # 503
CEDAR RAPIDS IA 52404

ROTH VERRA ANNE
6731 NW 28TH AV
FT LAUDERDALE FL 33309

KITCHEN JANICE K L/E
2650 ESTERO BLVD #406
FORT MYERS BEACH FL 33931

FAUSTINI ROSE MARIE TR
2650 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

RDW LIMITED PARTNERSHIP
813 WESTCHESTER DR
LEXINGTON KY 40502

DIETRICH DONALD B TR
9099 RIVERSIDE DR E STE 1318 E
WINDSOR ON N8S 4P9
CANADA

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

DVORAK DAVID M & JANETTE
2650 ESTERO BLVD #506
FORT MYERS BEACH FL 33931

DUGAN MARILOU A TR
5725 LAKE BRIAR DR
MILLSTADT IL 62260

BOYE CHARLES & LOURDES
4366 SW 130TH AVE
DAVIE FL 33330

MILLIES FRED L + JOANN J TR
W 240 S 10050 CASTLE RD
BIG BEND WI 53103

KUPSTYS ALBERT P & ELLEN N
6900 ESTERO BLVD APT205
FORT MYERS BEACH FL 33931

DAVID A WARD TRUST +
1221 N SHORE DR
CLEAR LAKE IA 50428

GULF VIEW LLC
4114 COCHRANE PKWY
AMES IA 50014

LANG VIVIAN J G TR
206 SUNSET DR
HALLANDALE BEACH FL 33009

PETER WILLIAM C TR
2532 ESTERO BLVD #205
FORT MYERS BEACH FL 33931

DINGLE LINDA A
1235 YALE PL # 204
MINNEAPOLIS MN 55403

GOETZ ROBERT JOHN &
2800 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

FELLIN JAMES S & MICHELLE A
114 SHERBORNE DR
MCMURRAY PA 15317

SPLITTORFF LYNN A TR
1217 BUCKINGHAM CT
RAYMORE MO 64083

LUCKE THOMAS J TR
PO BOX 75
WISCONSIN DELLS WI 53965

CHRISTIE EDWARD C +
30 HIGH ST
ALLENDALE NJ 07401

BELTRAMI DEBRA L TR
1028 E TALBOT ST
ARLINGTON HEIGHTS IL 60004

MAYER THOMAS R & MUSA J
250 W 82ND ST APT 42
NEW YORK NY 10024

HEFFERON DANIEL J
9095 COTTONWOOD CANYON PLACE
LENEXA KS 66219

MATTEI BARBARA M
521 CANYON CIR
WISCONSIN DELLS WI 53965

GAMAUF DONALD F & JEAN E TR
2800 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

COOPER DANAH HARPER TR
6718 DANIEL CT
FORT MYERS FL 33908

HOFFMAN JEAN E TR
1304B W DAVISON ST
ROANOKE IL 61561

LUCKE THOMAS J TR
801 MEADOW LAWN
WISCONSIN DELLS WI 53965

BALTES DORIS J TR
2021 NUTT RD
DAYTON OH 45458

BRECKENFELDER DAVID &
640 RANDY LANE
FORT MYERS BEACH FL 33931

KALLIES CAPER LLC
KATHLEEN GRAHAM
2640 MALAITA CT
CAPE CORAL FL 33991

MILLIES DANIEL R
S97 W23685 PAR AVE
BIG BEND WI 53103

BRUNNER KENT A & KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

BRUNNER KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

ANDOLINI PROPERTIES LTD
DEAN A BAGNOLA
4800 MUNSON NW
CANTON OH 44718

2800 ESTERO 701 LLC
8428 MARKET AVE
N CANTON OH 44721

2800 ESTERO 702 LLC
8428 MARKET AVE N
N CANTON OH 44721

KLEINE JANET M TR
933 ST JAMES PARK AVE
MONROE MI 48161

KLEINJAN FAMILY LP
333 33RD AVE S
SAINT CLOUD MN 56301

SAND JAMES W & JEAN T TR
32276 NARNIA LN
AVON MN 56310

HARDIN JANICE P TR
834 FREEMAN LAKE RD
ELIZABETHTOWN KY 42701

BENSON MARK M TR
735 N WATER ST STE 205
MILWAUKEE WI 53202

WOOD KELLY R &
2800 ESTERO BLVD #802
FORT MYERS BEACH FL 33931

DOERR BRUCE TR
924 MAES RD
MURPHYSBORO IL 62966

GALMARINI MARIA JULIA TR
104 HISPANIOLA LN
BONITA SPRINGS FL 34134

HEWITT INVESTMENTS LLC
NICOLE R HEWITT
8638 HART DR
WIND LAKE WI 53185

COX KINNEY CHERYL
5214 PALOMAR LN
DALLAS TX 75229

MATTEI RENTAL LLC
346 CHURCH ST
WISCONSIN DELLS WI 53965

LAUE JEANNE TR
2800 ESTERO BLVD #902
FORT MYERS BEACH FL 33931

KELLEY BEACHFRONT RESORT LLC
3248 TAVOLARA LN
NAPLES FL 34114

SMITH RONNIE A & NANCY
740 GRAYSON LN
JACKSON TN 38305

VITALE PIETRO TR
2800 ESTERO BLVD #905
FORT MYERS BEACH FL 33931

VITALE GIOVANNI TR
20400 HALL ROAD
CLINTON TOWNSHIP MI 48038

GERMANTOWN MUTUAL INSURANCE CO
PO BOX 1020
GERMANTOWN WI 53022

MOSS BRENDA JOYCE
328 GLENBROOK DR
MIDLAND ON L4R 5G4
CANADA

LASH RONALD D & JANICE M
2800 ESTERO BLVD #1003
FORT MYERS BEACH FL 33931

RICHARD L KIEFER JR TRUST +
11751 N 400 EAST RD
GRIDLEY IL 61744

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

HEWITT INVESTMENTS LLC
8638 HART DR
WIND LAKE WI 53185

DUFF J SCOTT & DIANE L
9085 OCONNERS POINT DR
BELLE CENTER OH 43310

BAGNOLA BRIDGET F TR
7004 SALERNO ST NW
CANTON OH 44718

STEVEN JOHN SHEBA TRUST +
192 GILWOOD PARK DR
PENETANGUISHENE ON L9M 1Z6
CANADA

HAGEN LYMAN B +
2330 LANE RD
COLUMBUS OH 43220

RIEMEN BRETT & LESLIE
2763 TOWER RD
MCFARLAND WI 53558

BRANDEWIE BRIAN & JODELL L
19029 BRIGADOON PL
CORNELIUS NC 28031

MATTEI MONTE +
346 CHURCH ST
WISCONSIN DELLS WI 53965

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

DONNELLY RICHARD A
304 RON AIRE DR
PIQUA OH 45356

MAZA MICHAEL & LISA
2175 LAKE SHORE LANDING
ALPHARETTA GA 30005

JOHNSTON 5 LLC
9430 TALL PINES WAY
PIQUA OH 45356

ATANASOFF KRIST D +
156 SUNSET SHORE RD
IRON RIVER MI 49935

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: Myerside PD Amendment
Authorized Applicant: Cottages at Myerside LLC & Myerside LLC
STRAP Number(s): 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270;
19-46-24-W3-0020C.0290.

Current Property Status: Damaged/Vacant
Current Zoning: PD
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? ☒ yes, ☐ no FLUM Density Range: 10 du/acre

Requested Action:

☐	DRI (with rezoning)
☐	Planned Development (also check below)
☒	Rezoning from: CPD 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)
Please see attached Narrative.	

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)

C. Comprehensive Plan Compliance.

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

Please see attached.

D. Design Standards Compliance

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

Please see attached.



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

[illegible]

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

3/30/2021

Myerside Final Site Plan

TRAFFIC IMPACT STATEMENT

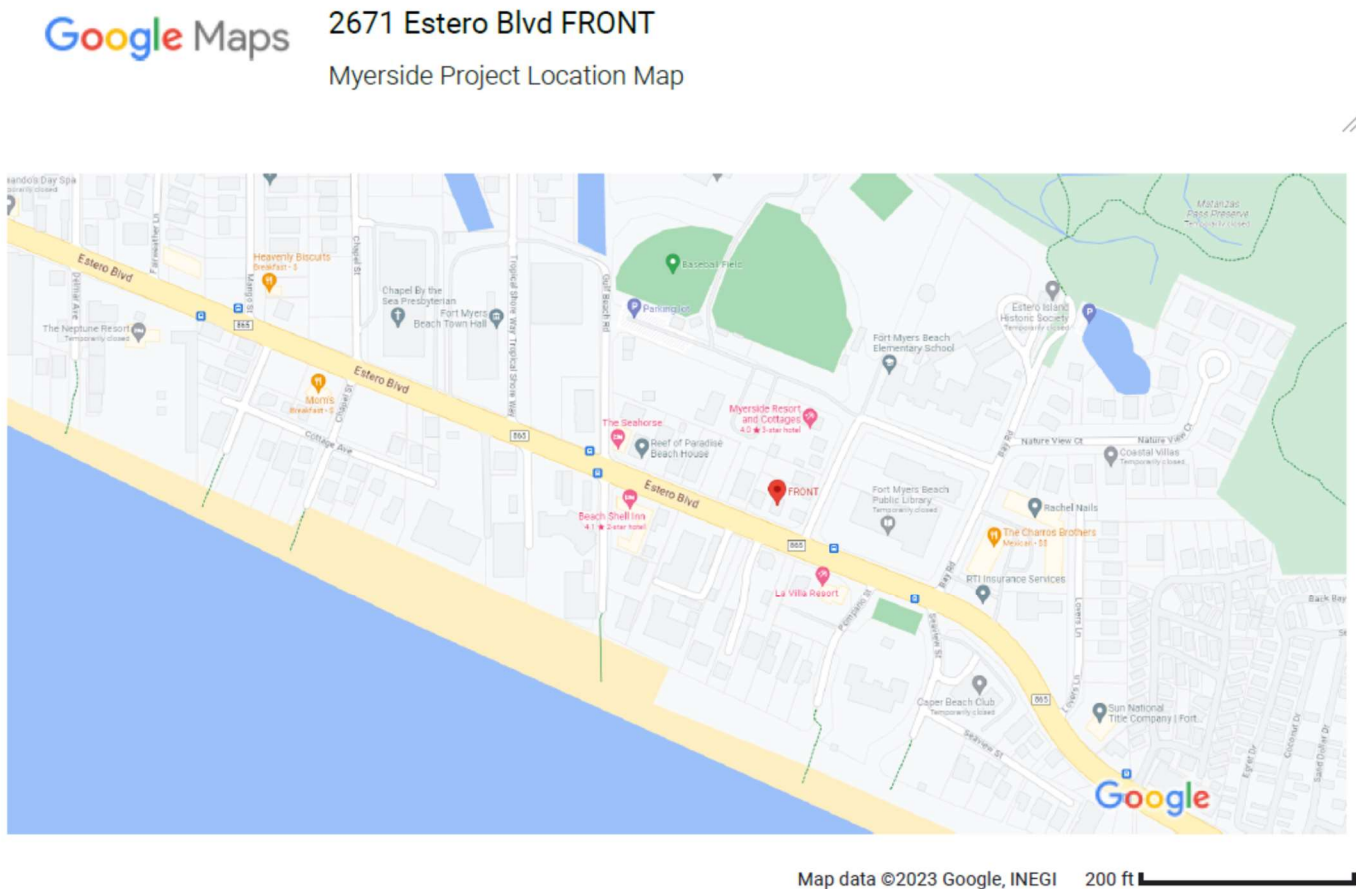
Submitted November 10, 2023

Narrative

The Applicant is proposing 42 lodging units, 4 staff housing units and 10,000 square feet of retail uses on the following parcel ID numbers: 19-46-24-W3-0020C.0230, 19-46-24-W3-0020C.0270 and 19-46-24-W3-0020C.0290. Based upon a review of the Lee County Property Appraiser's website, parcel ID number 19-46-24-W3-0020C.0230 consists of 15,000 square feet of land (0.344 +/- acres), parcel ID number 19-46-24-W3-0020C.0270 consists of 7,500 square feet of land (0.17 +/- acres) and parcel ID number 19-46-24-W3-0020C.0290 consists of 21,778 square feet of land (0.5 +/- acres). These three parcels are located in the northwest quadrant of Estero Boulevard and School Street in the Town of Fort Myers Beach, Florida. A general location map is provided in Figure 1.

Historically, these three parcels have had a collective total of 14 guest units constructed on them (per the property owner). These structures were severely damaged by Hurricane Ian on September 28, 2022. For the purposes of this report, the 14 guest units will be considered the baseline condition from a trip generation standpoint.

Figure 1.



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The trip generation rates for the proposed uses were estimated based upon the Institute of Transportation Engineers (ITE), Trip Generation – 11th Edition. No internal capture, pass-by capture or diverted trips will be considered as a part of this analysis. The analysis will evaluate the incremental increase of trips from the proposed change in intensity from the baseline conditions for a link analysis. For the driveway and intersection analysis, all estimated project trips (gross trips) will be evaluated.

For this analysis, the following three land use codes were selected in order to evaluate the potential trip generation associated with the proposed development of this parcel: Multifamily (LUC 220), Hotel (310) and Strip Retail < 40 KSF (LUC 822). The trip generation was evaluated for potential traffic impacts on the first-impacted thoroughfare link and subsequent downstream links having a project impact of 5% or greater (if any).

Trip Generation

The tables below provide the estimated potential trip generation associated with the proposed land uses based upon ITE Trip Generation 11th Edition.

Table 1 - Daily Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Fitted Curve Equation	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
										2-Way	In	Out	2-Way	In	Out
Existing Land Use															
Hotel	310	Rooms	7.99	T = 10.84(X) - 423.51	14	112	56	56	0%	0	0	0	112	56	56
Total Existing Trips						112	56	56				112	56	56	
Proposed Land Use															
Hotel	310	Rooms	7.99	T = 10.84(X) - 423.51	45	64	32	32	0%	0	0	0	64	32	32
Multifamily Housing (Low-Rise)	220	Dwelling Units	6.74	T = 6.41(X) + 75.31	4	101	50	50	0%	0	0	0	101	50	50
Strip Retail Plaza (<40k)	822	1,000 Square Feet	54.45	T = 42.20(X) + 229.68	8.5	588	294	294	0%	0	0	0	588	294	294
Total Proposed Trips						754	377	377					754	377	377
Change in Trips from Baseline						642	321	321				642	321	321	

Table 2 - AM Peak Hour Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Fitted Curve Equation	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
										2-Way	In	Out	2-Way	In	Out
Existing Land Use															
Hotel	310	Rooms	0.46	T = 0.50(X) - 7.45	14	6	4	3	0%	0	0	0	6	4	3
Total Existing Trips						6	4	3				6	4	3	
Proposed Land Use															
Hotel	310	Rooms	0.46	T = 0.50(X) - 7.45	45	21	12	9	0%	0	0	0	21	12	9
Multifamily Housing (Low-Rise)	220	Dwelling Units	0.46	T = 0.50(X) - 7.45	4	2	0	1	0%	0	0	0	2	0	1
Strip Retail Plaza (<40k)	822	1,000 Square Feet	2.36	Ln(T) = 66 Ln(X) + 1.84	8.5	20	12	8	0%	0	0	0	20	12	8
Total Proposed Trips						43	24	19				43	24	19	
Change in Trips from Baseline						36	20	16				36	20	16	

* Due to the small magnitude of the proposed number of multifamily dwelling units, the fitted curve was not an appropriate choice to calculate the trip generation and thus the average rate was used.

Table 3 - PM Peak Hour Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Fitted Curve Equation	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
										2-Way	In	Out	2-Way	In	Out
Existing Land Use															
Hotel	310	Rooms	0.59	T = .74(X) - 27.89	14	8	4	4	0%	0	0	0	8	4	4
Total Existing Trips						8	4	4				8	4	4	
Proposed Land Use															
Hotel	310	Rooms	0.59	T = .74(X) - 27.89	45	27	14	13	0%	0	0	0	27	14	13
Multifamily Housing (Low-Rise)	220	Dwelling Units	0.59	T = .74(X) - 27.89	4	2	1	1	0%	0	0	0	2	1	1
Strip Retail Plaza (<40k)	822	1,000 Square Feet	6.59	Ln(T) = 0.71 Ln(X) + 2.72	8.5	56	28	28	0%	0	0	0	56	28	28
Total Proposed Trips						85	43	42	0	0	0	0	85	43	42
Change in Trips from Baseline						77	39	38				77	39	38	

* Due to the small magnitude of the proposed number of multifamily dwelling units, the fitted curve was not an appropriate choice to calculate the trip generation and thus the average rate was used.

Analysis Period

Based upon the trip generation rates in the tables provided in the section above, this project will generate more trips in the PM Peak-Hour than in the AM Peak-Hour. Thus, the analysis period selected for the potential use is the PM Peak-Hour.

Internal Capture/Pass-by Capture/Diverted Trips

No consideration will be given to Pass-by Capture, Internal Capture or Diverted Trips as a part of the analysis for this project. The internal capture estimates are provided in the Appendix of this report. However, the following analysis will take a more conservative approach and not include internal capture as a consideration.

Trip Distribution/Assignment

All project trips were assigned as presented in Table 4 below.

Table 4 - Project Traffic Distribution/Assignment (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Project Trip Distribution	Project Trips
First-Impacted Thoroughfare					
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	100%	77

Study Area / Area of Impact

The significant impact area includes first-impacted thoroughfares and thoroughfares carrying project traffic equal to or greater than five percent of the pm peak hour service volume ("capacity") at adopted level of service (LOS). Estero Boulevard is the first-impacted thoroughfare facility, and it is the only segment estimated to be significantly impacted by the proposed development. Table 5 on the next page indicates the impacted roadway links, and the project traffic impacts on the impacted links and the capacity of those facilities based upon the 2020 FDOT QLOS Handbook.

Table 5 - Determination of Significance Five (5) Percent (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Project Trip Distribution	Project Trips	Project Traffic % of Service Vol Capacity	Significance Threshold	Significant Impact
First-Impacted Thoroughfare									
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	100%	77	5.8%	$\geq 5\%$	yes

As shown in Table 5 above, the development's traffic is estimated to exceed the five (5) percent significance threshold on the first-impacted thoroughfare roadway segment.

The study area will include the following roadway segment:

Study Segments	Project Impact
• Estero Blvd from San Carlos Blvd to Avenida Pescadora	5.8%

Level of Service Analysis

Existing Conditions

Table 6 below contains the roadway data used to evaluate the existing roadway level of service. Existing traffic was based upon the Florida Department of Transportation (FDOT) 2022 Annual Average Daily Traffic (AADT) Report. The FDOT traffic report indicates that the AADT volume on the segment of Estero Boulevard from San Carlos Boulevard to Avenida Pescadora is 12,500 trips. Those trips were multiplied by a K-Factor of 9% to determine the existing peak-hour traffic ($12,500 \times 0.09 = 1,125$).

Table 6 - Existing Roadway Segment Level of Service Analysis (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Peak-Hour Ex. Vol	Existing V/C Ratio	Exceeds LOS (Y/N)
First-Impacted Thoroughfare							
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	1,125	0.85	N

Future Background Traffic Conditions (Existing + Reserved Trips)

Table 7 below contains the roadway data used to evaluate the future background traffic conditions without project traffic roadway level of service. An annual growth rate of 1% was assumed as the growth rate provided by the FDOT Trend Analysis Tool was a negative growth rate. The project is assumed to have a two-year buildout period.

Table 7 - Future Background Roadway Segment Level of Service Analysis (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Peak-Hour Ex. Vol	Annual Growth Rate	Future Peak-Hour Existing + Growth Over 2 Years	Future V/C Ratio	Exceeds LOS (Y/N)
First-Impacted Thoroughfare									
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	1,125	1%	1,148	0.86	N

Future Total Traffic Conditions with Project Traffic

Table 8 below contains the roadway data used to evaluate the future total traffic conditions with project traffic roadway level of service.

Table 8 - Future Total Traffic Roadway Segment Level of Service Analysis (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Future Peak-Hour Existing + Growth Over 2 Years	Project Traffic	Future Total Traffic	Future V/C Ratio	Exceeds LOS (Y/N)
First-Impacted Thoroughfare									
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	1,148	77	1,224	0.92	N

As illustrated by Table 8 above, the proposed project does not create a failing condition for the link analyzed in the study area.

Access

As mentioned previously in this report, it is important to recognize the proposed project is a redevelopment project. The previous use had one access point off of Estero Boulevard located between 80 to 142 feet west of School Street (measures are approximate). That access on Estero Boulevard will be closed. The previous use also had three access points off of School Street and one access off of Oak Street.

The proposed redevelopment project is proposing access via two driveways (see Concept Plan in the Appendix). One driveway will access School Street, the other driveway will provide access to the west of the parcel. A driveway to Bay Oaks Recreational Complex has been created on Estero Boulevard approximately 210 feet west of the intersection of Estero Boulevard and School Street. The Applicant is still working out the details of the proposed driveway connection to the west of the property. This access will be a full movement access. The access on School Street is proposed to be a right-out access only. Both Estero Boulevard and School Street have a posted speed limit of 25 mph. The access to the west of the parcel is to Town of Fort Myers Beach lands and not a thoroughfare road so the speed limit is also assumed to be 25 mph. The Applicant will work with the Town of Fort Myers Beach regarding final access locations and future ROW needs if any.

The proposed reconfiguration of access points will eliminate two accesses on School Street. As the proposed access off School Street is a right-out connection, a worst-case scenario will be considered where all entering movements will occur at the new driveway located on the western property boundary. Total gross trips will be considered and not just the new trips above the previous trips considered as the baseline traffic.

Table 9 - Access Movements PM Peak-Hour

	Northbound			Eastbound			Southbound			Westbound		
Driveway/Intersection	L	T	R	L	T	R	L	T	R	L	T	R
Driveways												
Western Driveway	0	0	43	0	0	0	0	0	0	18	0	0
School Street Driveway	0	0	0	0	0	24	0	0	0	0	0	0
Intersections												
Estero Blvd and Bay Oaks Access	0	0	0	22	0	0	9	0	9	0	0	21
Estero Blvd and School Street	0	0	0	0	0	0	12	0	12	0	0	0

Special Consideration

The Fort Myers Beach Elementary School is located to the northeast of the intersection of School Street and Oak Street. Based upon a conversation with Dr. Adam Malloy with the Lee County School District, the estimated student population for the 2023-2024 school year is 43 students. The arrival time for students is 7:55 AM and the dismissal time is 2:10 PM. Based upon the dismissal time (see Bell Schedule documentation in the Appendix). The school traffic will not have any impact during the PM Peak-Hour.

Regarding school traffic circulation, parents arrive at the Fort Myers Beach Elementary School by traveling north on Bay Road and turning left onto Oak Street. Once on Oak Street, the parent pulls off Oak Street on the north side and drops students off at the pick-up/drop-off lane. After dropping their student(s) off, the parent travels west on Oak Street to School Street and turns left onto School Street. As the proposed project access on School Street is a right-in/right-out only access, no AM Peak-Hour northbound left-turn queuing analysis is required for entering movements to the parcel from School Street.

Right-Turn Lane Analysis

Based upon the access movements assumed in Table 9 above and NCHRP 457: Evaluating Intersection Improvements: An Engineering Study Guide published by the Transportation Research Board in 2001, the project does not require a right-turn lane. The graphics provided in the Appendix of this report show that a right-turn lane is not warranted for the proposed project. The following two intersections/accesses were analyzed for right-turn lane warrants 1) project driveway to the west 2) intersection of Estero Boulevard and new access point to Bay Oaks Recreational Complex

Left-Turn Lane Analysis

As an existing two-way left-turn lane exists on Estero Boulevard, no left-turn lane warrant analysis was conducted for the proposed project. The two-way left-turn lane is continuous and has adequate space for left-turn movements.

Multi-Modal Transportation

Bicycle lanes do not exist immediately adjacent to the site. However, there are sharrows painted on both the eastbound and westbound lanes of Estero Boulevard. A sidewalk does exist on the southern side of the property immediately adjacent to the site. The developer, per prior PD Approval, was conditioned to provide funds to the Town of Fort Myers Beach in order to provide a standard sidewalk along School Street. Those funds have been paid to the Town. The nearest bus stop appears to be located approximately 500 feet west of the project site along Estero Boulevard. A bus stop also exists east of the site in front of the library.

Conclusion

This development is not projected to create adverse transportation impacts on the impacted thoroughfare roadway analyzed in this Traffic Impact Statement. It is acknowledged that the Applicant will need to work with the Town of Fort Myers Beach staff on future ROW needs and proposed access points during the review process.

Figure 2. Site Location Parcel Boundary

Myerside Property Location



Support Documentation

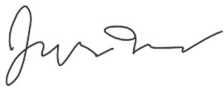
The following is a list of support documentation that has been included as a part of the Traffic Impact Statement submittal.

1. Lee County Property Record Card for Parcel ID No. 19-46-24-W3-0020C.0230
2. Lee County Property Record Card for Parcel ID No. 19-46-24-W3-0020C.0270
3. Lee County Property Record Card for Parcel ID No. 19-46-24-W3-0020C.0290
4. ITE Daily Trip Generation for LUC 310 – Previous Use
5. ITE AM Trip Generation for LUC 310 – Previous Use
6. ITE PM Trip Generation for LUC 310 – Previous Use
7. ITE Daily Trip Generation for LUC 220 – Proposed Use
8. ITE AM Trip Generation for LUC 220 – Proposed Use
9. ITE PM Trip Generation for LUC 220 – Proposed Use
10. ITE Daily Trip Generation for LUC 310 – Proposed Use
11. ITE AM Peak-Hour Trip Generation for LUC 310 – Proposed Use
12. ITE PM Peak-Hour Trip Generation for LUC 310 – Proposed Use
13. ITE Daily Trip Generation for LUC 822 – Proposed Use
14. ITE AM Peak-Hour Trip Generation for LUC 822 – Proposed Use
15. ITE PM Peak-Hour Trip Generation for LUC 822 – Proposed Use
16. FDOT AADT for Estero Boulevard Site 6044
17. Table 4 FDOT QLOS Handbook
18. FDOT Historical Traffic Data for Estero Blvd
19. FDOT Trend Analysis Tool Graph
20. Concept Plan
21. Bell Schedule – Fort Myers Beach Elementary School
22. NCHRP Report 457 Right-Turn Lane Analysis using access movements proposed in Table 9 – western project driveway
23. NCHRP Report 457 Right-Turn Lane Analysis using access movements proposed in Table 9 – Estero Boulevard and new driveway connection to Bay Oaks Recreational Complex
24. Lee County Area Transit Bus System Map

Signature Sheet and Disclaimer

This Traffic Impact Statement (TIS) was completed by Planning Analytics, LLC. The trip generation estimates utilized in this TIS are based upon Trip Generation published by the Institute of Transportation Engineers. The analysis conducted in this TIS is based upon the Florida Department of Transportation's QLOS Handbook which utilizes generalized service volumes and the 2022 Annual Average Daily Traffic Report. Any intersection and/or site related design features must be accepted and approved by The Town of Fort Myers Beach staff prior to construction.

Respectfully submitted by,



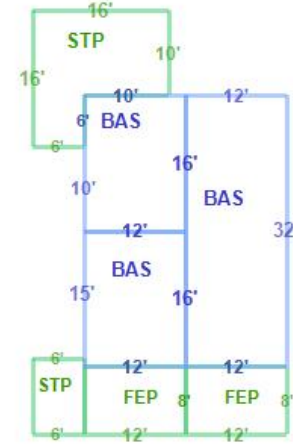
Jason Utley, AICP
Project Manager
Planning Analytics, LLC
planning.analytics@yahoo.com
941.258.5061

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		ELEVATION	ELEV	ELEVATION 7-9'																			
		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		EXTRA KITCHENS	XKI	1.00																			
		LIVING UNITS	LVGU	2.00																			
		UNITS IN BUILDING	UNITS	2.00																			
PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0



FLOOR 1



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SITE ADDRESS 2661-2681 ESTERO BLVD OWNER'S NAME COTTAGES AT MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE																			
		ELEVATION	ELEV	ELEVATION 1-2'																			
		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		LIVING UNITS	LVGU	1.00																			
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PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC																							
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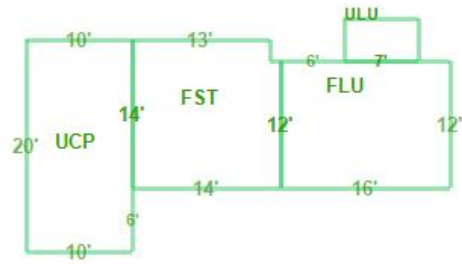
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		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		LIVING UNITS	LVGU	1.00																			
		UNITS IN BUILDING	UNITS	1.00																			
PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE																							
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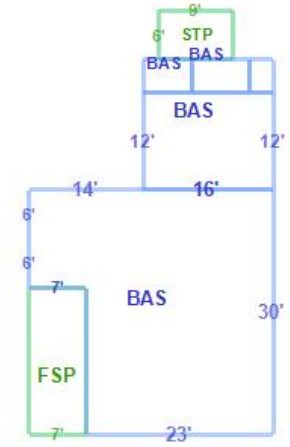
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										INTERIOR WALL5DRYWALL																													
										INTERIOR WALL0NONE																													
										INTERIOR FLOOR14CARPET																													
										INTERIOR FLOOR0NONE																													
										HEATING FUEL4ELECTRIC																													
										HEATING TYPE3FORCED AIR-NOT DUCTED																													
AC TYPE2WINDOW UNIT																																							
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CEILING HEIGHTCLGHTCEILING HEIGHT 8-10'																																							
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		DRIVEWAY	DRIVE	DRIVEWAY CONC/ASPH																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		LIVING UNITS	LVGU	1.00																			
		UNITS IN BUILDING	UNITS	1.00																			
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FLOOR 1



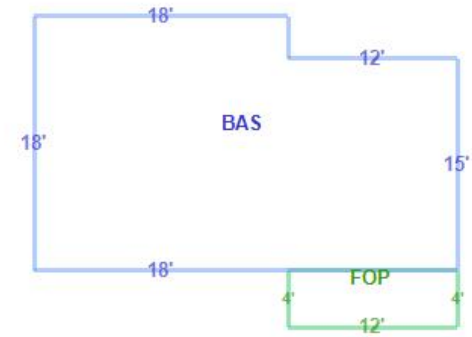
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		BEDROOMS		8		APARTMENT 2	1969	784	100	784	40,566	0.86	116.83	100.47	3,338	335,369	52%	172,715	
		BATHROOMS		5.0		APARTMENT 3	1969	754	100	754	39,014	IMP TYPE	14 - Quadrplex		MODEL	3 - MULTIPLE RES/HOTEL			
		EXTERIOR WALL		8 WOOD ON SHEATHING		BASE	1969	812	100	812	42,015	FLOOR 1							
		EXTERIOR WALL		10 HARDI/LOG/FSP		FINISHED LOWER UTILITY	1969	70	30	21	1,087								
		ROOF STRUCTURE		16 GABLE		FINISHED OPEN PORCH	1969	251	20	50	2,587								
		ROOF COVER		3 ASPHALT OR COMPOSITION		FINISHED UTILITY	1969	144	50	72	3,725								
		INTERIOR WALL		5 DRYWALL		PATIO	1969	672	5	34	1,759								
		INTERIOR WALL		0 NONE		STOOP	1969	395	10	39	2,018								
		INTERIOR FLOOR		11 CERAMIC CLAY TILE															
		INTERIOR FLOOR		14 CARPET															
		HEATING FUEL		4 ELECTRIC															
		HEATING TYPE		4 FORCED AIR-DUCTED															
		AC TYPE		3 CENTRAL															
		QUALITY		3.0000 AVERAGE															
		CEILING HEIGHT		CLGHT CEILING HEIGHT 8-10'															
						TOTALS	4,654		3,338		172,715								
EXTRA FEATURES	LINE	CODE	DESCRIPTION		LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST				
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																	TOTAL OF LAND LINE VALUES		871,120

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		ELEVATION	ELEV	ELEVATION 7-9'																			
		FOUNDATION	FNDTN	FOUNDATION BREAKAWAY WALLS																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		EXTRA BIDET	XBD	0.00																			
		EXTRA KITCHENS	XKI	3.00																			
		LIVING UNITS	LVGU	4.00																			
		UNITS IN BUILDING	UNITS	4.00																			
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DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 53-201.0 FM BCH / BONITA BCH																							
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L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0

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Folio=10227545,
BuildingNo=1, FloorNo=0,
Year=2022**

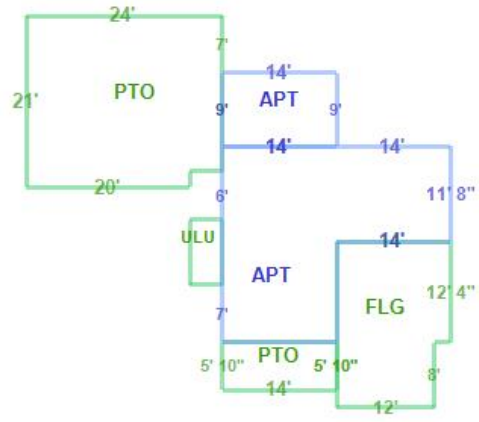
FLOOR 1



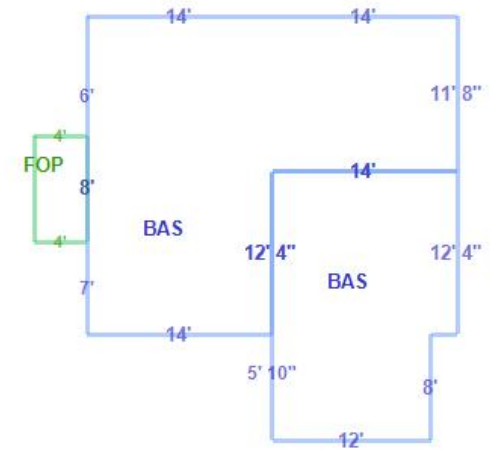
LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:31 PM		BUILDING CHARACTERISTICS										BUILDING SUBAREA DETAIL							FOLIO ID: 10227545 STRAP: 19-46-24-W3-0020C.0290						
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE						AREA TYPE		YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	CARD 2 of 2							
SITE ADDRESS 131-151 SCHOOL ST OWNER'S NAME MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931 PROPERTY DESCRIPTION WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 29 THRU 34 DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 53-201.0 FM BCH / BONITA BCH		STORIES	1.0							APARTMENT	1957	625	100	625		23,004	STRUCT INDEX 0.73	BASE RATE 155.14	EFF BASE RATE 113.25	EFF AREA 1,515	RCN 171,574	REMAINING WORTH 33%	COST VALUE 55,761		
		BEDROOMS	4							BASE	1957	768	100	768		28,267	IMP TYPE 27 - Duplex MODEL 1 - SINGLE FAMILY RESIDENTIAL								
		BATHROOMS	2.0							FINISHED LOWER GARAGE	1957	269	30	81		2,981									
		EXTERIOR WALL	7	ASBESTOS/ASPHALT SHINGLE						FINISHED OPEN PORCH	1957	32	20	6		221									
		EXTERIOR WALL	0	NONE						PATIO	1957	578	5	29		1,067									
		ROOF STRUCTURE	16	GABLE						UNFINISHED LOWER UTILITY	1957	32	20	6		221									
		ROOF COVER	3	ASPHALT OR COMPOSITION																					
		INTERIOR WALL	5	DRYWALL																					
		INTERIOR WALL	0	NONE																					
		INTERIOR FLOOR	9	PINE/LAMINATE/LUXURY VINYL																					
		INTERIOR FLOOR	14	CARPET																					
		HEATING FUEL	4	ELECTRIC																					
		HEATING TYPE	4	FORCED AIR-DUCTED																					
		AC TYPE	3	CENTRAL																					
QUALITY	3.0000	AVERAGE																							
CEILING HEIGHT	CLGHT	CEILING HEIGHT UNDER 8'																							
		TOTALS											2,304		1,515		55,761								
EXTRA FEATURES	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST											
	1	XAC	XTRA/ADDITIONAL A/C UNITS	0.00	0.00	1.00	0.00	1.00	B	1957	0.00	1.00	-	0											
	TOTAL OF EXTRA FEATURE VALUES														0										
LAND	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES										
	1	800	MF<10	RC	0	0	1.00	1.00	0	40.00	21,778.00	SF	1.00	-	JF										
	TOTAL OF LAND LINE VALUES														871,120										
																BOOK/PAGE OR INSTRUMENT DATE TYPE INST OVR CODE V SALE I PRICE					VALUE SUMMARY Current Values 2022				

LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:31 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL						FOLIO ID: 10227545 STRAP: 19-46-24-W3-0020C.0290												
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE					
SITE ADDRESS 131-151 SCHOOL ST OWNER'S NAME MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE																			
		ELEVATION	ELEV	ELEVATION 7-9'																			
		FOUNDATION	FNDTN	FOUNDATION BREAKAWAY WALLS																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		EXTRA BIDET	XBD	0.00																			
		EXTRA KITCHENS	XKI	1.00																			
		LIVING UNITS	LVGU	2.00																			
		UNITS IN BUILDING	UNITS	2.00																			
PROPERTY DESCRIPTION WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 29 THRU 34																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 53-201.0 FM BCH / BONITA BCH																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0



FLOOR 1



Hotel (310)

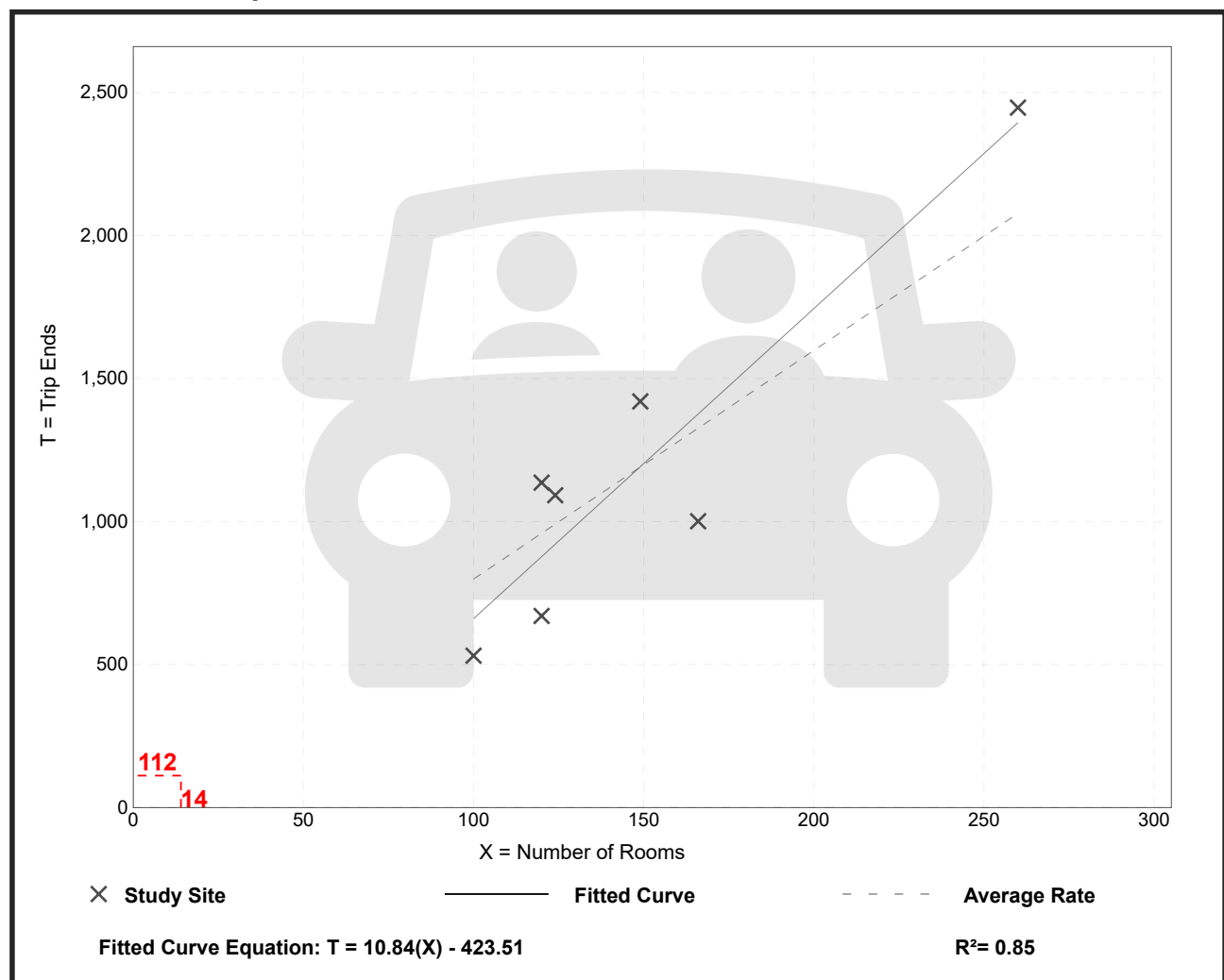
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



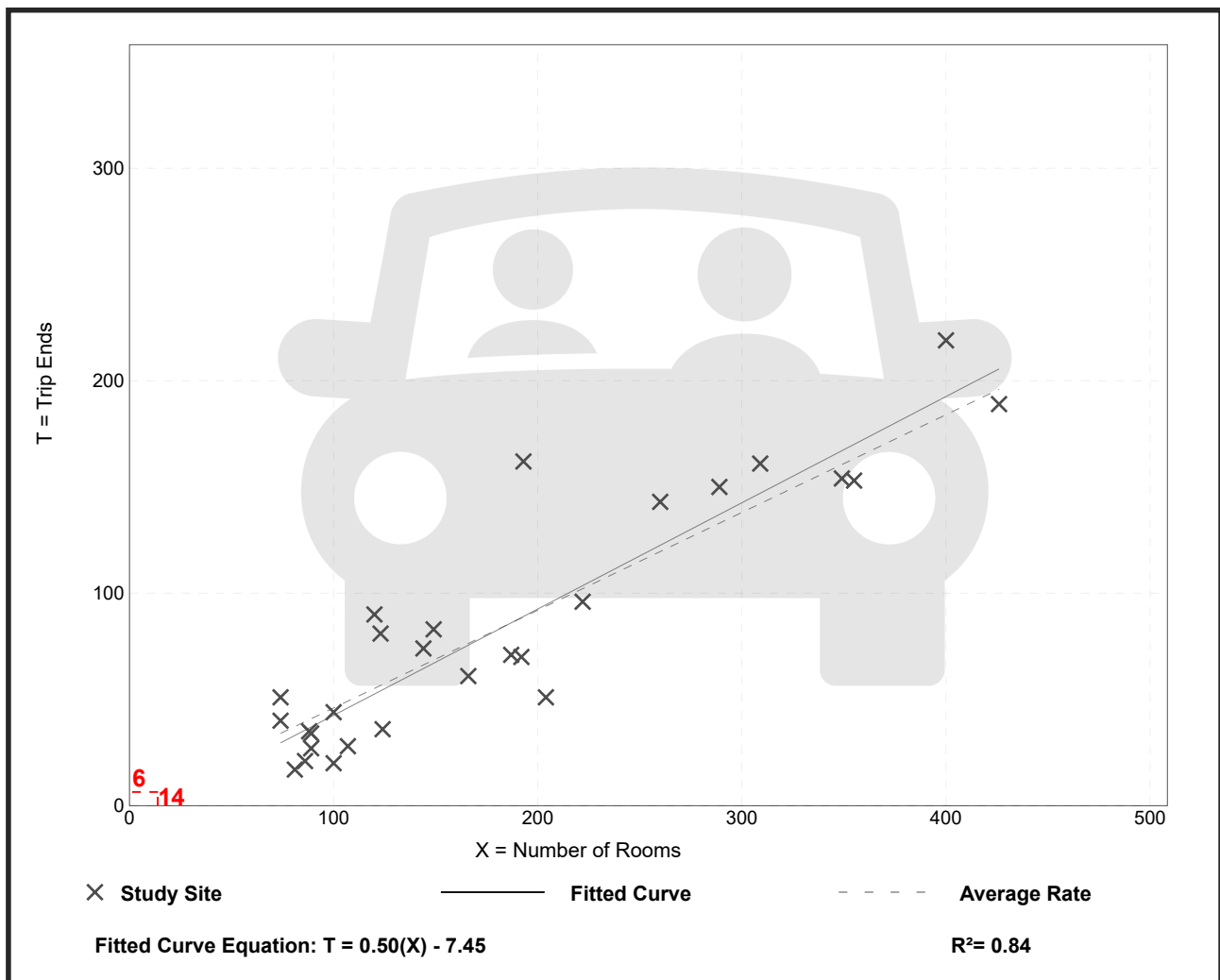
Hotel (310)

Vehicle Trip Ends vs: Rooms
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: 28
 Avg. Num. of Rooms: 182
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



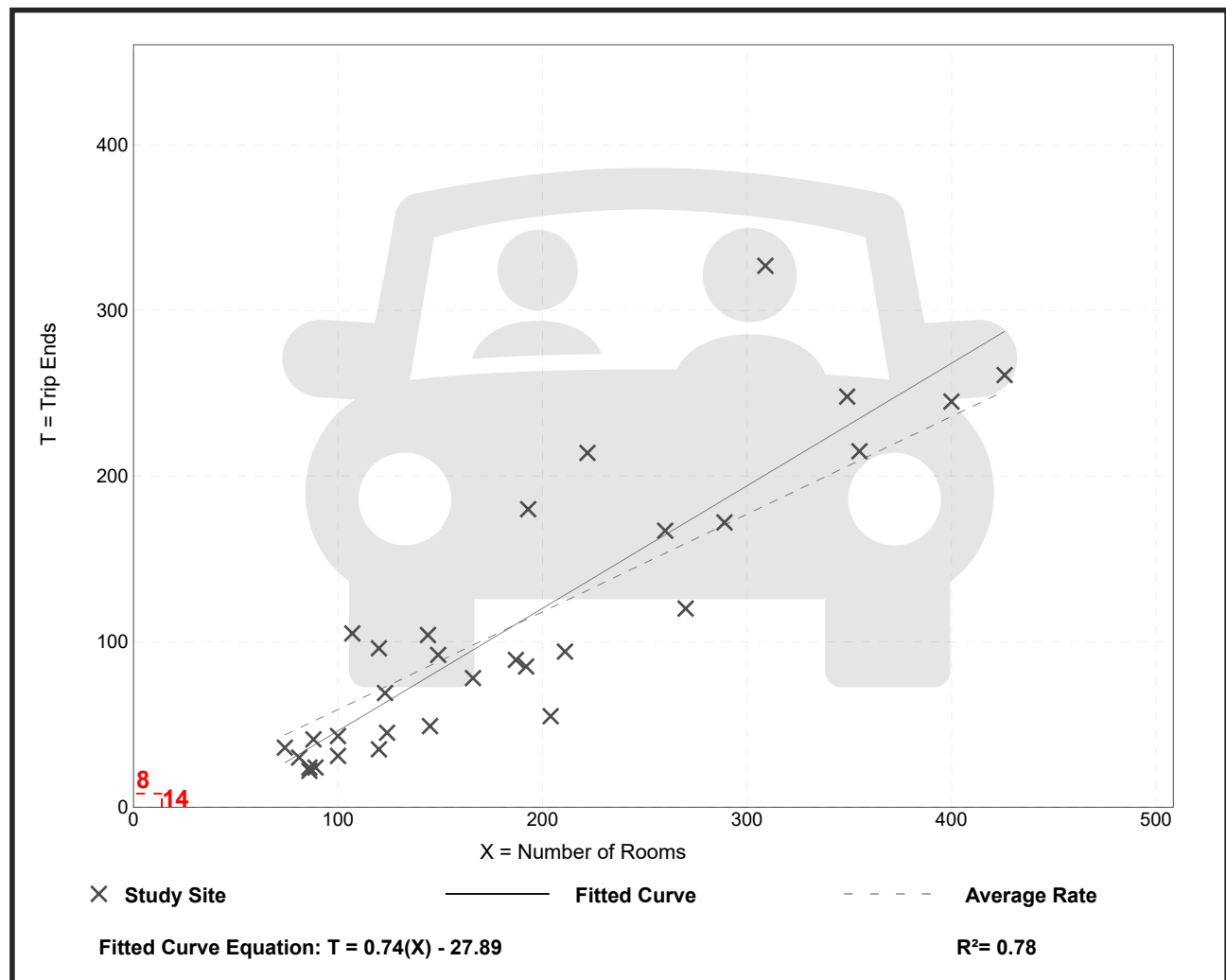
Hotel (310)

Vehicle Trip Ends vs: Rooms
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: 31
 Avg. Num. of Rooms: 186
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Hotel (310)

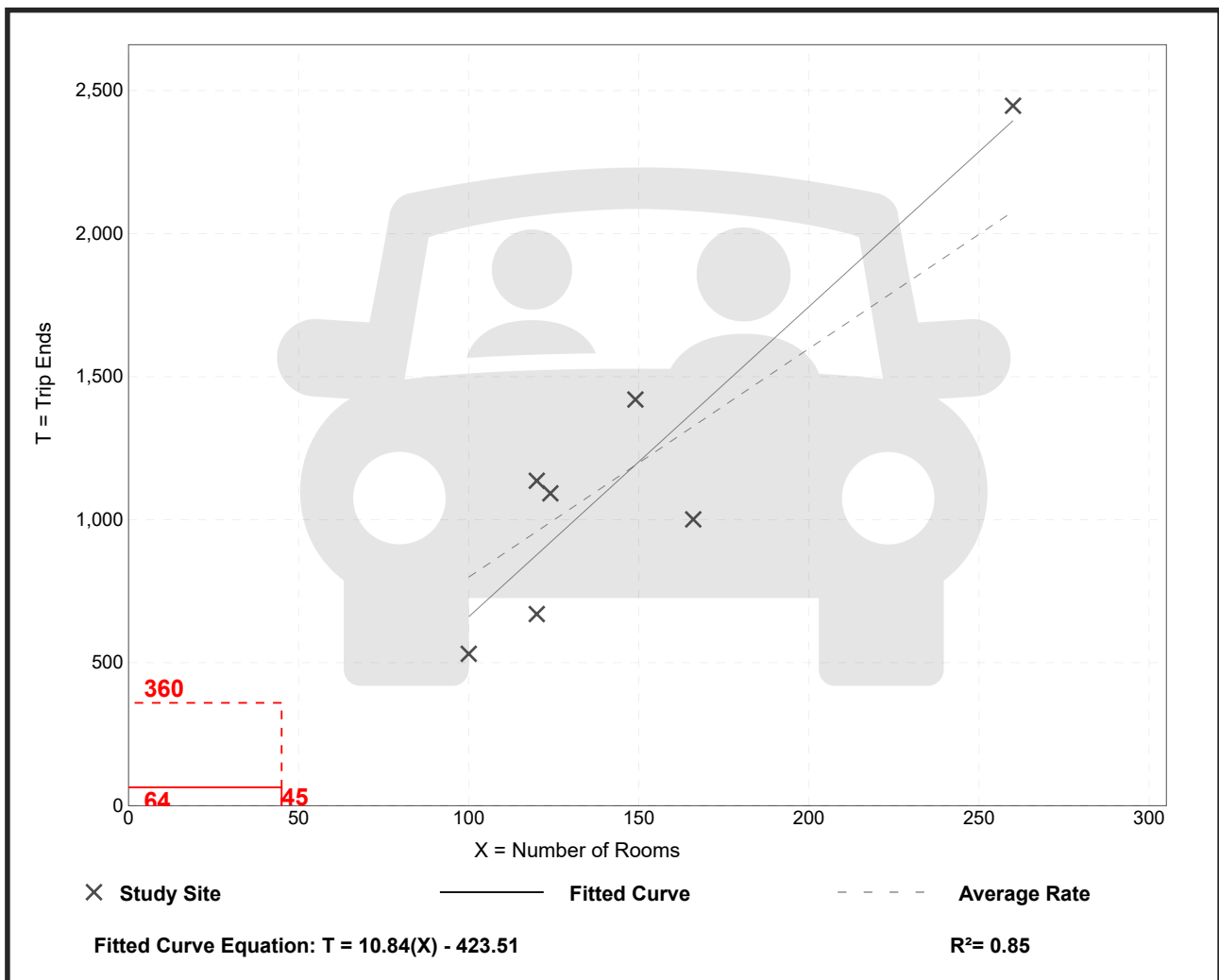
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



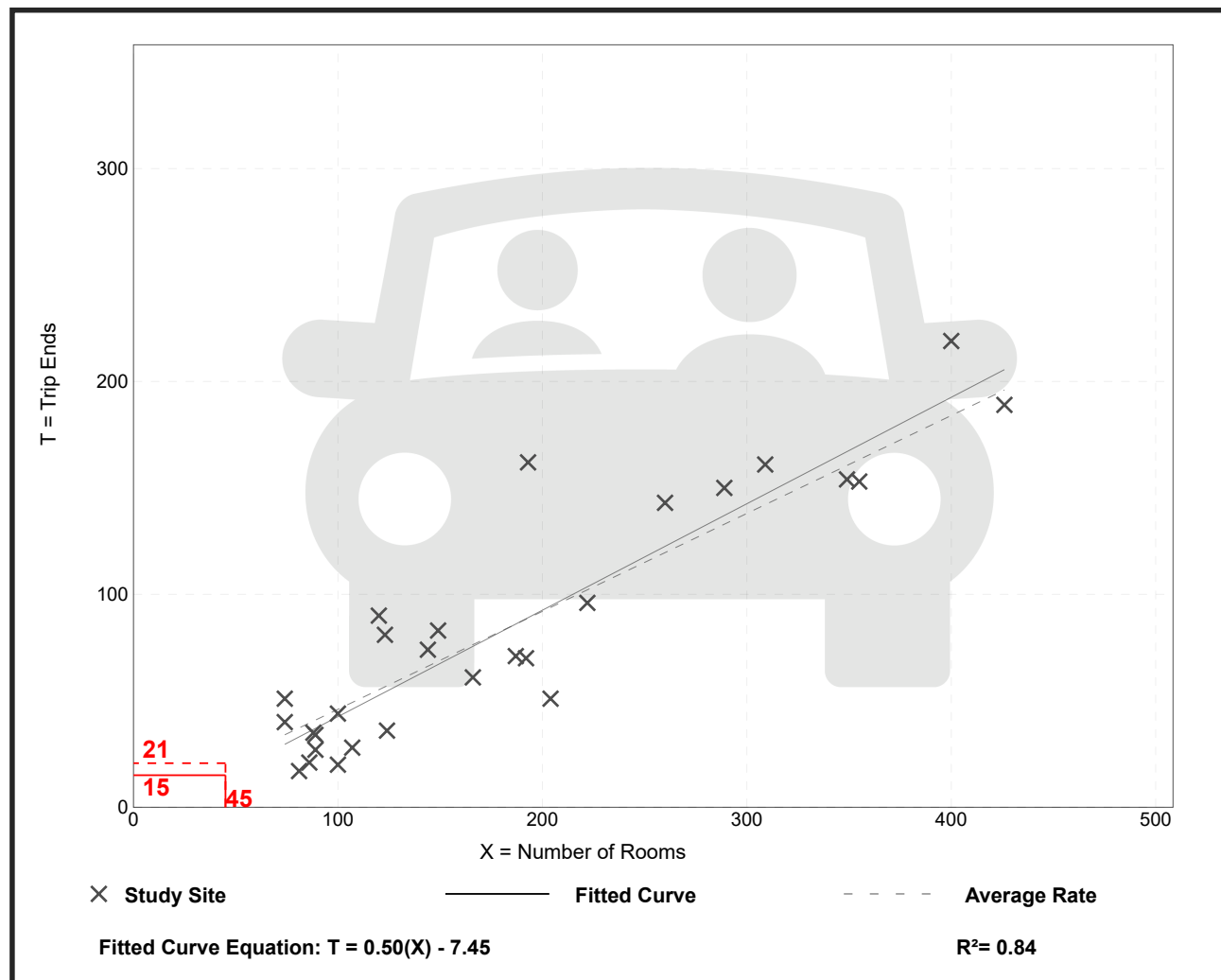
Hotel (310)

Vehicle Trip Ends vs: Rooms
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: 28
 Avg. Num. of Rooms: 182
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



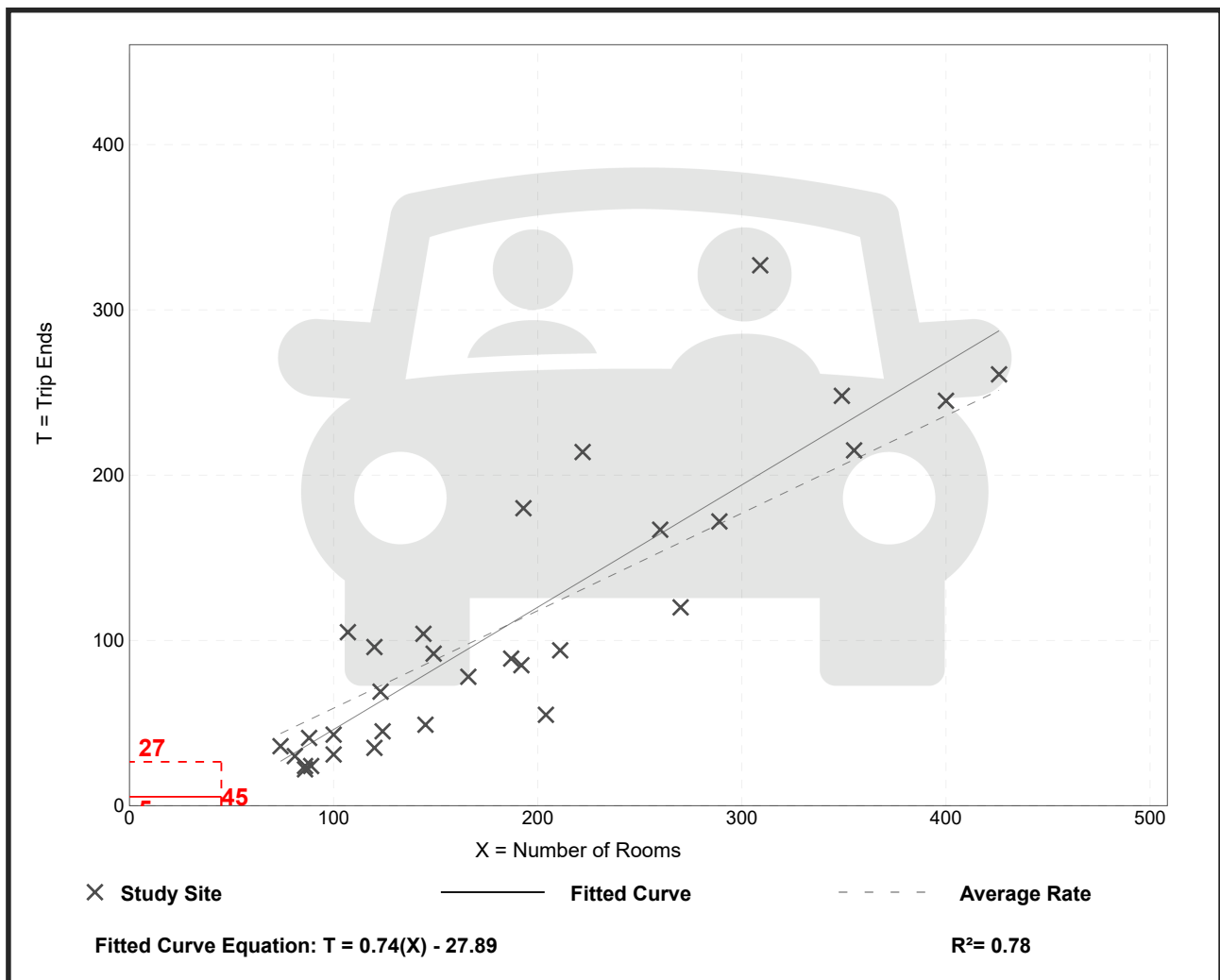
Hotel (310)

Vehicle Trip Ends vs: Rooms
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: 31
 Avg. Num. of Rooms: 186
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

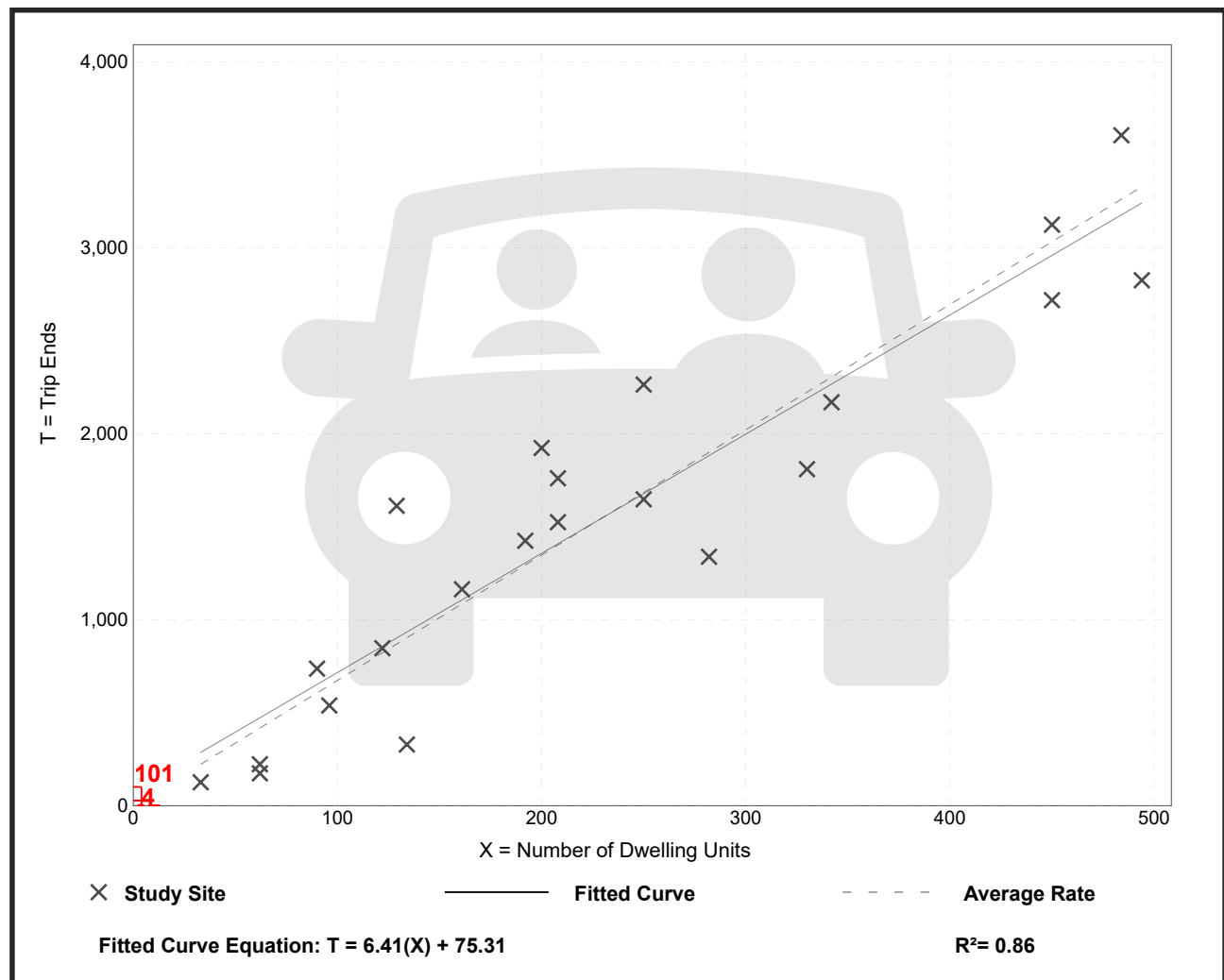
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
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: 49

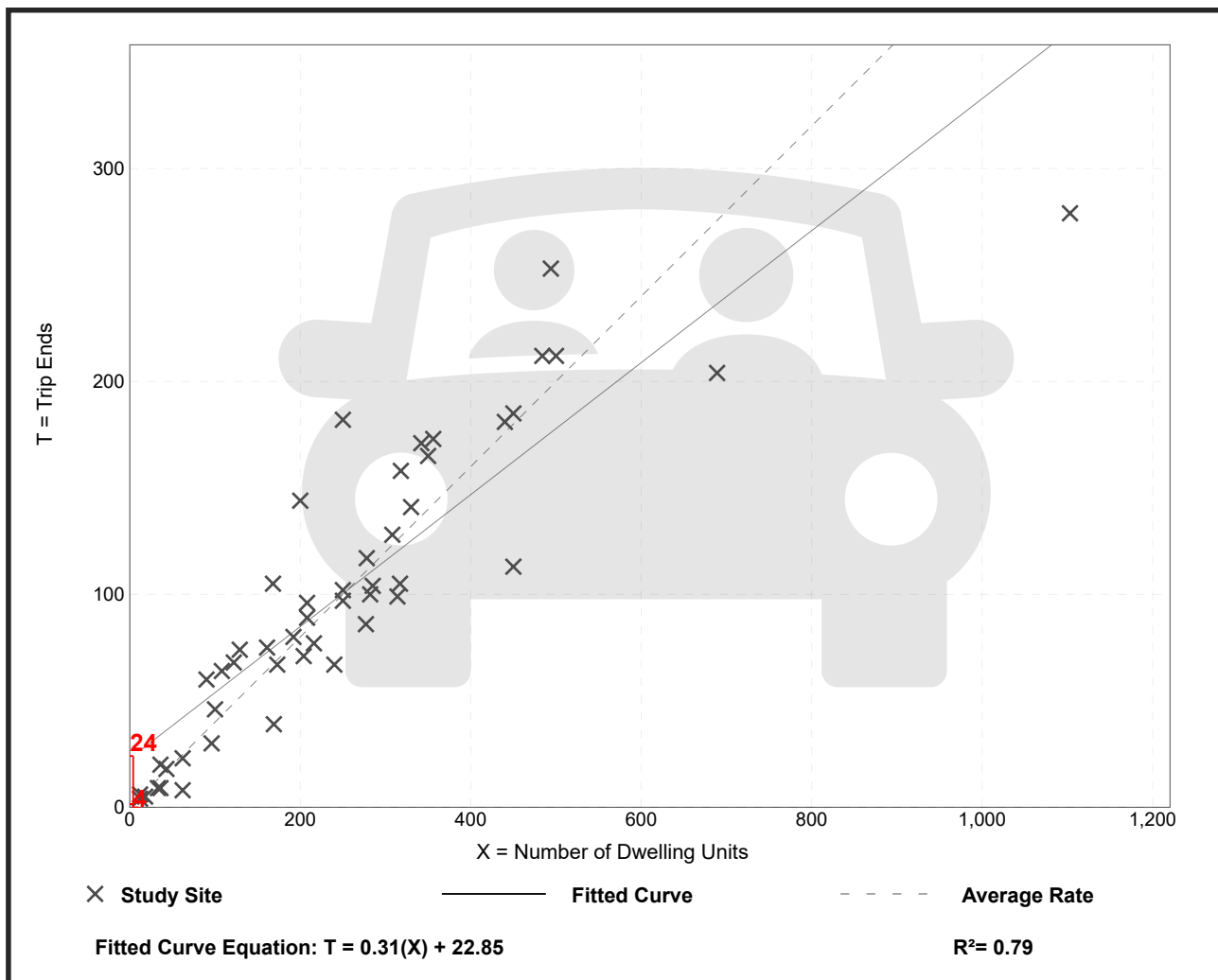
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
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: 59

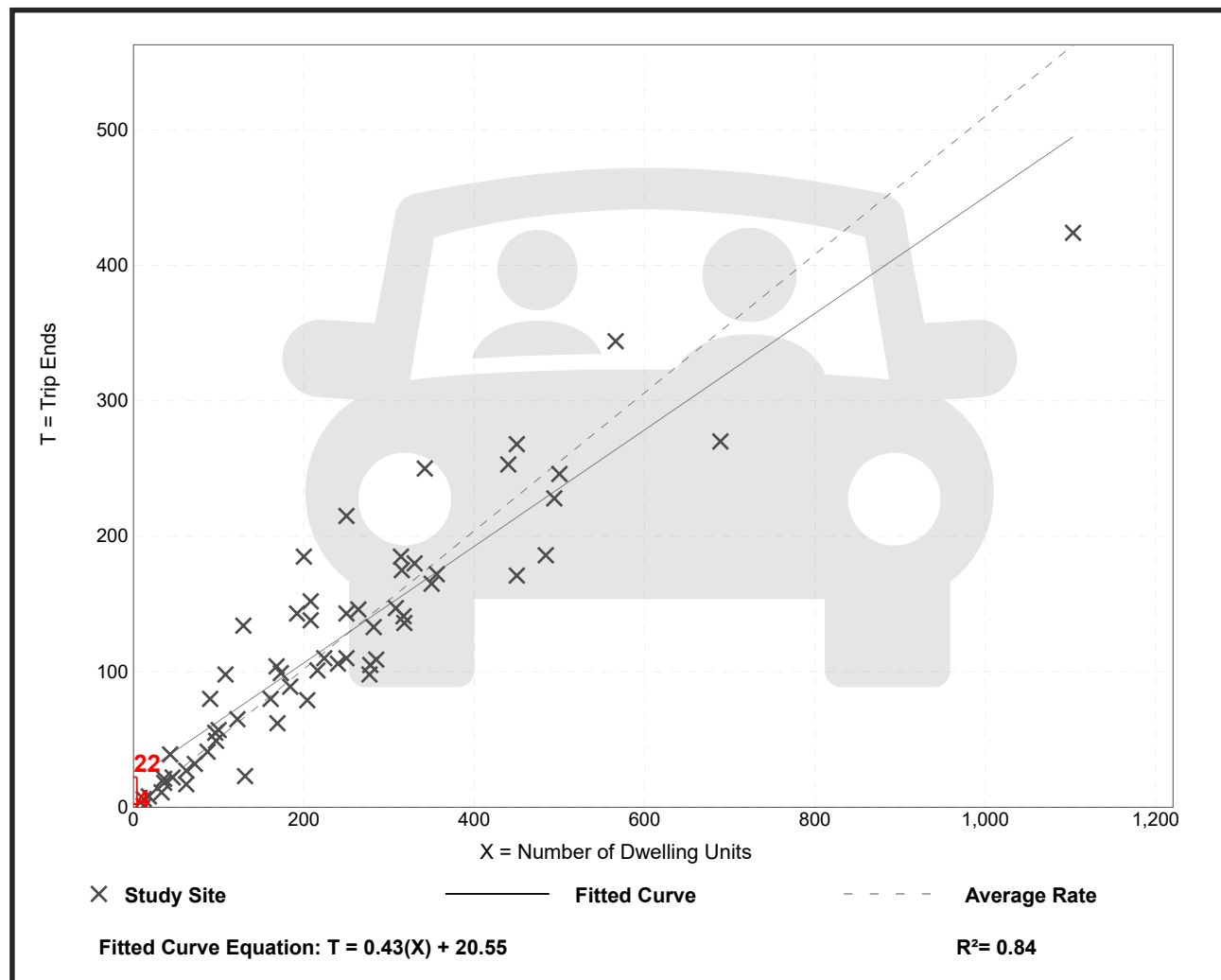
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

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

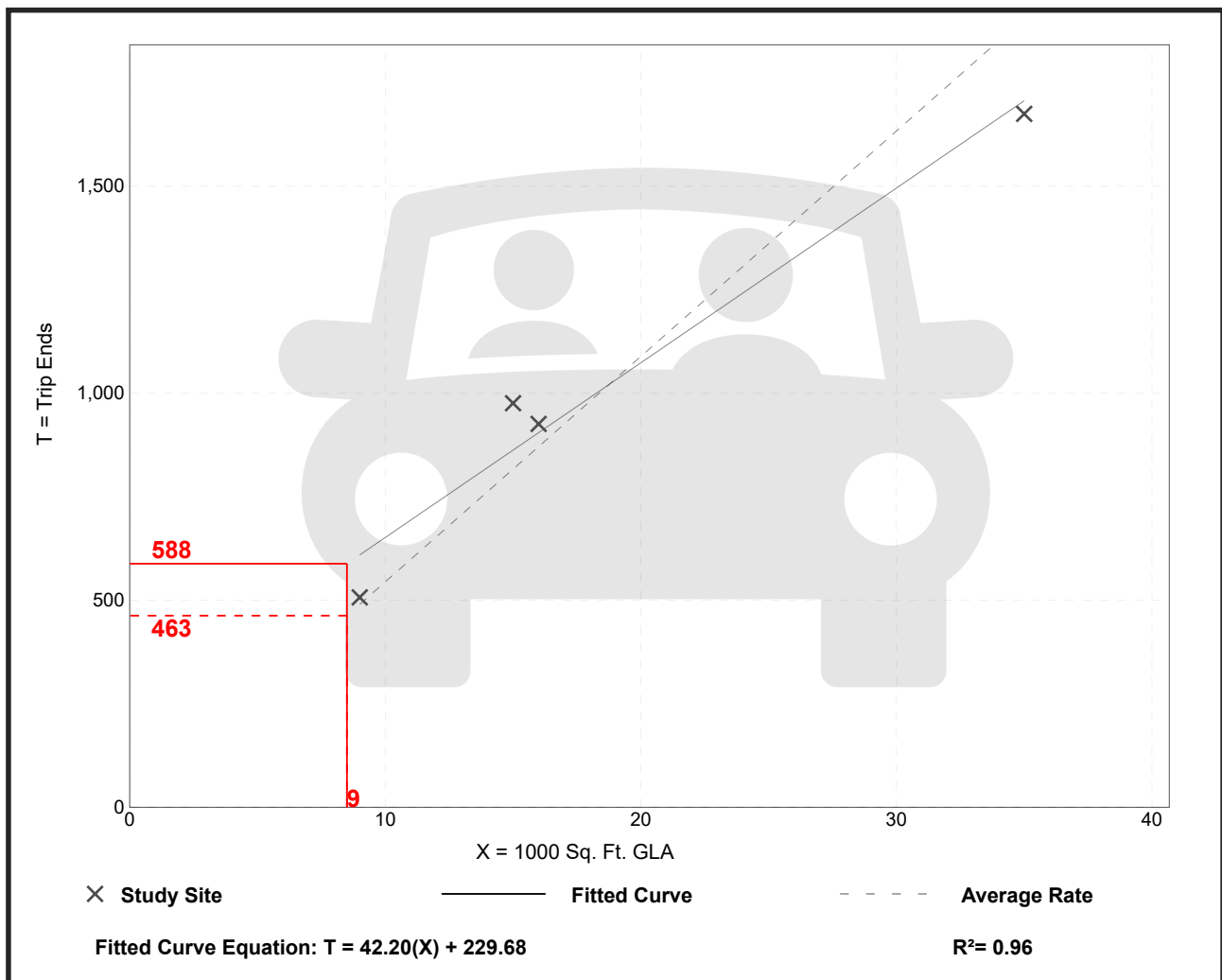
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation

Caution – Small Sample Size



Strip Retail Plaza (<40k) (822)

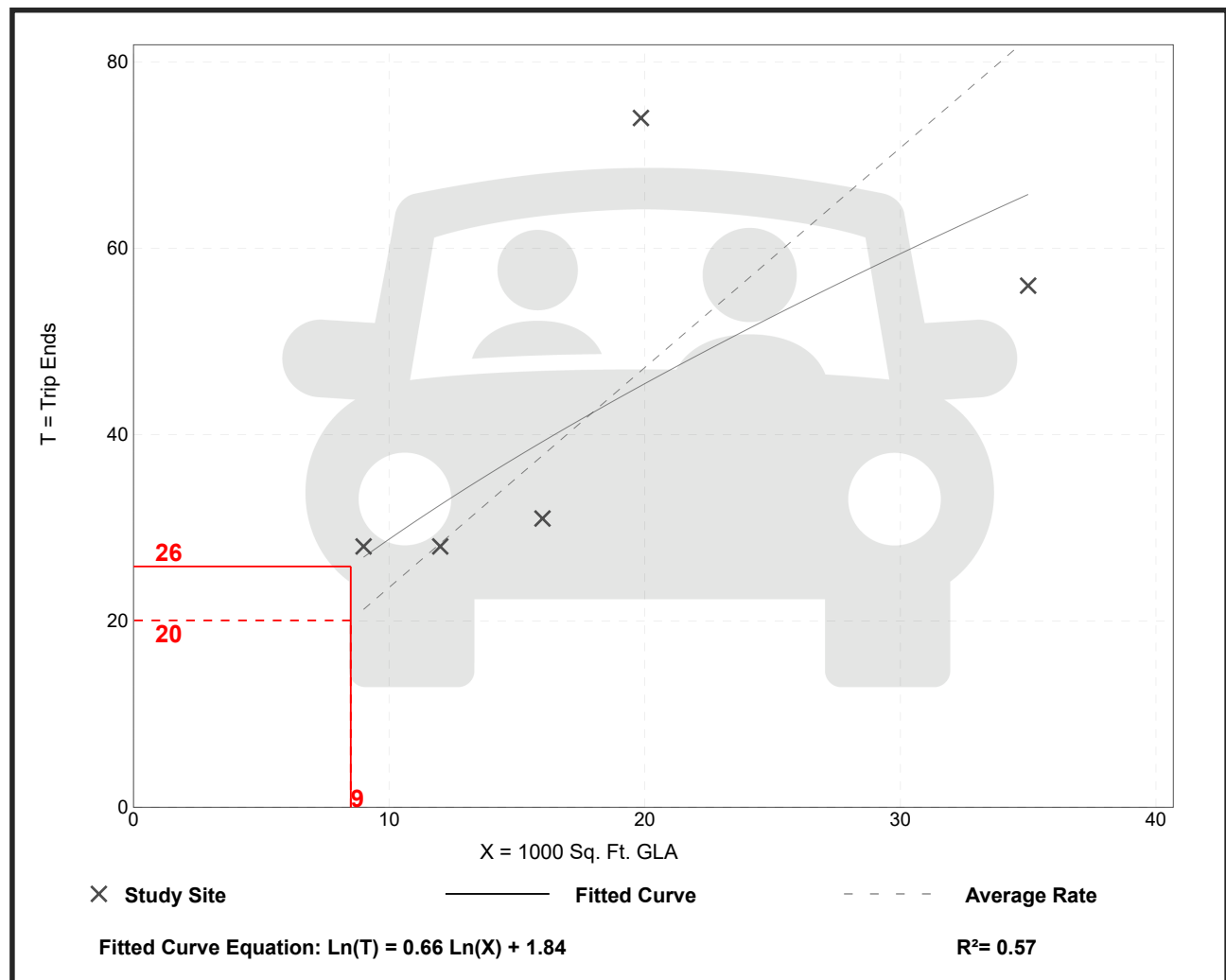
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 5
 Avg. 1000 Sq. Ft. GLA: 18
 Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation

Caution – Small Sample Size



Strip Retail Plaza (<40k)

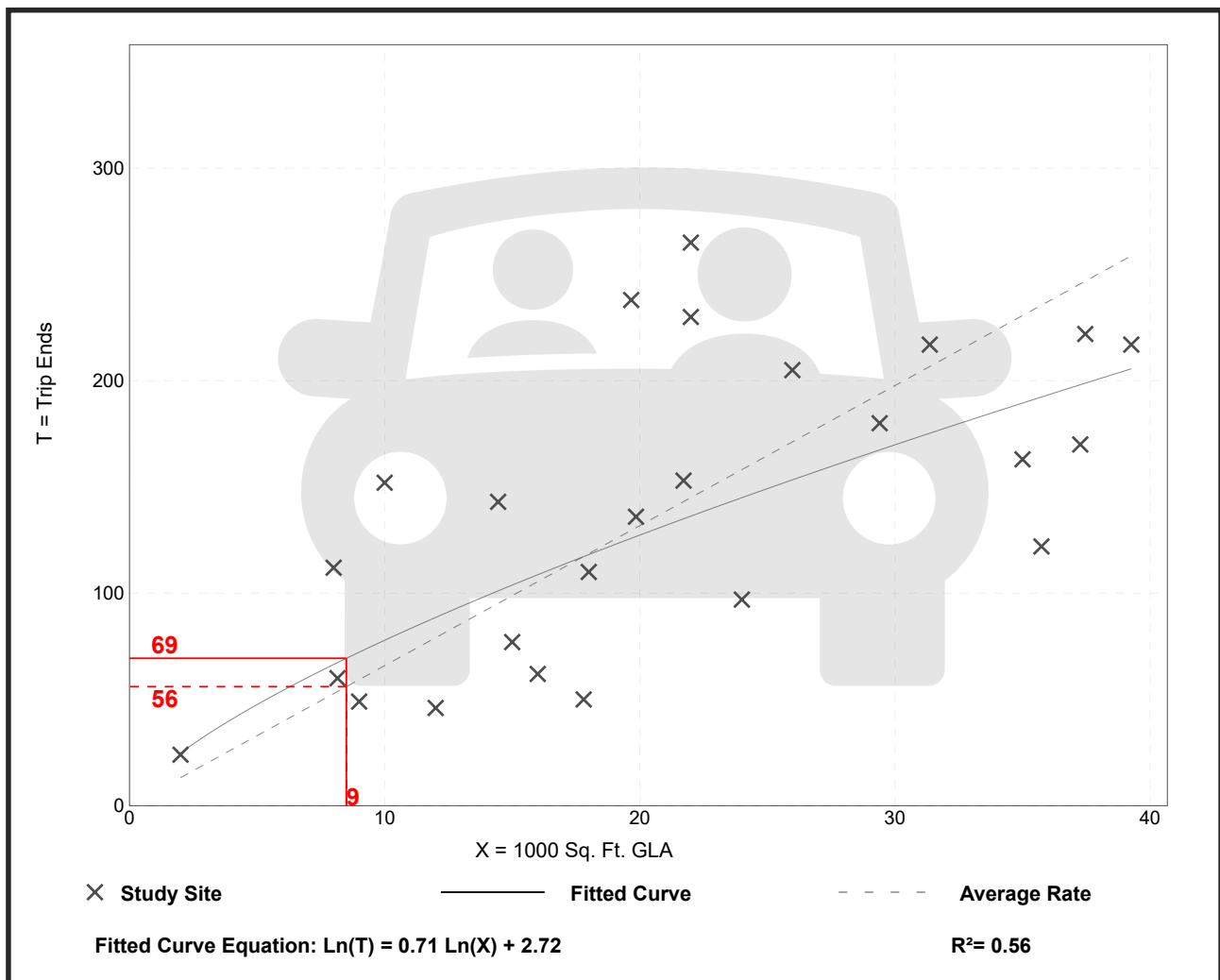
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 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: 25
 Avg. 1000 Sq. Ft. GLA: 21
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation



FLORIDA DEPARTMENT OF TRANSPORTATION
2022 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 12 LEE

SITE =====	SITE TYPE =====	DESCRIPTION =====	DIRECTION 1 =====	DIRECTION 2 =====	AADT TWO-WAY =====	"K" FCTR =====	"D" FCTR =====	"T" FCTR =====
6028	T	FOWLER ST, S OF HANSON ST, PTMS 2028, LCPR 28	0E	0E	24500 X	9.0	54.0F	7.3F
6029	T	CR 867/MCGREGOR BLVD, N OF MANUELS DR, PTMS 2029	0E	0E	12500 X	9.0	54.0F	4.1F
6030	T	DANIELS PKWY, 100? FT E OF PONDEROSA WY, PTMS 20	0E	0E	49000 X	9.0	54.0F	9.6D
6031	T	DANIELS PKWY, 150' W OF EAGLE RIDGE DR, PTMS 203	0E	0E	59500 X	9.0	54.0F	9.8F
6033		CHAMBERLIN PKWY, 250' S OF DANIELS PKWY, PTMS 20	S 0E	N 0E	1000 E	9.0	53.7F	6.4D
6034	T	PONDELLA RD, E OF BETMAR BLVD, PTMS 2034, LCPR 3	0E	0E	22500 X	9.0	54.0F	9.8F
6035	T	SUMMERLIN RD, 500' S OF PARK MEADOWS RD, PTMS 20	0E	0E	33000 X	9.0	54.0F	5.4F
6036	T	SUMMERLIN RD, 1000' E OF JOHN MORRIS RD PTMS	0E	0E	25500 X	9.0	53.9F	5.4F
6037	T	SR 867/MCGREGOR BLVD, 500' S OF PINE RIDGE RD, P	0E	0E	27500 X	9.0	53.9F	3.0X
6038	T	MCGREGOR BLVD/CR 867, N OF KELLY RD PTMS 20	0E	0E	16500 X	9.0	53.9F	8.3D
6039	T	GLADIOLUS DR, W OF BASS RD, PTMS 2039, LCPR 39	0E	0E	24000 X	9.0	53.9F	4.1F
6040	T	DEL PRADO BLVD, AT FOUR MILE COVE BLVD, PTMS 204	0E	0E	44500 X	9.0	54.0F	9.8F
6041	T	SR 739/US 41B, 500' N OF EDISON BRIDGE, PTMS 19,	0E	0E	45500 F	9.0	52.7F	8.2P
6042	T	BONITA BEACH RD/CR 865, W OF I-75, PTMS 2042, LC	0E	0E	39000 X	9.0	53.9F	4.1F
6043	T	COLLEGE PKWY, 600' E OF WINKLER RD, PTMS 2043, L	0E	0E	37000 X	9.0	53.9F	5.4F
6044	T	ESTERO BLVD, 100' N OF DONORA BLVD, PTMS 2044, L	0E	0E	12500 X	9.0	53.9F	8.3D

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED

"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011

AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST;
V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN

"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

13-MAR-2023 13:50:57

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622UPD

1_12_CAADT.TXT

TABLE 4

Generalized **Peak Hour Two-Way** Volumes for Florida's
Urbanized Areas¹

January 2020

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	1,510	1,600	**	4	4,050	5,640	6,800	7,420	
4	Divided	*	3,420	3,580	**	6	5,960	8,310	10,220	11,150	
6	Divided	*	5,250	5,390	**	8	7,840	10,960	13,620	14,850	
8	Divided	*	7,090	7,210	**	10	9,800	13,510	17,040	18,580	
						12	11,600	16,350	20,930	23,200	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	660	1,330	1,410	4	4,130	5,640	7,070	7,690	
4	Divided	*	1,310	2,920	3,040	6	6,200	8,450	10,510	11,530	
6	Divided	*	2,090	4,500	4,590	8	8,270	11,270	13,960	15,380	
8	Divided	*	2,880	6,060	6,130	10	10,350	14,110	17,310	19,220	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lanes					
Non-State Signalized Roadways - 10%						Present in Both Directions + 1,800					
Median & Turn Lane Adjustments						Ramp Metering + 5%					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		UNINTERRUPTED FLOW HIGHWAYS					
2	Divided	Yes	No	+5%		Lanes	Median	B	C	D	E
2	Undivided	No	No	-20%		2	Undivided	1,050	1,620	2,180	2,930
Multi	Undivided	Yes	No	-5%		4	Divided	3,270	4,730	5,960	6,780
Multi	Undivided	No	No	-25%		6	Divided	4,910	7,090	8,950	10,180
—	—	—	Yes	+ 5%		Uninterrupted Flow Highway Adjustments					
One-Way Facility Adjustment						Lanes	Median	Exclusive left lanes	Adjustment factors		
Multiply the corresponding two-directional volumes in this table by 0.6						2	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE²						¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.					
Paved Shoulder/Bicycle						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Lane Coverage	B	C	D	E		* Cannot be achieved using table input value defaults.					
0-49%	*	260	680	1,770		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
50-84%	190	600	1,770	>1,770		Source:					
85-100%	830	1,700	>1,770	**		Florida Department of Transportation					
PEDESTRIAN MODE²						Systems Implementation Office					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						https://www.fdot.gov/planning/systems/					
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	250	850							
50-84%	*	150	780	1,420							
85-100%	340	960	1,560	>1,770							
BUS MODE (Scheduled Fixed Route)³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6044 - ESTERO BLVD, 100' N OF DONORA BLVD, PTMS 2044, LCPR 44

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
----	-----	-----		-----		-----	-----	-----
2022	12500 X		0		0	9.00	53.90	8.30
2021	12500 X		0		0	9.00	53.50	4.10
2020	12500 X		0		0	9.00	53.40	5.70
2019	13000 T		0		0	9.00	53.80	3.10
2018	12500 S		0		0	9.00	53.30	2.60
2017	12400 F		0		0	9.00	52.90	3.60
2016	12476 C	N	6191	S	6285	9.00	52.90	2.80
2015	12751 C	N	6358	S	6393	9.00	52.90	2.80
2014	13531 C	N	6744	S	6787	9.00	52.90	5.20
2013	13496 C	N	6702	S	6794	9.00	52.70	6.50
2012	13657 C	N	6707	S	6950	9.00	53.20	3.00
2011	13753 C	N	6771	S	6982	9.00	52.90	3.50
2010	13554 C	N	6682	S	6872	9.77	53.36	2.80
2009	14113 C	N	7088	S	7025	9.55	52.60	3.10
2008	14205 C	N	7155	S	7050	9.56	52.72	3.60

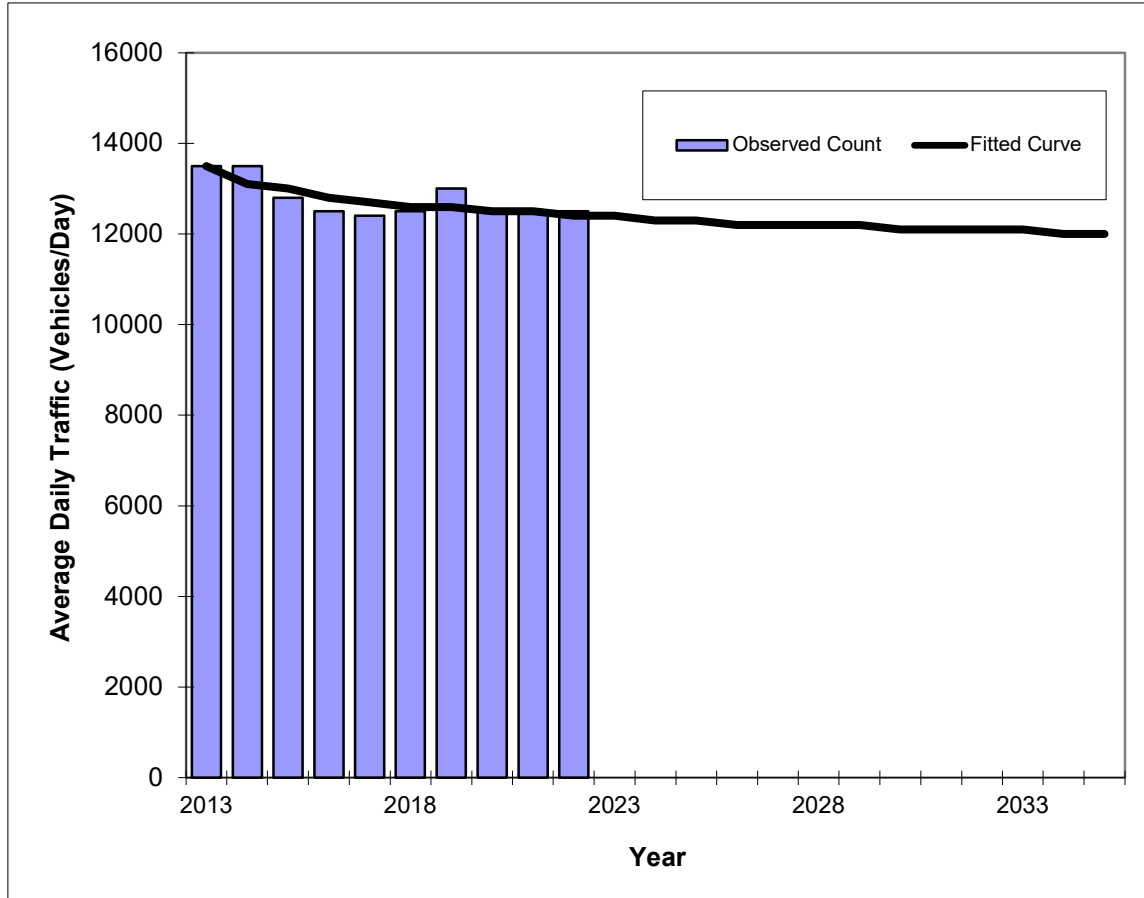
AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends - V03.a

ESTERO BLVD. --

FIN#	1234
Location	1

County:	Lee (12)
Station #:	6044
Highway:	ESTERO BLVD.



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2013	13500	13500
2014	13500	13100
2015	12800	13000
2016	12500	12800
2017	12400	12700
2018	12500	12600
2019	13000	12600
2020	12500	12500
2021	12500	12500
2022	12500	12400
2023 Opening Year Trend		
2023	N/A	12400
2024 Mid-Year Trend		
2024	N/A	12300
2025 Design Year Trend		
2025	N/A	12300
TRANPLAN Forecasts/Trends		

Trend R-squared:	64.21%
Compounded Annual Historic Growth Rate:	-0.94%
Compounded Growth Rate (2022 to Design Year):	-0.27%
Printed:	26-Jul-23
Decaying Exponential Growth Option	

*Axle-Adjusted

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[Attendance Policy](#)

[Bell Schedule](#)

[Dress Code/Uniform](#)

[Dismissal Procedures](#)

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[School Equity Coordinator](#)

[School Report Card \(SPARS\)](#)

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Bell Schedule



Full Day Schedule

7:55AM - 2:10PM

Early Dismissal

7:55AM - 12:10PM

Fort Myers Beach Elementary School

2751 Oak Street, Fort Myers Beach, FL 33931
Phone (239) 463-6356 | Fax (239) 463-3592

Website by SchoolMessenger Presence. © 2023 Intrado Corporation. All rights reserved. Non-Discrimination Policy Website Accessibility

Figure 2 - 6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.

INPUT

Roadway geometry:	2-lane roadway
Variable	Value
Major-road speed, mph:	25
Major-road volume (one direction), veh/h:	570
Right-turn volume, veh/h:	43

OUTPUT

Variable	Value
Limiting right-turn volume, veh/h:	755
Guidance for determining the need for a major-road right-turn bay for a 2-lane roadway:	
Do NOT add right-turn bay.	

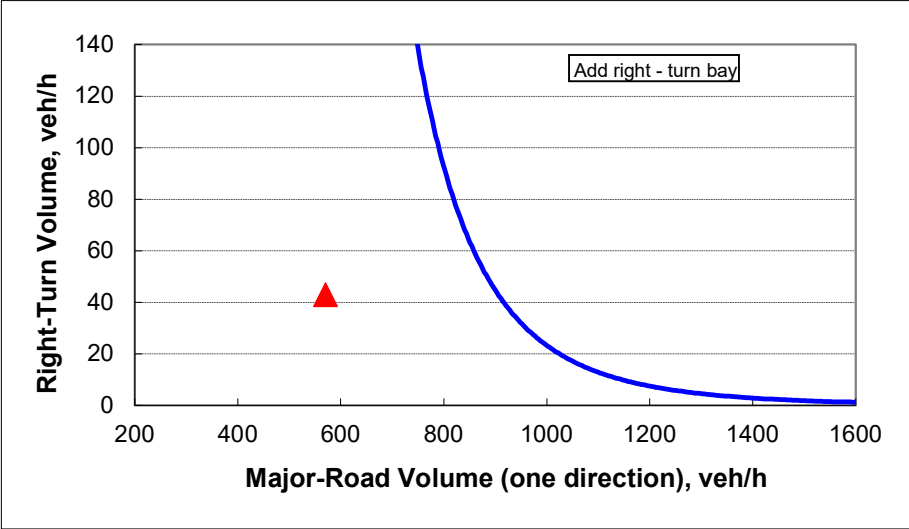


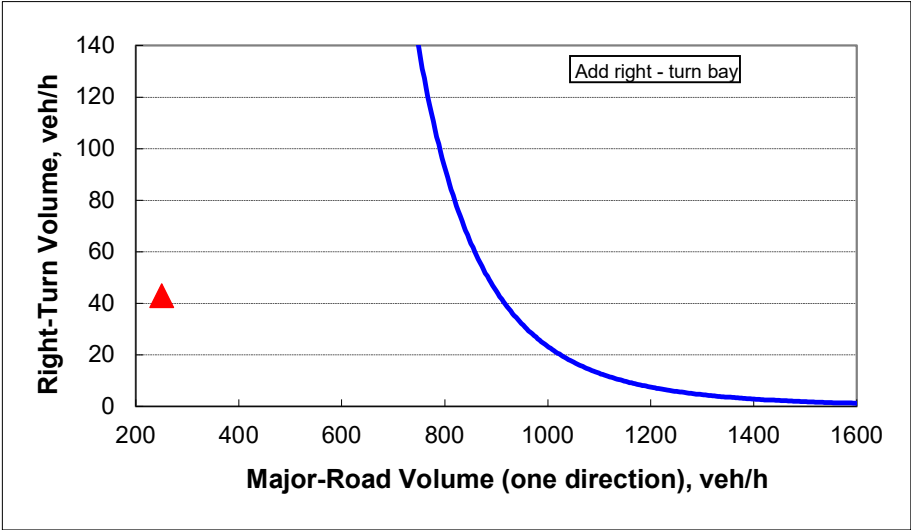
Figure 2 - 6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.

INPUT

Roadway geometry:	2-lane roadway
Variable	Value
Major-road speed, mph:	25
Major-road volume (one direction), veh/h:	250
Right-turn volume, veh/h:	43

OUTPUT

Variable	Value
Limiting right-turn volume, veh/h:	123963
Guidance for determining the need for a major-road right-turn bay for a 2-lane roadway:	
Do NOT add right-turn bay.	



How to Ride

¿Como Usarlo? / Fason pou vwayaje

- LeeTran’s bus routes are numbered and shown on the map in different colors.
- Locate on the map your starting point, your destination and the bus route(s) closest to them.
- Choose the appropriate bus schedule, showing departure times from major landmarks.
- Decide when you want to arrive at your destination, then work backward to determine when you need to catch the bus.
- Locate a LeeTran bus stop sign on the same side of the road as the direction in which you want to travel. Stand near the sign, so the driver knows that you want to catch the bus.

- Arrive at your bus stop at least five minutes before your departure time.

- Have your fare or pass ready, and enter the bus at the front door.

- If you have difficulty stepping on or off the bus, ask the driver to make the bus “kneel” to curb level. All LeeTran buses and trolleys have wheelchair ramps or lifts, and tie-downs. The driver will assist you.

- If you are entitled to a reduced fare, please have your ID ready.

- Onboard, signal for the bus to stop either by pulling the cord or pressing the strip along the windows at least one block before your desired stop.

- Leave the bus by the rear door and do not cross in front of the bus after disembarking.

- Use LeeTran’s easy online TripPlanner to map your trip at www.rideleetran.com

- Las rutas de LeeTran están numeradas y se muestran en el mapa con diferentes colores.

- Localice en el mapa su punto de partida y su destino final y la ruta o rutas más cercanas a los lugares que usted vaya a ir.

- Elija el horario apropiado que enseñe las horas de salida para los lugares claves que le sirvan para orientarse y poder llegar a donde usted desee ir.

- Decida a que hora quiera llegar a su destino, luego revise el horario del autobús y deter mine cuando lo debe tomar.

- Localice una parada del autobús en el mismo lado de la calle, en la dirección en la que usted quiera ir.

- Llegue a la parada por lo menos cinco minutos antes de la hora de la salida.

- Tenga el dinero del pasaje listo y entre al autobús por la puerta de enfrente.

- Si usted tiene dificultad al entrar o salir del autobús, dígame al chofer que baje el autobús al nivel de la banqueta.

- Todos los autobuses y trolebuses de LeeTran tienen rampas para las sillas de ruedas o elevadores y amares para las sillas. El chofer lo/la asistirá.

- Si usted tiene un descuento o reducción en su pasaje, por favor tenga su identificación lista.

- Señale para que el chofer pare el autobús ya sea jalando el cordón o haciendo presión en la franja junto a la ventanilla por lo menos una cuadra antes de su parada.

- Por favor después de salir del autobús no camine enfrente del mismo.

- Wout otobis LeeTran yo nimewote epi yo parèt sou kat jeyografik la nan diferan koulè.

- Lokalize sou kat jeyografik la pwen depa w, destinasyon w ak wout otobis(yo) ki pi pre yo.

- Chwazi orè otobis ki apwopriye a, ki montre lè y ap deplase sot nan gwo pwen repè yo.

- Deside lè w vle rive nan destinasyon w, epi apati de lè sa mache arekilon pou detèmine lè w ta dwe pran otobis la.

- Lokalize yon pano arè otobis LeeTran sou menm bò lari ak direksyon ou vle vwayaje a. Kanpe bò pano a, konsa chofè a konnen ou ou vle monte otobis la.

- Rive nan arè otobis la omwen senk minit anvan lè pou otobis la deplase.

- Mete lajan w oswa pas ou a prè, epi rantrè nan otobis la nan pòt devan an.

- Si w gen difikilte pou monte oswa desann otobis la, mande chofè a pou l fè otobis la “bese (kneel)” nan nivo twotwa a. Tout otobis LeeTran yo ak trolley yo genyen ramp oswa elevatè pou chèz woutlak, ak atachman. Chofè a pral ede w.

- Si w gen dwa pou yon tarif redwi, tanpri pare pou montre pyès idantifikasyon w.

- Pandan w nan otobis la, siyale pou otobis la kanpe swa lè w rale kòd la swa lè w peze bann ki bò fenèt yo omwen yon blòk anvan kote w ta renmen kanpe a.

- Desann otobis la nan pòt dèyè a epi pinga w travèse lari a devan otobis la aprè w fin desann li.

- Itilize planifikatè vwayaj (TripPlanner) LeeTran nan ki fasil sou entènèt la pou planifye vwayaj ou a nan www.rideleetran.com

Transit Fares

Tarifas de Pasaje
Tarif tranzit



Adult Fare	\$1.50
Discount Fare	\$0.75
Children 42” and Under	FREE

Discount Fares

Identificaciones de Transporte / Tarif rabè

LeeTran fare discount ID cards enable people 65 years of age or more, with disabilities, and full-time students to ride at a reduced fare. Photo ID TropiCards are made at the Rosa Parks Transportation Center, 2250 Widman Way, Fort Myers. Seniors must show proof of age; people with disabilities must show medical certification; and students must show proof of school enrollment.

Las tarjetas de identificación con descuento de tarifa de LeeTran permiten que las personas de 65 años o más, con discapacidades y estudiantes de tiempo completo viajen a una tarifa reducida. Las tarjetas TropiCards de identificación con foto se hacen en el Centro de Transporte de Rosa Parks, 2250 Widman Way, Fort Myers. Las personas mayores deben mostrar prueba de edad; las personas con discapacidades deben mostrar una certificación médica y los estudiantes deben mostrar un comprobante de inscripción escolar.

Kat idantifikasyon pou tarif rabè LeeTran nan pèmèt moun ki gen 65 an oswa plis, ki gen andikap, ak etidyan apilantan yo pou yo vwayaje avèk tarif ki redwi. Yo fè idantifikasyon foto TropiCards yo nan Rosa Parks Transportation Center, 2250 Widman Way, Fort Myers. Moun ajè yo dwe montre prèv laj yo; moun ki gen andikap yo dwe montre sètifikasyon medikal; epi elèv yo dwe montre prèv yo enskri nan lekòl.

Bus Passes

Pases de Autobús
Pas pou otobis yo

	Regular Adult	Senior/ Disabled Discount	Student Discount
31-Day Passes	\$40	\$23	\$25
7-Day Passes	\$15	\$11	\$12
12-Trip Passes	\$13.50	\$6.50	\$6.75
All Day Pass	\$4		
3-Day Trolley Pass	\$4		

LeeTran riders can save money by purchasing passes good for multiple trips. They can be purchased on our secure website, rideleetran.com, or at the following locations:

LeeTran puede ahorrarle dinero al comprar los pases para múltiples viajes. Los Boletos se pueden comprar en el internet visitando rideleetran.com y los siguientes locales:

Pasaje LeeTran yo ka ekonomize lajan lè yo achte pas ki bon pou plizyè vwayaj. Ou ka achte yo sou sitwèb nou an ki sekiirite, rideleetran.com. oswa nan lokal ki pral site aprè yo:

Fort Myers

Rosa Parks Transportation Center
Customer Service Counter and TVM
2250 Widman Way

LeeTran Headquarters
Customer Service Counter
3401 Metro Parkway

Florida SouthWestern State College Bookstore
8099 College Parkway

Lakes Regional Library
15290 Bass Road

Riverdale Branch Library
2421 Buckingham Road

Edison Mall Transfer Station
TVM only
4125 Cleveland Ave

Beach Park & Ride
Seasonal Customer Service Counter and TVM
11101 Summerlin Square Drive

Cape Coral

Cape Coral-Lee County Public Library
921 SW 39th Terrace

Cape Coral Tranfer Center
TVM only
820 SE 47th Terrace

North Fort Myers

North Fort Myers Public Library
2001 N. Tamiami Trail

Lehigh Acres

East County Regional Library
881 Gunnerly Road



All Publix Stores in Lee County
Compre su pase en cualquier Publix
Creole translation to come

Help Everyone Enjoy the Ride

Ayude a Que Todo el Mundo Disfrute el Viaje
Ede tout moun pwofite vwayaj la



- Eating, drinking, smoking (including e-cigarettes), and profanity are prohibited.

- Electronic devices that could disturb others, such as radios, video games, or MP3 players must be used with headphones.

- Please reserve the front seats for elderly or disabled riders.

- Please do not block the aisles with packages, bags or strollers.

- No weapons, alcohol or illegal substances are permitted on the bus.

- Passengers must remain behind the yellow line while the bus is in motion.

- Shirts and shoes are required.

- Comer, beber, fumar y decir palabras obscenas está prohibido.

- Aparatos electrónicos que puedan molestar a otros, como radios, juegos de video, o MP3 deben de ser usados con audífonos.

- Por favor deje los asientos de enfrente libres para los pasajeros de mayor edad y aquellos que están incapacitados.

- Por favor no bloquee el pasillo del autobús con paquetes, bolsas o con carritos de los niños.

- No están permitidas las bebidas alcohólicas, sustancias ilegales, ni armas en el autobús.

- Los pasajeros deben de permanecer detrás de la línea amarilla mientras el autobús este en movimiento.

Paratransit Service

El Servicio Paratransit
Transpò adapte pou
moun ki andikape



LeeTran’s paratransit service called Passport is available for those whose disabilities make it difficult for them to use a regular bus. Passport operates in the same service area, during the same hours, and on the same days as regular route bus service. A certification process is required; to obtain an application or additional information, call the Passport office at 239-533-0300, Monday through Friday between 8 a.m. and 5 p.m.

El servicio paratransit llamado Pasaporte está disponible para aquellos que sus incapacidades hacen imposible para que ellos puedan usar un autobús regular. El servicio Pasaporte opera en la misma zona, durante las mismas horas, y los mismos días que los autobuses regulares. Un proceso de certificación es requerido; para obtener una solicitud o más información, llame a la oficina del Pasaporte al 239-533-0300 de lunes a viernes entre las 8:00 de la mañana a las 5:00 de la tarde.



Sévis transpò adapte pou moun ki andikape LeeTran nan ki rele Passport disponib pou moun kote andikap yo rann li difisil pou yo itilize yon otobis nòmal. Passport opere nan menm zòn sévis la, pandan menm lè yo, epi nan menm jou ak sévis otobis wout nòmal yo. Gen yon pwosesis sètifikasyon ki obligatwa; pou jwenn yon aplikasyon oswa enfòmasyon siplemantè, rele ofis Passport la nan 239-533-0300. De lendi a vandredi ant 8 è a.m. ak 5 è p.m.



Limited Use Passes are available in single or multi-trip/day options. They can be purchased at LeeTran Headquarters, Rosa Parks Transportation Center or any LeeTran Ticket Vending Machine.

Limited Use Passes están disponibles en opciones de uno o varios viajes/día. Se pueden comprar en las oficinas centrales de LeeTran, en el centro de transporte de Rosa Parks o en cualquier máquina expendedora de boletos de LeeTran.

Limited Use Passes disponib nan opsyon vwayaj sen oswa plizyè vwayaj nan yon jounen. Ou ka achte yo nan biwo jeneral LeeTran, Rosa Parks Transportation Center oswa nan nenpòt lòt distribitè otomatik tikè LeeTran.

Cash is still accepted on all buses. Remember, the fare box does not provide change so make sure you have the exact fare amount.

Todavía se acepta efectivo en todos los autobuses. Recuerde, el cuadro de tarifa no proporciona cambio, así que asegúrese de tener el monto exacto de la tarifa.

Yo toujou aksepte lajan kach nan tout otobis yo. Sonje bwat kote w depoze lajan an apa bay monnen kidonk asire w ou gen montan egzat pou vwayaj la.



Holiday Service

Los Servicios en los Días Feriados
Sèvis nan jou ferye



There is no LeeTran service on the following holidays:

- New Year’s Day
- Memorial Day
- 4th of July
- Labor Day
- Thanksgiving
- Christmas Day

No hay servicio para los autobuses de LeeTran en los siguientes Días Feriados:

Año Nuevo
Día Conmemorativo
El 4 de julio

El Día del Trabajo
El Día del Accón de Gracias
Navidad

Pa gen sévis LeeTran nan jou ferye ki pral site la yo:

Joudlan
Jou Souvni
4 Jiyè

Jou Travay
Aksyondegras
Nwèl

Lost and Found

Objetos Perdidos y Encontrados
Objè pèdi

Personal items left on the buses are collected at the end of the day and held for 90 days per state statute. Parishables (food items) are thrown out the same day. If you have lost an item on the bus, please call 239-533-8726 to determine if it can be recovered. LeeTran is not responsible for lost or stolen items.

Los objetos que fueron olvidados en los autobuses son recogidos al finalizar el día y serán guardados por 90 días. Si usted ha olvidado un objeto en el autobús, por favor llame al 239-533-8726 para determinar si se puede recuperar. LeeTran no es responsable por los objetos olvidados o robados.

Yo kolekte atik pèsonèl moun kite nan otobis yo nan fen jounen an epi yo kenbe yo pandan 90 jou selon lwa eta a. Yo jete atik perisab (manje) menm jou a. Si w te pèdi yon bagay nan otobis la, tanpri rele 239-533-8726 pou detèmine si w ka rejwenn li. LeeTran pa responsab pou bagay ou ki pèdi oswa bagay ou yo volè.

Title VI Compliance

Título VI Cumplimiento
Konfòmite ak Tit VI

LeeTran complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin. If you feel you have been discriminated against, you may file a complaint by calling LeeTran at 239-533-8726 or Lee County’s Office of Equal Employment Opportunity at 239-533-2245.

LeeTran cumple con el Título VI del Acta de Derechos Civiles de 1964 que prohíbe la discriminación por causa de su raza, color o nación de origen en cualquier programa o actividad que recibe dinero federal. Para reportar violaciones llame a LeeTran al 239-533-8726 o las oficinas del Condado de Lee al 239-533-2245.

LeeTran konfòme lak Tit VI nan lwa sou Dwa Sivil ane 1964 la (Civil Rights Act of 1964) ki entèdi diskriminasyon sou baz ras, koulè oswa orijin nasyonal. Si w santi w te viktim diskriminasyon, ou ka pote yon plent lè w rele LeeTran nan 239-533-8726 oswa Ofis Opòtinite Travay Egal konte Lee (Lee County’s Office of Equal Employment Opportunity) nan 239-533-2245.



System Map

Diagrama del Sistema • Kat Sistèm

FORT MYERS • FLORIDA



3401 Metro Parkway
Fort Myers, FL 33901

(239) LEE-TRAN (533-8726)
rideleetran@leegov.com
rideleetran.com

LeeTran Customer Service
Call (239) 533-8726 ext. 1

Customer Service Hours
Mon- Fri: 8am to 5pm
Saturday & Sunday: Closed

Suggested Apps

- Planning your trip
- Managing your fare amount
- Tracking buses in real-time

transit LeeFare

Welcome Aboard

Bienvenido a bordo
Byenvini abò

LeeTran has served Lee county residents and visitors since 1977. It currently operates 26 bus routes with over 1,700 bus stops covering more than 400 miles of roadway.

LeeTran offers a safe and reliable way of getting to work, school, shopping or recreation.

LeeTran ha servido a los residentes y visitantes del condado de Lee desde 1977. Actualmente opera 26 rutas con más de 1,700 paradas de autobús cubriendo más de 400 millas.

LeeTran ofrece una forma de ir al trabajo, a la escuela, compras o recreación segura y confiable.

LeeTran ap desèvi rezidan ak vizitè konte Lee depi 1977. Pou lemoman li opere 26 wout otobis avèk plis pase 1 700 arè otobis ki kouvri plis pase 400 mil sipèfisi wout.

LeeTran ofri yon fason ki san danje epi ki faby pou al travay, al lekòl, al fè acha oswa al nan amizman.





LeeTran



Routes - Rutas - Wout yo

- 5 Edison Mall/Forum
- 10 Edison Mall/Dunbar
- 15 Rosa Parks/Tice
- 20 Dunbar/Rosa Parks
- 30 Bell Tower/Camelot Isles
- 40 Cape Transfer Ctr./Coralwood Mall
- 50 Airport/Beach Park & Ride
- 60 San Carlos Park/Gulf Coast Town Ctr.
- 70 Rosa Parks/Cape Transfer Ctr.
- 80 Edison Mall/Bell Tower
- 100 Rosa Parks/Riverdale
- 110 Edison Mall/Lehigh Acres
- 120 Edison Mall/Cape Transfer Ctr.
- 130 Edison Mall/Beach Park & Ride
- 140 Merchants Crossing/Bell Tower
- 240 Coconut Point Mall/Bell Tower
- 410 Bowditch Park/Lovers Key
- 490 Beach Park & Ride/Times Square
- 515 Lehigh Acres Circulator
- 590 Merchants Crossing/Suncoast
- 595 Merchants Crossing/Pondella Rd.
- 600 Coconut Point/Immokalee Rd

Downtown Fort Myers



Map Symbols - Símbolos del Mapa

- Bus Route
Línea de Autobús
- Select Trips Only
Viajes Seleccionados
- Route Direction
Dirección de Línea
- CAT
Collier Area Transit Route
Línea de Tránsito del Área Collier
- Seasonal Tram & Trolley Routes
Rutas de Tram y Trolley Estacional
- Transfer Locations
Lugares de transferencia
- Interline Locations
Interlínea de transferencia
- Publix - Buy Passes Here
Publix - Comprar pases aquí
- Clinic/Hospital
Hospital
- Park & Ride
Parqueo público
- College/University
Universidad
- Shopping Center
Centro comercial
- Library
Biblioteca
- Place of Interest
Lugar de interés

Points of Interest
Lugares de Interés

- A Lee County Public Works
- B Lee County Justice Center
- C Lee County Administration
- D Ft. Myers City Hall
- E US Courthouse
- F Caloosa Sound Convention Center

Beach Tram - FREE SEASONAL SERVICE
NOVEMBER THROUGH APRIL

Downtown River District Trolley
SEASONAL SERVICE - NOVEMBER THROUGH APRIL

- BLUE Oasis/McGregor
- GOLD Rosa Parks/North Fort Myers





MYERSIDE

CAFE

SOUVENIRS



























THE NEIGHBORHOOD COMPANY

THE MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING

SCHEDULE OF USES

Lodging

Principal:

- Hotel/Motel (Inclusive of Hotel Condominiums)
- Guest Units

Accessory:

- On premise consumption of alcoholic beverages
- Hotel/Motel Accessory Uses
- Personal Services
- Recreational Facilities

Residential

- Work/Live Units

Retail

- Offices, General or Medical
- Personal Services
- Restaurant with on premise consumption of alcoholic beverages
- Retail Store, Small & Large
- Subordinate Commercial Uses



THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING
PROPERTY DEVELOPMENT STANDARDS

Minimum Lot Size

Lot Area	1.03 ± acre
Lot Width	145 feet
Lot Depth	300 feet

Build to Line (Estero Blvd.)	5 - 10 feet
-------------------------------------	-------------

Minimum Setbacks Primary Structure

Secondary Street (School St.)	10 feet
Rear Yard (Oak St.)	50 feet
Side Yard	15 Feet

Minimum Setbacks Accessory Structures

Secondary Street (School St.)	10 feet
Rear Yard (Oak St.)	0 feet for dumpster enclosure, 10 feet for all other structures
Side Yard	15 Feet

Maximum Zoned Height	37 feet (measured from base flood elevation + 3' of freeboard to mid-point of roof)
-----------------------------	---

Maximum Actual Height	50 feet (measured from grade to peak of roof)
------------------------------	---

Maximum Stories	4 Stories
------------------------	-----------

Maximum Floor Area Ratio	1.0
---------------------------------	-----



SOUTH WEST DISTRICT
THE FLORIDA ANNUAL CONFERENCE

The United Methodist Church

THE REV. DR. DEBORAH L. ALLEN, DISTRICT SUPERINTENDENT
SANDY J. VOIGT, SR. ADMINISTRATIVE ASSISTANT

October 30, 2023

Council, LPA and Staff of the:
Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, Florida, 33931

Re: Myerside LLC CPD MIXED USE APPLICATION

To Whom It May Concern:

Beach United Methodist Church is an immediate neighbor of the Myerside property owned by Beverley Milligan and Roland Weinmann. Through various ministers at the church, we have worked with them, our neighbors, for over 12 years, supporting them in the clean-up and renovation of their property and the resulting gentrification of our neighborhood. We also supported them in their recent and successful 2021 Application to expand their resort to include additional units, a restaurant and a store. We did this because they have been good neighbors, have contributed to the neighborhood and the community.

As a community, we have all suffered great losses, but were not surprised and pleased to hear from Ms. Milligan about the resilient, reasonable and attractive Myerside rebuild. She reviewed with us the concept drawings, which we understand includes 42 units, 4-6 of which will be used for staff and the balance, hotel. We were excited to hear about the hope to attract health and wellness professionals and other quality retail back to the island populating the proposed retail space, as well as a full-service restaurant, that will be open both to the public and provide room service, offer poolside service and occupy space on the main floor.

Beach United Methodist Church and Myerside are uniquely situated in a community hub, where it makes sense to provide to this island, Bay Oaks, the Library and the community, what Myerside hopes to build and offer. We note that previously every unit at Myerside enjoyed a Bay Oaks membership. We know that Bev and Roland are invested in the FMB Community and we have already witnessed how they brought back to life a property that was ground zero for the drug trade on the island. They did it once and we fully believe they will take the lead in being one of the first boutique businesses to build back and build better

It is for the above reasons that our South West United Methodist district office fully supports Myerside in its application and urge council to approve the application in its entirety.

Sincerely,

Rev. Dr. Deborah L Allen
District Superintendent

To: Town of Ft. Myers Beach
Town Council, and
Planning Commission

August 30, 2023

Re: Myerside Proposal Plans

To Whom It May Concern;

We own the property immediately adjacent to 2661-2681 Estero Blvd.

We have met with Myerside and have been shown sketches of the redevelopment plans as of August 30, 2023. This project would serve the town and the community well.

Bev and Roland, as well as the Myerside staff have been great neighbors.

We strongly encourage all parties involved to support this project.

Thank you in advance for considering this letter.

Sincerely,

Marty and Amy Folliard

Owners of 2651 Estero Blvd.



MEMO

To: File

From: Laura Tefft

Date: August 31, 2023

Subject: Summary of Public Outreach Meeting from 08/31/2023

A public outreach meeting was held on August 31, 2023, with an open invitation to Fort Myers Beach Chamber of Commerce and Board of Realtors.

The meeting was held at the Diamondhead Resort on Fort Myers Beach and started at 5 pm. A presentation was made by the Myerside Team Members with an opportunity for questions at the end of the presentation.

A copy of the presentation and summary list of the questions are enclosed for review.



MEMO

To: The Myerside Commercial Planned Development
From: Laura Tefft
Date: August 31, 2023
Subject: Summary of Questions from the Chamber of Commerce/Realtor Meeting

Please find below a summary of the questions which were posed by audience members during the Fort Myers Beach Chamber of Commerce/Realtor meeting which took place on August 31, 2023. I have provided a few of the replies in *italics*.

1. Is there a lobby? *Yes, it will be on the commercial level.*
2. How many workforce units? *We anticipate 4 workforce units in addition to the hotel units.*
3. Is there a trolley stop at the library? *Yes, there is one in front of the Library on Estero Blvd.*
4. What will the setback be off Estero? *There will be a build-to-line, and it is anticipated to be between 10-15' from EOP to covered area.*
5. Historically people lived in the trees? Will they be replanting them? *We will have a planting plan as we go through the approval processes for construction.*
6. Is the requested density within the LDC guidelines? *It was explained that through the planned development process the Town allows developers to request height and density. There is a density multiplier within the LDC.*
7. What is the FAR? *Floor Area Ratio was explained.*
8. A concern was raised about sewer & water capacity. *A capacity analysis will be done through the Development Order review process.*

Misc. Comments –

- Loved design.
- Build it.
- Compliments to the team & hearing what people are saying they want.
- Height seems to be the biggest concern.
- Heart of the Island Committee Member spoke that she was glad to see they were working toward carrying out the Comp Plan Vision.

THE MYERSIDE

Fort Myers Beach, Florida

Community Information Presentation

August 31, 2023

INTRODUCTIONS

THE MYERSIDE

- Owners: Beverly Milligan and Roland Weinmann
- Fort Myers Beach, FL
- Owners since 2012

THE NEIGHBORHOOD COMPANY

- Fort Myers, FL / Land Use Planning & Design

JAY KAMB GROUP

- Fort Lauderdale, FL / Architectural Design & Renderings



BACKGROUND & MOVING FORWARD

MYERSIDE RESORT & COTTAGES – PRE IAN

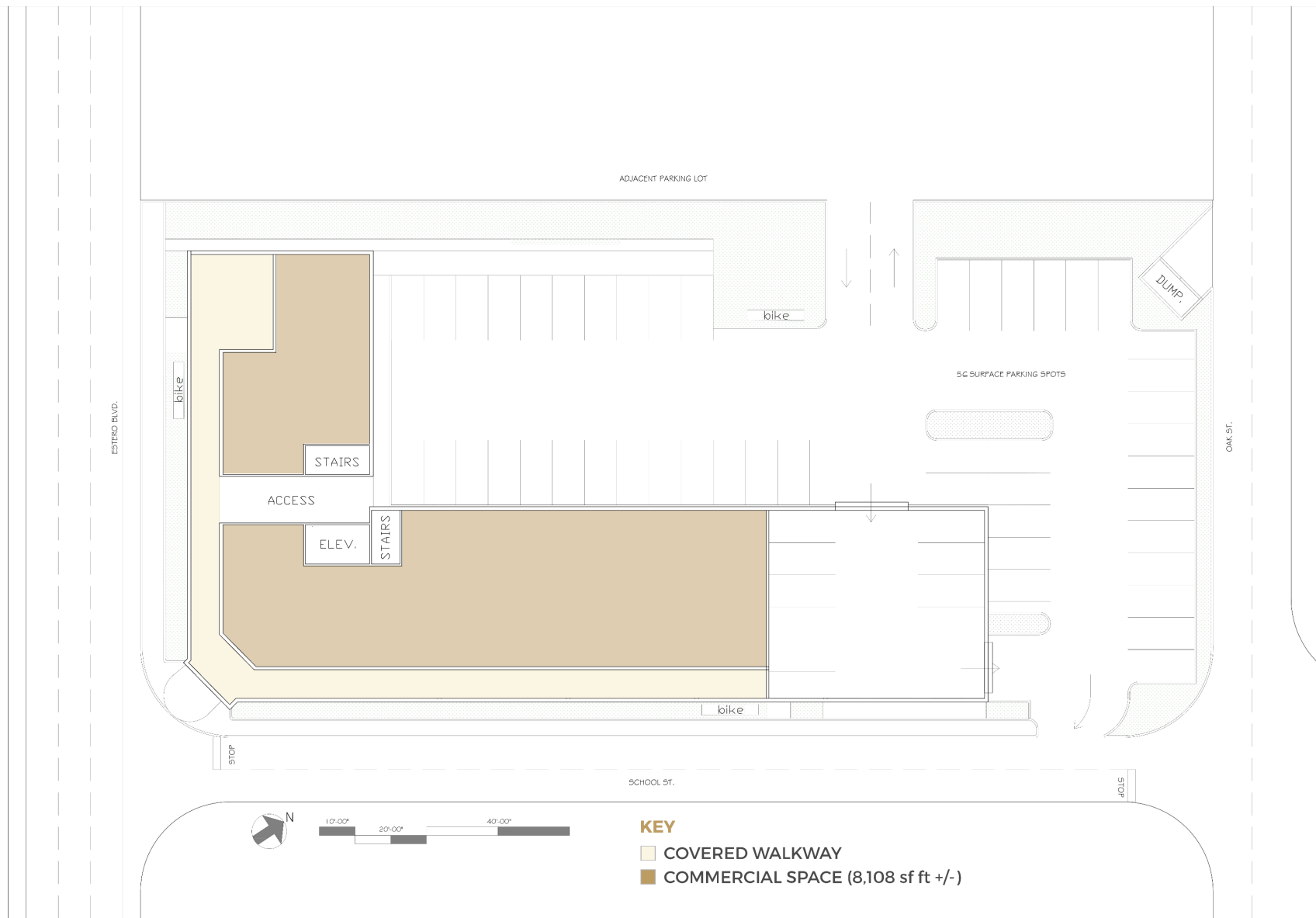
- Originally developed 1950's and 1960's
- 1 Acre – Consists of 12 platted lots of the Winkler's Subdivision
- 12 Residential Units, Office, Amenities and Accessory Uses
- 2021 - Town approved rezoning to expand to 14 Lodging Units, Amenities, Restaurant, and Retail
- Excited that development was almost underway
- Devastating impacts of Ian forced to go with a new vision of Myside

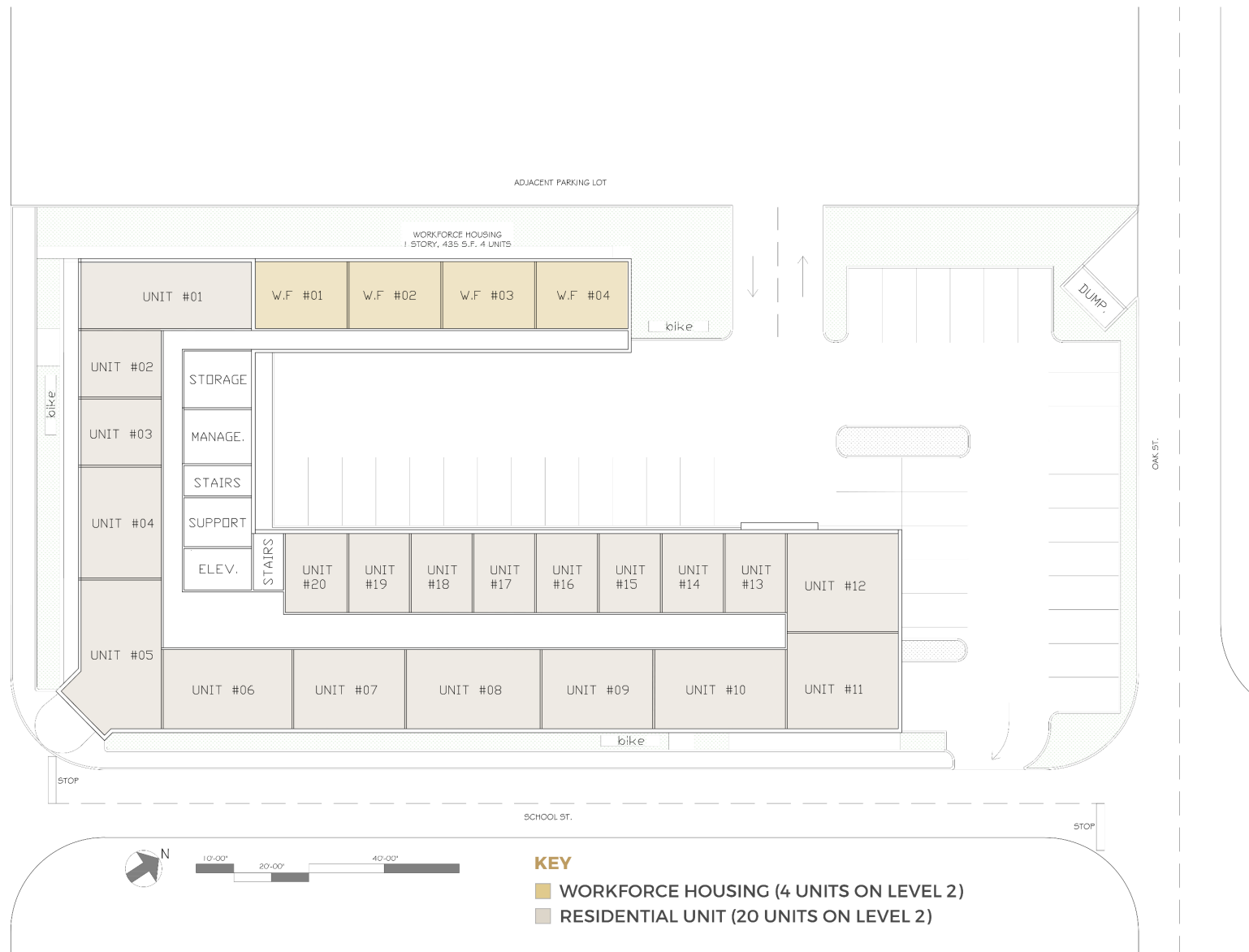
BACKGROUND & MOVING FORWARD

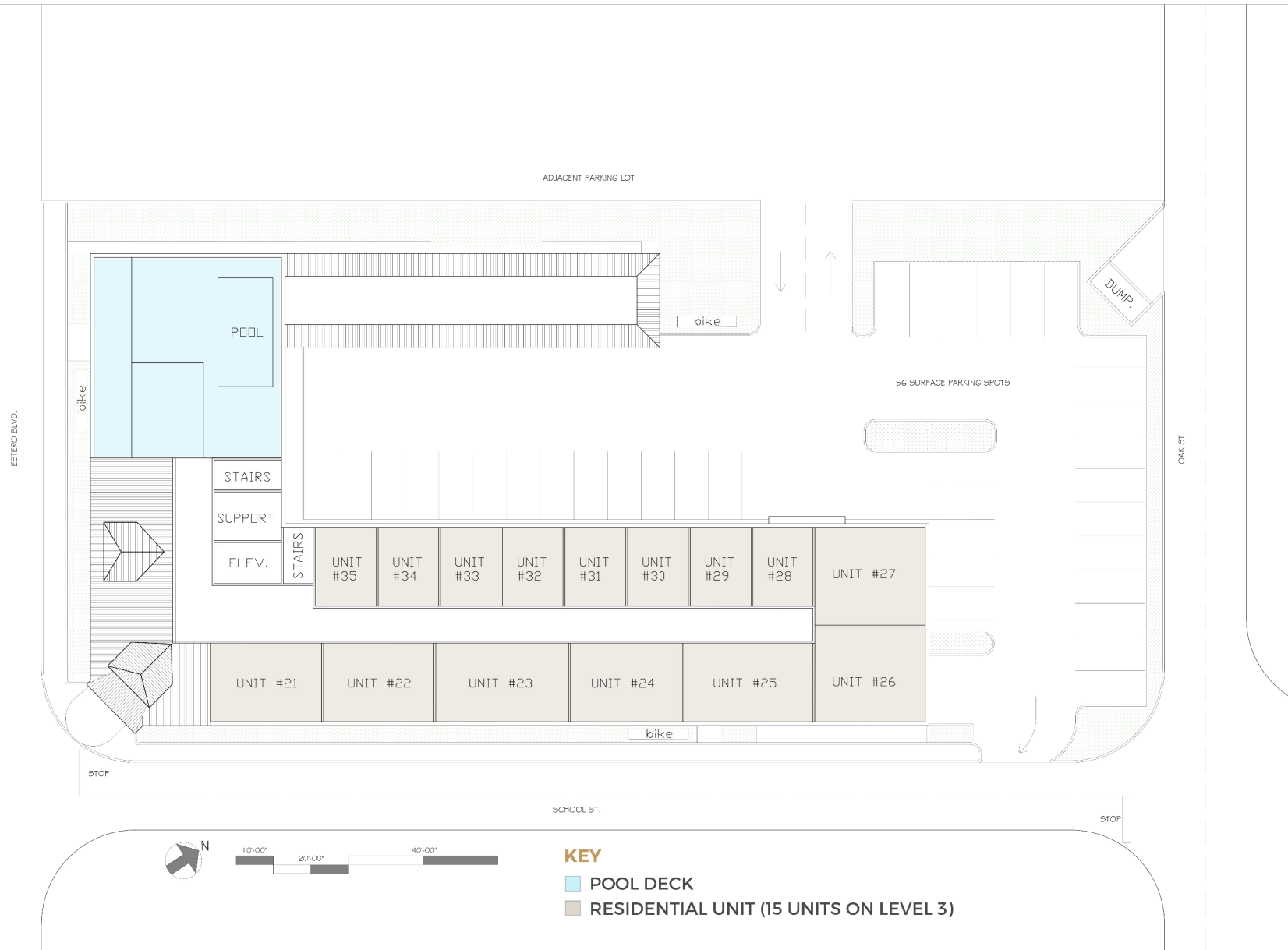
THE MYERSIDE - REDEVELOPMENT

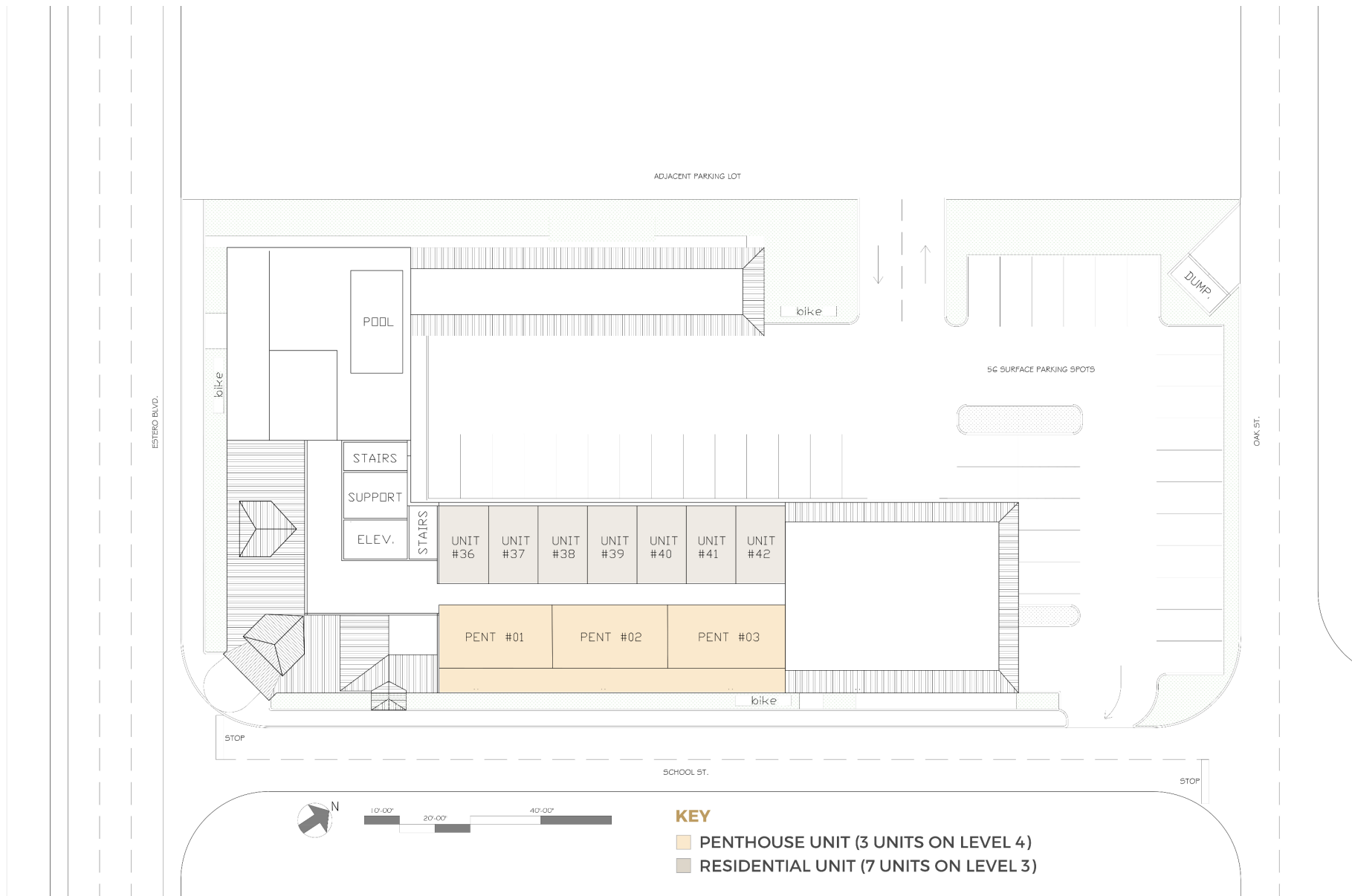
- Challenges & Opportunities:
 - Ownership, Respect Community Input, Insurance, Market/Financial Feasibility, FEMA Compliance, and Town Post-disaster Requirements
- By-right to develop 30 lodging units
- Rezoning - Request an additional 12 lodging units, 4 live/work units and commercial uses
- Mixed Use: Limited Commercial and 42 Unit Boutique Hotel
 - Health & Wellness - Complement the surrounding civic and community uses
- Consistency with Comp Plan & Land Development Code:
 - Allows Request to Rezone to Commercial Planned Development
 - “Heart of the Island” Vision: Infill, mix of uses in area with small scale retail













- **OVERALL HEIGHT 45' (GROUND TO ROOF TOP)**
 - 1-3 STORIES OVER COMMERCIAL
 - ONSITE VEHICLE PARKING – 56 SPACES
 - BICYCLE / GOLF CART / VALET & SHARED PARKING OPTIONS
- 42 LODGING UNITS – 4 LIVE/WORK UNITS
- 8,500 +/- SF OF COMMERCIAL SPACE













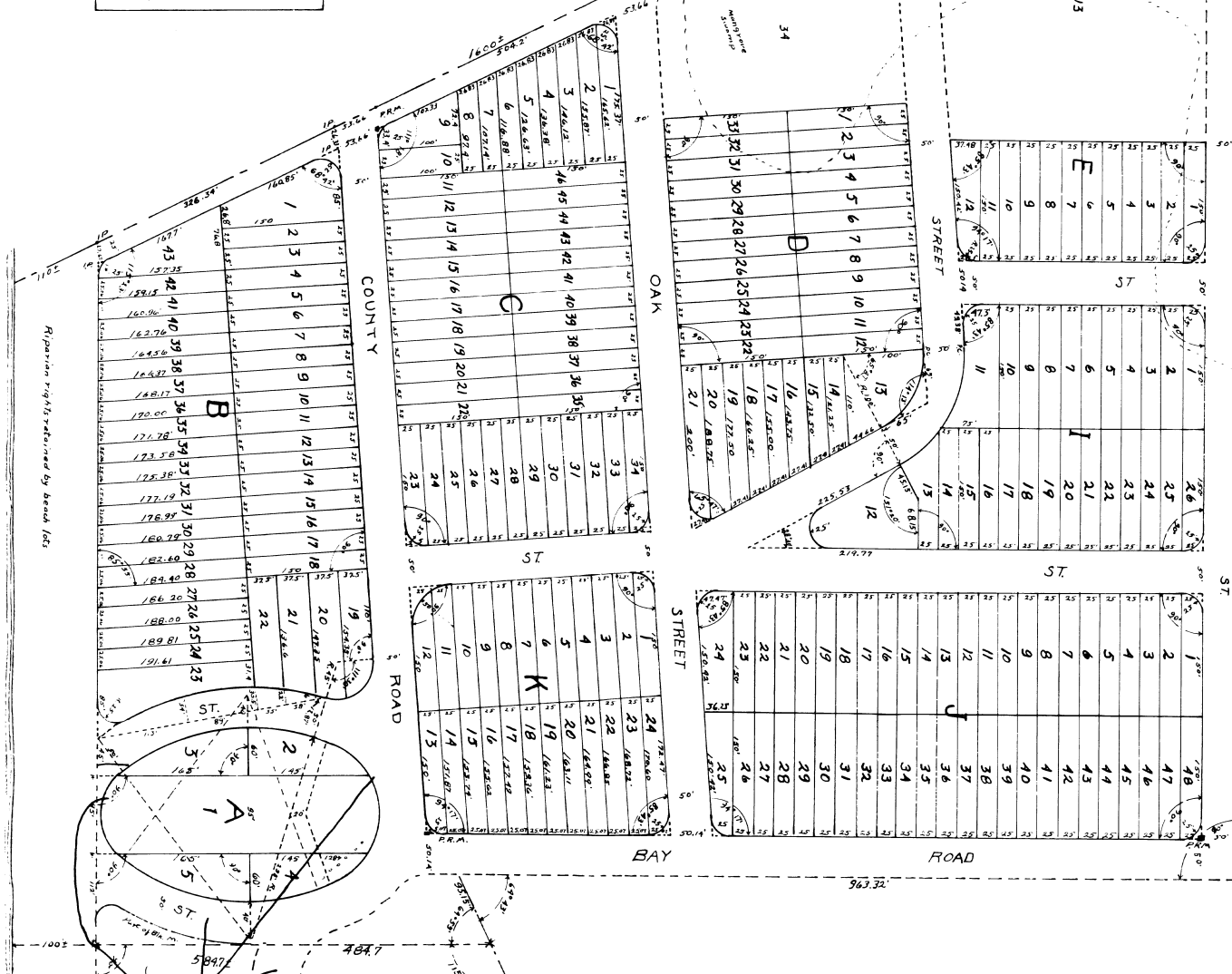


PLAT OF

WINKLER SUBDIVISION.

A Subdivision beginning at the north-east corner of section 30 T₄S. R. 24E, thence west on the line between sections 19 and 30: 339.7 feet, thence south 25° 05' west 584.7 feet to the Gulf of Mexico, the point of beginning of land herein described, thence north 25° 05' east 584.7 feet to the north line of said section 30, thence west on said section line 95.15 feet, thence north 25° 17' east 963.32 feet, thence north 64° 43' west 1409 feet morl. to the west line of lot 1 section 19 T₄S. R. 24E, thence south along the west line of said lot 1 1600 feet morl. to the Gulf of Mexico, thence south-easterly with the meanders of the Gulf of Mexico to the point of beginning, together with riparian rights.

J.A. DAVISON AND SON
CIVIL ENGINEERS. FORT MYERS,
FLORIDA
Feb. 1930



CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners of the land herein described and have caused said land to be subdivided into Lots, Blocks and Streets as shown, and said streets are hereby dedicated to the public forever.

Signed, sealed and delivered
in the presence of us.

Notary Public Seal
Notary Public Seal

STATE OF FLORIDA } S.S.
COUNTY OF LEE }

I DO HEREBY CERTIFY that on this 12th day of February A.D. 1930 personally appeared before me, an officer duly authorized to administer and take acknowledgements, W.B. Winkler and Lillian L. Winkler his wife, both well known to me, as the persons making the foregoing dedication, and they severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and the said Lillian L. Winkler the wife of said W.B. Winkler upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing dedication freely, voluntarily and without any constraint, apprehension, fear or compulsion of or from her said husband.

Witness my hand and official Seal the date last aforesaid.

Notary Public Seal

My commission expires 12th Jan'y 1931

CERTIFICATE OF SURVEY

We the undersigned certify that the plat as shown is a correct representation of the land platted, and that permanent reference monuments have been placed as shown.

J.A. DAVISON AND SON
By Harry M. Davison

This plat accepted this 5th day of March 1930 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved { Chairman
Clerk

#69226



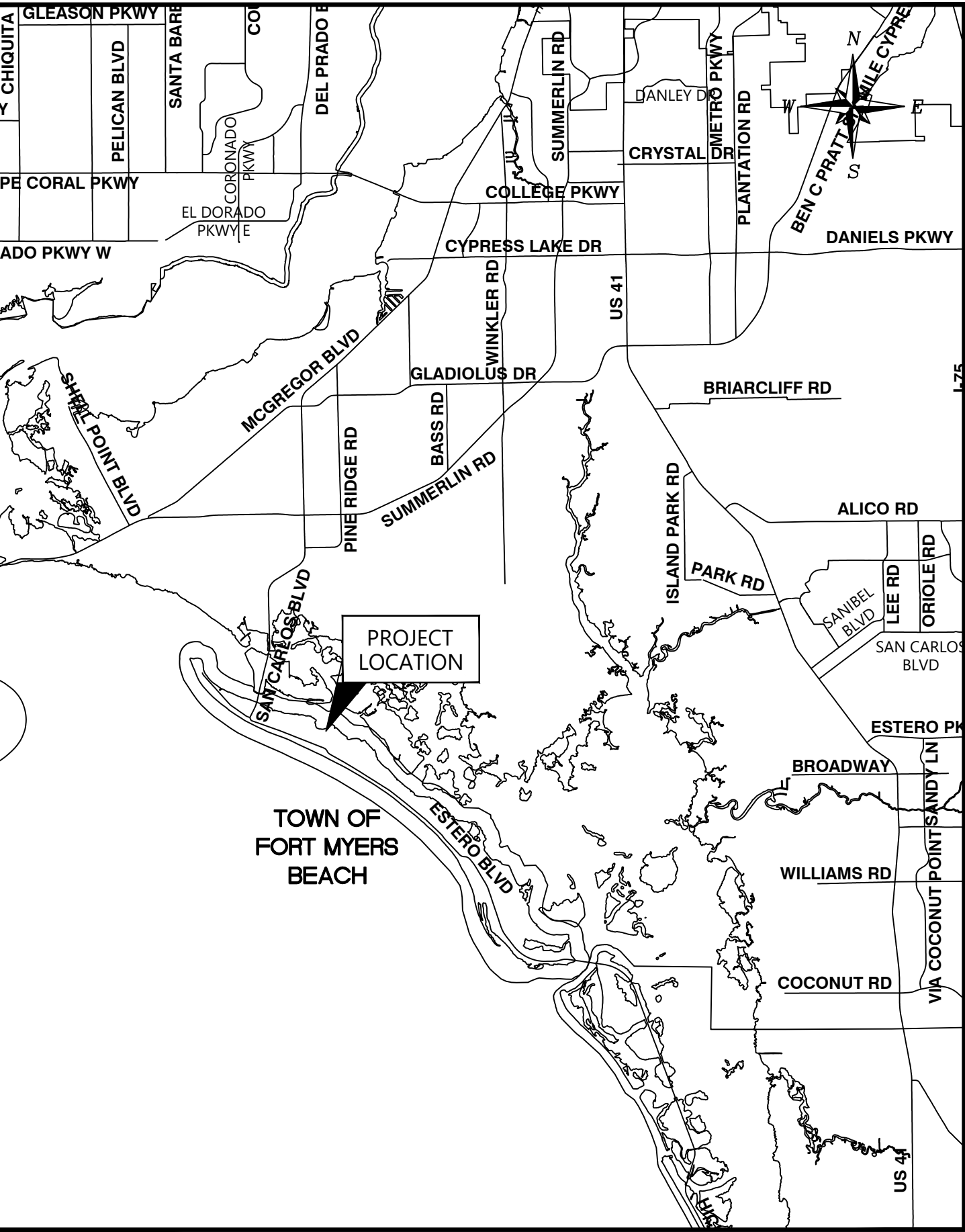
THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING
LANDSCAPE BETTERMENT PLAN

TO BE PROVIDED UNDER SEPARATE COVER

MASTER CONCEPT PLAN FOR

MYERSIDE RESORT AND COTTAGE COMMERCIAL PLANNED DEVELOPMENT

TOWN OF FORT MYERS BEACH, SECTION 19, TOWNSHIP 46S, RANGE 24E,
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

RWA

ENGINEERING

6610 Willow Park Drive
Suite 200
Naples, FL 34109

4983 Royal Gulf Circle
Fort Myers, FL 33966

19503 S West Villages Pkwy
Unit A5
Venice, FL 34293

Office: (239) 597-0575
Fax: (239) 597-0578
www.consult-rwa.com

Florida Certificates of Authorization
EB 7663 LB 6952

PREPARED FOR/OWNED BY:
MYERSIDE, LLC.
145 SCHOOL ST.
FORT MYERS BEACH, FL 33931

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN-EXISTING CONDITIONS	
3	MASTER CONCEPT PLAN - PHASE 1	
4	MASTER CONCEPT PLAN - PHASE 2	
DATE:	PROJECT No.:	SHEET No.:
JUNE 12, 2020	200022.00.00	1 OF 4

SCHEDULE OF USES

RESIDENTIAL:

DWELLING UNITS, SINGLE OR 2-UNIT OR MULTI-FAMILY

RESIDENTIAL ACCESSORY USES:

ACCESSORY APARTMENT, RESIDENTIAL ACCESSORY USE

LODGING:

BED AND BREAKFAST, HOTEL/MOTEL, GUEST UNITS,
RENTAL OF ANY PERMITTED UNIT PER PERIODS OF ONE
DAY OR LONGER,
RESORT

LODGING ACCESSORY UNITS:

ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES, RESORT ACCESSORY USE, PERSONAL SERVICES, RECREATIONAL FACILITIES, CARETAKER UNIT

RETAIL:

SUBORDINATE COMMERCIAL USES, RETAIL STORE,
SMALL RESTAURANT

SITE DEVELOPMENT REGULATIONS

PRINCIPAL STRUCTURES

MINIMUM STREET SETBACK: 2.6 FEET FOR EXISTING BUILDING #3; 10 FEET FOR ALL OTHER EXISTING STRUCTURES AND

MINIMUM SIDE SETBACK: 4.3 FEET FOR EXISTING STRUCTURES; 7 FEET FOR NEW OR RELOCATED STRUCTURES

MAXIMUM HEIGHT: 30 FEET PER LDC SECTION 34-631, MAXIMUM 3 STORIES

MINIMUM LOT SIZE: 20,000 SQUARE FEET

MINIMUM LOT WIDTH: 100 FEET

MINIMUM LOT DEPTH: 100 FEET

MINIMUM BUILDING SEPARATION: 15 FEET

MAXIMUM FLOOR AREA RATIO:

1.2

ACCESSORY STRUCTURES

MINIMUM SIDE SETBACK: SAME AS PRINCIPAL STRUCTURES, EXCEPT FOR THE ACCESSORY STRUCTURE TO BUILDING 7, WHICH WILL HAVE A MINIMUM SETBACK OF 3 FEET; AND THE ACCESSORY GARAGE FOR BUILDING 4, WHICH WILL HAVE A $\pm 5.9'$ MINIMUM SETBACK.

ALL OTHER DEVELOPMENT STANDARDS SHALL BE AS SET FORTH IN LDC CHAPTER 34 OR OTHER APPLICABLE PROVISIONS IN THE LDC.

GENERAL NOTES

- 1) THIS PROJECT WILL BE DEVELOPED IN 2 PHASES.
- 2) THIS MASTER CONCEPT PLAN IS FOR PLANNING PURPOSES ONLY. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURES AND OTHER IMPROVEMENTS MAY VARY SLIGHTLY. FINAL DESIGN AND IMPROVEMENT DETAILS SHALL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (DO) PROCESS.
- 3) THIS PLANNED DEVELOPMENT IS A REDEVELOPMENT PROJECT, WHICH INCLUDES EXISTING SITE IMPROVEMENTS AND STRUCTURES AS WELL AS PLANNED IMPROVEMENTS. THE INTENT OF THIS MCP IS TO REALISTICALLY DEPICT THOSE CONDITIONS AND REGULATE ALLOWED USES; HOWEVER, IT SHOULD NOT RESTRICT THE ABILITY TO MAKE OTHER SITE IMPROVEMENTS IF THOSE ARE CONSISTENT WITH THE GENERAL CONCEPT DEPICTED ON THE MCP AND IN COMPLIANCE WITH APPLICABLE LDC PROVISIONS.
- 4) PER LDC SECTION 34-2015(4) STACKING OF PARKING SPACES IS ALLOWED WHEN ASSOCIATED WITH A DRIVEWAY, CARPORT OR UNDER-BUILDING PARKING.
- 5) PER LDC SECTION 34-2017, THE PARKING ASSOCIATED WITH THIS PROJECT IS CONSIDERED "LOW TURNOVER" AND THEREFORE ALLOWS ALTERNATIVE UNPAVED SURFACES AS OUTLINED IN THE LDC.
- 6) PER LDC SECTION 34-1987(A), NO OFF-STREET LOADING AREA IS REQUIRED FOR THIS PROJECT.

BUILDING DETAILS

- ① ONE STORY, ONE UNIT, +/- 700 SF
- ② TWO STORIES, TWO UNITS, +/- 950 SF
- ③ ONE STORY, ONE UNIT, +/- 700 SF
- ④ PARTIAL TWO STORY, ONE UNIT, +/- 900 SF
- ⑤ TWO STORIES, TWO UNITS, +/- 1,393 SF
AND RESORT OFFICE, 269 SF
- ⑥ TWO STORIES, FOUR UNITS, +/- 3,122 SF
- ⑦ ONE STORY, ONE UNIT, +/- 504 SF

PARKING

REQUIRED SPACES: 32
 PROVIDED SPACES: 34 (PHASE 1)
 36 (PHASE 2)

 - EXISTING PARKING SPACES

[illegible]

DENSITY

12 GUEST UNITS / 6.5 EQUIVALENCY UNITS

BUILDING DETAILS

- 1 ONE STORY, RESTAURANT, +/-700 SF
- 2 TWO STORIES, TWO UNITS, +/- 950 SF
- 3 ONE STORY, RETAIL, +/- 700 SF
- 4 PARTIAL TWO STORY, ONE UNIT, +/- 900 SF
- 5 TWO STORIES , TWO UNITS, +/- 1,393 SF AND RESORT OFFICE, 269 SF
- 6 TWO STORIES, FOUR UNITS, +/- 3,122 SF
- 7 ONE STORY, ONE UNIT, +/- 504 SF

PHASING

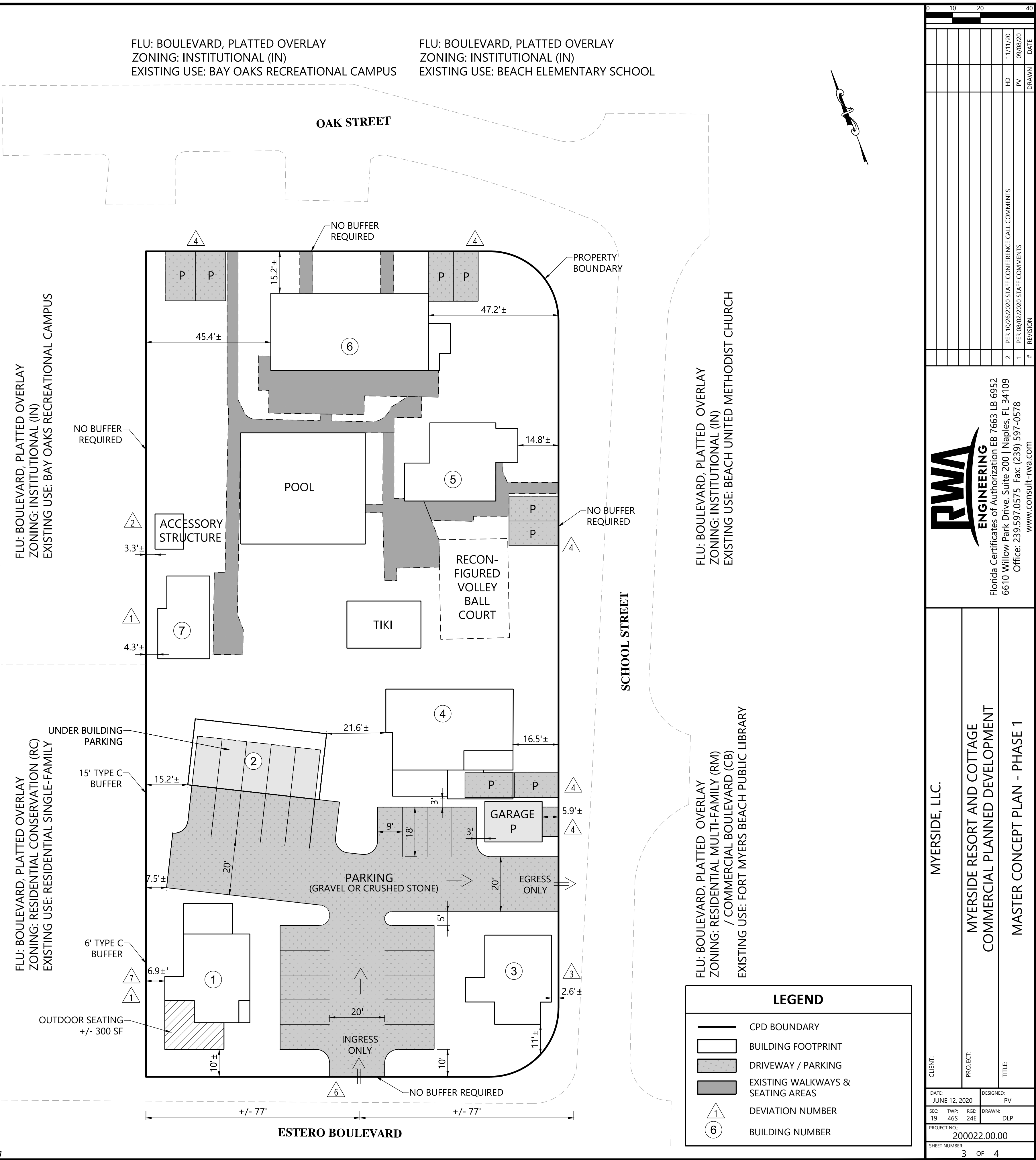
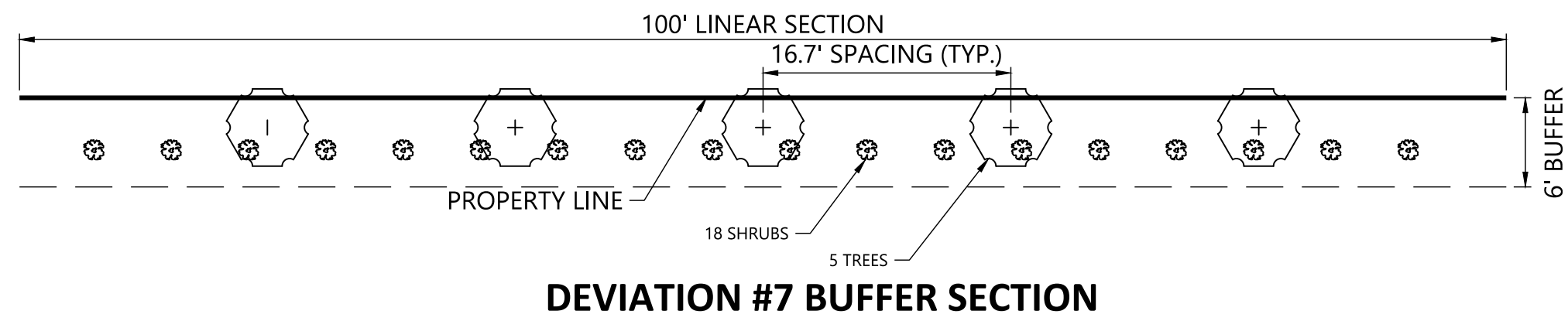
- PHASE 1
- SUBPHASE A: MOVE BUILDING 2
- SUBPHASE B: BUILD CENTRALIZED PARKING AREA (GRAVEL + WHEEL STOPS WITH CONTROLLED POINTS OF INGRESS/EGRESS
- SUBPHASE C: CONVERT BUILDING 3 TO RETAIL USE
- SUBPHASE D: CONVERT BUILDING 1 TO A RESTAURANT AND ADD OUTDOOR SEATING

NOTES

- ALL STRUCTURES IDENTIFIED ON THIS SHEET (PHASE 1) ARE EXISTING STRUCTURES. ALL STRUCTURES TO REMAIN IN EXISTING LOCATIONS EXCEPT BUILDING 2, WHICH WILL BE RELOCATED FROM ITS CURRENT LOCATION (SEE SHEET 1) TO THE LOCATION IDENTIFIED ON THIS SHEET.
- INDIVIDUAL PARKING SPACES AND PARKING AREAS WILL MEET LDC DIVISION 26 REQUIREMENTS EXCEPT FOR SPACES SUBJECT TO DEVIATION 4 AS IDENTIFIED ON THE MCP.
- ALL PRINCIPAL STRUCTURES MEET OR EXCEED THE 15' MINIMUM SEPARATION REQUIREMENT.
- WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT TIME OF D.O.
- THIS CPD WILL PROVIDE OPEN SPACE IN ACCORDANCE WITH LDC SECTION 10-415 AND AS MODIFIED BY DIVISION #7.
- EXISTING STRUCTURES ARE DEEMED NON-CONFORMING BUILDINGS IN ACCORDANCE WITH LDC -SECTION 34-3202, POTENTIAL FUTURE IMPROVEMENTS TO THOSE BUILDINGS WILL COMPLY WITH DIVISION 2 OF THE LDC.

SCHEDULE OF DEVIATIONS

- DEVIATION #1:** A DEVIATION FROM LDC TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICT THAT REQUIRES 15' SIDE SETBACKS FOR THE CR ZONING DISTRICT (PER LDC SEC 34-953 BUILDING PLACEMENT, SIZE, DESIGN, AND ALL OTHER PROPERTY DEVELOPMENT REGULATIONS IN A CPD ZONING DISTRICT SHALL BE THE SAME AS FOR THE CR ZONING DISTRICT FOR CPDS THAT ARE PRIMARILY LODGING...) TO ALLOW A ±6.9' FOR BUILDING 1, ±4.3' FOR BUILDING 7 AND ±7' FOR BUILDING 8.
- DEVIATION #2:** A DEVIATION FROM LDC SECTION 34-1174(2)(A) THAT REQUIRES ACCESSORY STRUCTURE SETBACKS TO BE THE SAME AS PRINCIPAL STRUCTURES OR 15' TO ALLOW A 3' SIDE SETBACK FOR THE ACCESSORY STRUCTURE ASSOCIATED WITH BUILDING 7, AND +/- 5.9' FOR THE ACCESSORY GARAGE ASSOCIATED WITH BUILDING 4.
- DEVIATION #3:** A DEVIATION FROM LDC TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICT THAT REQUIRES 10' STREET SETBACKS FOR THE CR ZONING DISTRICT (PER LDC SEC 34-953 BUILDING PLACEMENT, SIZE, DESIGN, AND ALL OTHER PROPERTY DEVELOPMENT REGULATIONS IN A CPD ZONING DISTRICT SHALL BE THE SAME AS FOR THE CR ZONING DISTRICT FOR CPDS THAT ARE PRIMARILY LODGING...) TO ALLOW A ±2.6' SETBACK FOR BUILDING 3.
- DEVIATION #4:** A DEVIATION FROM LDC SECTION 34-2015 (5), WHICH REQUIRES THAT “ALL PARKING LOTS MUST BE PROVIDED WITH SUFFICIENT MANEUVERING ROOM SO AS TO ALLOW AN EXITING VEHICLE TO LEAVE THE PARKING LOT IN A FORWARD MOTION...”, TO ALLOW EXITING VEHICLES TO LEAVE PARKING SPACES BY BACKING ONTO SCHOOL OR OAK STREETS.
- DEVIATION #5:** A DEVIATION FROM THE DRIVEWAY SEPARATION REQUIREMENTS OF LDC SECTION 10-296 ALONG ESTERO BOULEVARD TO ALLOW A DRIVEWAY ACCESS TO THE SUBJECT PROPERTY THAT IS ±77' FROM THE CLOSES ACCESS POINT TO THE NORTH AND ±77 TO SCHOOL STREET.
- DEVIATION #6:** A DEVIATION FROM LDC SECTION 10-416(D) TABLE 10-18 WHICH REQUIRES A 15' TYPE C BUFFER WHEN A COMMERCIAL USE ABUTS A RESIDENTIAL USE, TO ALLOW A 6' TYPE C BUFFER AS INDICATED ON THE MASTER CONCEPT PLAN.
- DEVIATION #7:** A DEVIATION FROM LDC SECTION 34-202(b)(5), WHICH REQUIRED ARCHITECTURAL ELEVATIONS OR A THREE-DIMENSIONAL RENDERING, TO INSTEAD ALLOW PICTURES OF THE EXISTING STRUCTURES.



14 GUEST UNITS / 7.3 EQUIVALENCY UNITS

- ① ONE STORY, RESTAURANT, +/-700 SF
- ② TWO STORIES, TWO UNITS, +/- 950 SF
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- ⑥ TWO STORIES, FOUR UNITS, +/- 3,122 SF
- ⑦ ONE STORY, ONE UNIT, +/- 504 SF
- ⑧ TWO STORIES, FOUR UNITS,+/- 1,600 SF

PHASE 2

- ADD BUILDING 8. MAY BE NEW CONSTRUCTION OR EXISTING ISLAND COTTAGE MOVED TO THE SITE.

- ALL STRUCTURES EXCEPT BUILDING 8 ARE EXISTING BUILDINGS.
- INDIVIDUAL PARKING SPACES AND PARKING AREAS WILL MEET LDC DIVISION 26 REQUIREMENTS EXCEPT FOR SPACES SUBJECT TO DEVIATION 4 AS IDENTIFIED ON THE MAP.
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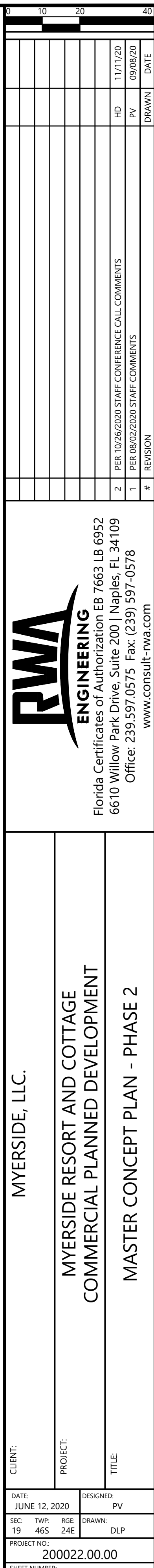
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Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

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 May 14, 2024, 1st Town Council June 3, 2024 and 2nd Town Council June 17, 2024

CASE: DCI20230246

ADDRESS: 2661-2681 Estero Blvd, and 125, 131-151 School St "Cottages at Myerside"

APPLICANT: Kenrick Gallander AICP

REQUEST: Applicant is requesting a Commercial Planned Development rezoning to allow mixed-use project including retail, restaurant, professional services, office, and transient lodging.

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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Fort Myers Beach, FL 33931

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

«OwnerName»
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**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2024-87**

1. Request:

Meeting Date: May 14, 2024

Schedule review of LPA Resolution 2009-21 and existing LDC provisions at the next LPA meeting.

Why the action is necessary:

To incorporate recent ordinance changes to Section 34-232 "Required Hearings"

What the action accomplishes:

Updates the existing policies and procedures last adopted in 2009

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Schedule

5. Background:

With the recent adoption of the change to Section 34-232 providing for the elimination of an additional review by the Town Council of variances, extensions, and satisfaction of conditions, the need to update and revisit the LPA's existing procedure rules was identified. The LDC provides that the review will take place at a designated meeting. The attached information is provided in advance of the next LPA meeting at which time the existing LPA policies and procedures will be reviewed.

Attachments:

1. MRTF PNP adopted 08.2007
2. Ordinance text
3. 24-06, Expedited Land Use Review Ordinance Final for signatures

Financial Impact:

N/A

6. Alternative Action

7. Staff Recommendations:

Schedule review

8. Recommended Approval:

nancy stuparich, Town Attorney

Date: May 09, 2024

Amy Baker, Town Clerk

Date: May 10, 2024

**Town of Fort Myers Beach
Marine Resources Task Force
Policies and Procedures Manual**

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 - Sunshine Issues
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 - Meeting Preparation
 - Attendance Policy
- 5. Meeting Procedures**
 - Code of Conduct
 - Code of Ethics
 - Order of Agenda Items
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 - Voting Conflicts
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- 6. Mayor John Mulholland Stewardship Award**
 - Purpose
 - Procedures
 - Criteria
 - Judging
- 7. Meeting Output**

1. Introduction

This Marine Resources Task Force Policies and Procedures Manual is for the purpose of helping the Marine Resources Task Force Members in the discharge of their duties. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of the MRTF will find in one handy reference, answers to policy and procedure questions that come up from time to time. By having an agreed-upon guide, members of the MRTF also may develop common expectations on proper conduct of MRTF meetings, dealings with the public, and the way it interacts with Town staff.

This manual should be used in conjunction with the Town Charter, Comprehensive Plan, Land Development Code (LDC) and other applicable laws, as necessary.

2. Mission and Job Description

Mission: To promote stewardship of our marine resources. To stop further damage and to rehabilitate Estero Bay and its surrounding waters, including all wildlife, plant life, and air and water quality. To bring Estero Bay and its surrounding waters – including the Estero Island shoreline – to the point that they will continue to be the driving force of our economy, sustaining the quality of life in cooperation with all whose livelihoods or lifestyles depend upon the health of Estero Bay.

Functions, Powers and Duties:

- Review and interpret the Comprehensive Plan and conduct public hearings as may be needed in order to make recommendations to Town Council.
- Review and interpret the Land Development Code and conduct public hearings as may be needed in order to make recommendations to Town Council.
- In an advisory capacity to the Town Council, conduct hearings and make recommendations regarding matters.
- Elect a chair and vice chair for the MRTF.
- Perform any other duties that lawfully may be assigned to it by the Town Council and/or Town Manager.

MRTF Member Requirements:

- Be a resident or property owner in the Town of Fort Myers Beach

Desired MRTF Member Qualities:

- Analytical – ability to research and analyze information and data
- Decisive
- Knowledgeable – Such as, the Town Charter, Comprehensive Plan, Land Development Code, Sunshine Laws, Parliamentary Procedure
- Communication – Listening, Speaking, Writing
- Proactive – identify and seek solutions
- Ethical - open, sincere and truthful

- Ability to work in a team environment
- Ability to work with and listen to people having diverse interests
- Fair with no strong allegiance to any individual or group
- Common sense
- Time to do the job effectively

3. Training Materials and First Meeting

Training Materials

Each new member of the MRTF will be provided copies of:

- Comprehensive Plan
- Land Development Code
- Florida Code of Ethics
- Florida Sunshine Laws
- Policy and Procedures Manual
- Other materials as determined by the Town Attorney, Community Development Director and members

Election of Officers

Annually, at the first meeting of the MRTF a chair and vice chair will be chosen. Each MRTF member may nominate a person for each of these positions. A second is not required. A vote is taken in the order that a candidate was nominated. The positions are filled by a majority vote. If a majority is not received on the first ballot, a second ballot is taken for the two candidates receiving the most votes from the first ballot.

Sunshine Issues

Members of Town advisory committees, boards, and agencies are subject to the Sunshine Law (F.S. 286.011). The same Sunshine rules that apply to Town Council apply to the members of the MRTF and other Town advisory committees, boards and agencies.

This means that any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action taken by the committee. Examples of indirect discussions are the use of email to a committee member or communication through a spouse or other go-between.

Advisory committee members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or Civic Association regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met.

These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

4. Meeting Preparation and Planning Meeting Schedule

Regularly planned meetings of the MRTF are normally scheduled for the second Wednesday of each month at a time certain, special, continued or rescheduled meetings will be determined by consensus of the MRTF.

Length of Agenda Items

In order to set reasonable MRTF agendas, the Chair will use best efforts to establish the time needed for presentations, public comment and subsequent discussions of agenda items by the MRTF.

Meeting Preparation

Any MRTF member, the Community Development Director, Town Council and Town Manager can submit meeting agenda topics to the Chair. Topics should be submitted at least ten (10) days prior to a planned meeting. Except in the case of an emergency, cancellation of a planned meeting should be at least 14 days in advance. Only under serious, extenuating circumstances should a hearing be cancelled after it has been publicly noticed.

The goal is to have finalized agenda and supporting material seven (7) days prior to a planned and noticed meeting. However, meeting materials will be placed in the MRTF members' mailboxes no later than noon of the Friday prior to the scheduled meeting. The Town Clerk will send an email to the members when the packets are available.

The members' packets should include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.) A sincere effort is made to see that packets are complete. As a general rule, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall and at the Fort Myers Beach Public Library. Copies of the agenda are available to the public.

Occasionally an item comes up late and may be placed on an amended agenda, or as an “add on” (added too late to be included on the published agenda). Such additions are kept to an absolute minimum so as not to burden the MRTF or the public with items not receiving sufficient advance notice. Important, potentially controversial items are not made as “add on items” except in extreme emergencies.

Attendance Policy

The Town Clerk should be notified of a planned absence as soon as known. The Town Clerk will notify the Community Development Director and Chair. It is important that the MRTF know that it will have a quorum of its members prior to notification of a meeting/hearing. Florida Statutes require notice of a public hearing at least seven (7) days before a scheduled meeting. The policy of the MRTF is that if an absence is reported at least fourteen (14) days prior to a planned meeting the absence will automatically be considered an excused absence. This will allow sufficient time for a planned meeting to be rescheduled if it appears that a quorum will be questionable.

Absence notification less than 14 days prior to a planned meeting is considered an “emergency.” If an excused absence is desired in less than 14 days, a request must be forwarded to the Town Clerk with an explanation of the nature of the emergency. The MRTF will decide whether the request will be considered an excused absence. If the Town Clerk receives no request for an excused absence, the absence is counted as an unexcused absence.

Three unexcused absences for regularly scheduled meetings will result in automatic forfeiture of office.

“Chronic” absence is defined as missing three consecutive regularly scheduled meetings or four of the last six meetings of the MRTF, regardless of whether the absence is excused or unexcused. If a chronic absence occurs, the Town Clerk will be asked to send a letter to the member requesting an explanation of the reasons for the chronic absence. A copy of the letter will be sent to the Town Manager and Town Council. The member will be asked to forward to the Town Clerk a statement of whether the member wishes to remain on the MRTF. Failure to reply will automatically make all absences unexcused and grounds for forfeiture of office.

In order to provide a diverse representation, it is important that the MRTF strive to have as full representation as possible when conducting the Town’s business.

5. Meeting Procedures

Code of Conduct

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the MRTF pledges to adhere to the following CODE OF CONDUCT.

1. Regularly attend all scheduled meetings of the MRTF as well as special or called meetings relevant to the office.
2. Prepare for each meeting.
3. Create a positive environment in meetings of the MRTF.
4. Maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations.
5. Allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meeting of the MRTF.
6. Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens of staff.
7. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
8. Respect all local, state and federal laws, rules and other regulations.
9. Publicly acknowledge the adopted position when asked about a decision of the MRTF.

Code of Ethics

Members shall ethically serve the public interest by making decisions and taking actions that will enhance the public health, safety and welfare of the region and the citizens served by the MRTF and by promoting public confidence in the integrity, independence, ability and impartiality of the MRTF.

1. Members shall uphold the prestige of their office and avoid impropriety and the appearance of impropriety.
2. Members shall not convey the impression that they are in a position to influence the outcome of a decision of the MRTF and shall not attempt to use their office to influence or sway the professional staff recommendation.
3. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with MRTF business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
4. Members shall avoid creating the appearance of impropriety by refraining from engaging in private discussions with the applicant or their representatives about specific upcoming MRTF agenda items. If a Member receives a private written, telephonic or electronic communication about an agenda item, the Member will promptly forward the information

to the Town Clerk so that it may be shared with all other Members. Members shall refrain from any private discussion of MRTF business with other Members per the requirements of Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.

5. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Members during proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child, relative or business partner of the Member.
6. Members should refrain from participation in any proceeding in which their impartiality may reasonably be questioned. A Member whose personal, employment or business relationship with a person or entity that is subject to a recommendation of the shall see the advice and counsel of the Town Attorney, if such relationship could conceivably influence the Member's impartiality during the MRTF's discussion of the subject. The provisions of Chapter 112, Florida Statutes, and the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determination.
7. Members shall remain vigilant against deviations from MRTF policies and mission statement.

Order of Agenda Items

1. The general order of the agenda will proceed as follows. Call To Order – Identify for the record the committee that is meeting, the date of the meeting and who is present.
2. Pledge of Allegiance
3. Invocation
4. Approval of Minutes – Requires a motion and vote.
5. Public Comment
6. Agenda – Topics submitted by members, staff, or items from previous agendas
7. Members Items and Reports
8. Public Comment
9. Adjournment – Requires a motion and vote. A privileged motion allowing no discussion before vote.

Invocation

The Chair has the discretion of deciding how the Invocation at the beginning of a meeting is handled. However, there is a tradition that has been followed by many MRTFs. At the first MRTF meeting, Chair John Mulholland read an invocation that he had written while Commander of the Power Squadron. The Chair has either read the invocation or different members have been asked or volunteered to read the invocation. The invocation reads as follows:

Heavenly Father, we ask that you bless us with your presence here today.

Grant to us the wisdom to see all things in true perspective.

Grant to us the patience to hear one another with open minds and hearts.

Grant us the strength to meet all present challenges.

May all that we do this day, bring honor to you and credit to ourselves. Amen.

Conduct of Meetings

The Chair will conduct the meetings, and in the Chair's absence the Vice Chair.

Robert's Rules of Order shall be the reference for parliamentary procedure governing the conduct of the meetings when not in conflict with the Town Charter or Florida Statutes. It is not intended that meetings be unnecessarily formalistic, but rather that parliamentary procedure be invoked only when necessary for orderly conduct of the meeting.

The approval of the minutes is intended for members to accurately document the proceedings of the MRTF. Before moving approval the minutes should be amended, if necessary, to more accurately portray what occurred at the meeting. This time is not intended for comment or discussion on what should have or should not have been done, but rather to document what actually was done. Audiotapes of the proceedings become the official record of what transpired during a meeting.

When the Chair recognizes a speaker during public comment, they will advance to the podium and state their name for the public record. Public comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by majority vote of the Marine Resources Task Force. If a special interest group would prefer to have one person speak for a group of individuals in attendance their allotted times can be combined up to a maximum of 15 minutes. This process could save meeting time if the content of what each person of a special interest group intends to say is similar. It could also allow more time for a presentation containing detailed facts and data. If a special interest group chooses to have a spokesperson represent them, request cards having the names and addresses of all individuals present must be provided prior to the meeting. The public comment times are intended as opportunities for interested parties to present their viewpoints to the members; they are not intended as question-and-answer sessions or as dialog with the MRTF.

Discussion by the MRTF members shall be limited to agenda items. No member will speak twice on the item until all others who want to speak have spoken.

The time period for members' comments is intended as an opportunity for members to share their viewpoints with each other. Since this opportunity does not exist outside of meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Community Development Director or Town Attorney which could be obtained outside of the meeting. While there is no time limit or censorship on comments, members should take into consideration the total time available in the meeting for the published agenda.

Voting Conflicts

Florida Statute has very specific rules regarding voting conflicts and municipal advisory committees, boards and agencies. These rules are different from the rules that apply to the Council.

In an advisory committee member has a voting conflict, he/she must disclose that conflict in writing to Town staff prior to the meeting in question and this disclosure must be publicly read. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. The committee member is permitted to participate in the discussion and vote on the subject. The specific rules are set out in F.S. 112.3145(4), quoted below:

(4) No public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by who he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, **without first disclosing the nature of his or her interest in the matter.**

(a) Such disclosure, indication the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, **prior to** the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally **at the meeting** when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

NOTE: F.S. 112.3143(b) defines "relative" as follows: "any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

6. Mayor John Mulholland Stewardship Award

The Mayor John Mulholland Stewardship Award was created by MRTF as a community education and incentive program based on the environmental values former mayor, and founder of MRTF, John Mulholland supported.

The program consists of a flyer with the Marine Resources Task Force Mission Statement, the categories in which to apply – Private, Individual or Business – and the judging criteria such as

- Environmental problem or need assessed
- Long term effect on the environment
- Collaboration with others
- Accomplishment of goal
- Clarity and effectiveness of presentation

The flyer is distributed to the public at Town Hall, the Library, and directly to citizens and local groups and clubs whose members are invited to nominate deserving citizens and businesses for the award.

Award recipients are determined by a vote of MRTF members at a regular meeting.

The award, made annually, includes a presentation of a certificate by the Mayor or his designee, and the engraving of the winner's names on a brass leaf on the Recognition Tree, designed in the shape of a Red Mangrove, which graces a wall of present council chambers.

Each year leaves will be added to the tree with the recipient's name and accomplishment as a tribute and lasting reminder of the need for environmental education and citizen participation in our committee's goals and mission statement.

7. Meeting Output

The primary responsibility of the MRTF is to provide recommendations to the Town Council regarding the stewardship of marine resources as outlined in our mission statement. MRTF recommendations should be forwarded to the Council as soon as possible following completion of a meeting. .

MRTF output to the Town Council will include the following at the discretion of the MRTF: On a regular basis immediately following each meeting, MRTF will submit to the Town Council a synopsis of accomplishments and any issues that might be of interest. As needed, a request will be made to address Town Council.

The Town of Fort Myers Beach Marine Resources Task Force Policies and Procedures Manual was adopted on August 8, 2007 after being revised at a regular meeting of the MRTF from the adopted Policies and Procedures of the LPA.

Sec. 34-118. - Rules and procedures.

The local planning agency shall meet at least eight times per year and shall meet no less often than bi-monthly or more frequently at regular intervals to be determined by it, and at such other times as the chairperson or as it may determine. It may adopt rules for the transaction of its business. The rules may be amended from time to time, but only upon notice to all members that said proposed amendments shall be acted upon at a specified meeting. A majority vote of the local planning agency shall be required for the approval of the proposed amendment. It shall keep a properly indexed record of its resolutions, transactions, findings, and determinations, which record shall be a public record. All meetings of the local planning agency shall be public meetings.

ORDINANCE NO. 24-06

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, EXTENSIONS, AND SATISFACTION OF CONDITIONS FOR PREVIOUSLY APPROVED LAND USE APPROVALS IF THE DECISION BY THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST BY ANYONE FOR AN ADDITIONAL HEARING BEFORE THE TOWN COUNCIL WITHIN 10 BUSINESS DAYS AFTER THE LPA DECISION; A PUBLIC HEARING BEFORE THE TOWN COUNCIL IS REQUIRED FOR VARIANCES, EXTENSIONS, OR SATISFACTION OF CONDITIONS IF THE DECISION BY THE LPA IS NOT UNANIMOUS OR IF ANYONE REQUESTS SUCH HEARING WITHIN 10 BUSINESS DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW 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, Section 34-232 of the Town’s Land Development Code currently requires 2 public hearings for variance applications, one before the local planning agency (“LPA”) and one before the town council; and

WHEREAS, approved land use resolutions may also contain extension requirements and other conditions of approval; and

WHEREAS, in the recent past a number of owner-initiated variances and other land use requests for extensions or satisfaction of previously required conditions of approval have been unanimously approved by the LPA for consistency with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code with no opposition from the public or adjacent property owners; and

WHEREAS, the time and expense of requiring a second public hearing before the town council for owner initiated variances and other requests for extension of approvals or removal of

satisfied conditions is in conflict with the town's efforts to rebuild the community as expeditiously as possible; and

WHEREAS, notwithstanding the need to expedite the rebuilding of the town, there may be situations where issues arise unexpectedly during the LPA meeting related to variance, extension or satisfaction requests, which may require further evaluation by the town council; and

WHEREAS, a public hearing of this Ordinance was held before the LPA on the 9th day of April, 2024, at which time the LPA gave full and complete consideration of the proposed ordinance change, recommendations by staff, the documents in the record, and the testimony of all interested persons, and made a finding of consistency with the Fort Myers Beach Comprehensive Plan and Land Development Code; and

WHEREAS, the LPA thereafter voted 6 to 0, with one member absent, to recommend approval of this Ordinance amending the referenced section of the Land Development Code to the town council; and

WHEREAS, on the 15th day of April, 2024, the town council held a first reading of the Ordinance and gave full and complete consideration to the request of the proposed ordinance to amend Section 34-232 of the Land Development Code, the recommendation of the local planning agency, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, a Business Impact Estimate was prepared and posted on the City's website on the 18th day of April 2024, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in The News-Press on the 18th day of April 2024, which is 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041, Florida Statutes; and

WHEREAS, on the 6th day of May 2024, the Town Council held a second reading of the Ordinance; and

WHEREAS, the Town Council determined that adoption of the Ordinance as provided herein is in the best interest of the health, safety and welfare of the public.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. That the above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the town council.

Section 2. That 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 is hereby amended as follows:

Section 34-232 – Required hearings.

(a) Amendment or adoption of land use ordinances.

(1) Any proposed amendment to this chapter or to any land use ordinance, or adoption of any new land use ordinance, shall be enacted pursuant to the requirements set forth in F.S. § 166.041.

(2) Prior to a final required hearing by the town council, the local planning agency shall review the amendment at a public hearing.

(b) Owner-initiated requests. Owner-initiated requests for ~~rezonings, variances~~, special exceptions, and developments of regional impact require one public hearing before the local planning agency and one public hearing before the town council.

(c) Owner-initiated requests. Owner-initiated requests for rezonings and development agreements require one public hearing before the local planning agency and two public hearings before the town council.

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and

2) not subject to a request for an additional public hearing before the town council made by ~~anyone~~ any member of the public that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays,

only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

If the decision by the local planning agency is not unanimous or if there is a timely request made for an additional public hearing before the town council by a member of the public, the owner-initiated request for variances or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, shall require an additional public hearing before the town council.

~~(e)~~*(c) Town-initiated requests.* Town-initiated requests for rezonings, variances, special exceptions, and developments of regional impact require one public hearing before the local planning agency and:

(1) Applications covering less than ten abutting acres of land will require a single public hearing before the town council.

(2) Applications covering more than ten abutting acres of land will require two public hearings before the town council in accordance with F.S. § 166.041.

Section 3. That the town council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Land Development Code, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the town manager without further process.

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

Section 5. 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 6. This Ordinance shall become effective upon adoption by the town council.

The forgoing Ordinance was adopted by the town council upon a motion by Vice Mayor Atterholt and seconded by Council Member King, and upon being put on a roll call vote, the results was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Karen Woodson, Council Member	Aye
Scott Stafford, Council Member	Aye

ADOPTED this 6th day of May 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

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 Ordinance was filed in the Office of the Town Clerk on this 10th day of May 2024.