



Fort Myers Beach Town Council

Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Agenda

Monday, January 11, 2021

10:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF FINAL AGENDA
- V. PUBLIC COMMENT
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VII. ADVISORY COMMITTEES ITEMS AND REPORTS
- VIII. APPROVAL OF MINUTES
 - A. December 3, 2020 Management & Planning Session
 - B. December 7, 2020 Town Council
- IX. CONSENT AGENDA
 - A. Extension of execution date for LCSB property swap
Amendment to extend Resolution 20-45 completion date for an exchange of real property and improvements related to the redevelopment of Bay Oaks recreational facility, **not to exceed 60 days.**
 - B. Friends of Bay Oaks donation
Accept donation of \$18,000 from the Friends of Bay Oaks to support the youth programs at Bay Oaks.
- X. PUBLIC HEARINGS
 - A. Ordinance 19-14, Publix CPD Amendment
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REPLACING TOWN OF FORT MYERS BEACH RESOLUTION 98-11, AND AMENDING THE SCHEDULE OF USES FOR PUBLIX CPD; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER

CLARIFICATIONS AS NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE. Second and final reading.

B. Matanzas Inn CPD

Determine if Matanzas Inn Commercial Planned Development project has met the conditions of approval for phased development.

C. Ordinance 20-17 Special Events

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 6, 14, AND 34 OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE regarding Special Events, REVISING CHAPTER 22 OF THE FORT MYERS BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE.

D. Ordinance 20-19; Height and Setback Requirements

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE DEFINITIONS IN THE FORT MYERS BEACH LAND DEVELOPMENT CODE AND AMENDING DIVISION 3 OF ARTICLE III OF CHAPTER 34, OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, ENTITLED "EXPLANATION OF PROPERTY DEVELOPMENT REGULATIONS FOR ALL ZONING DISTRICTS" REVISING HEIGHT AND SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE. Second reading and final adoption.

XI. ADMINISTRATIVE AGENDA

A. ITB-20-25-PW Intersection Improvements

Authorization to award the traffic signal bid to Ajax Paving Industries of Florida, LLC, the low, responsive and responsible bidder, in response to ITB-20-25-PW Intersection Improvements in the amount of \$494,172.50 and for the Town Manager to execute the contract documents pending FDOT approval and funding.

B. RFQ-20-26-PW CEI Intersection Improvements

Authorization to accept the Town Manager's recommendation to enter into negotiations for AECOM Technical Services in response to RFQ-20-26-PW CEI Intersection Improvements, and bring back a contract for Town Council's subsequent consideration.

XII. FINAL PUBLIC COMMENT

XIII. TOWN MANAGER'S ITEMS

XIV. TOWN ATTORNEY'S ITEMS

XV. COUNCILMEMBERS ITEMS AND REPORTS

XVI. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

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

	For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.
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In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



Fort Myers Beach Management & Planning Session

Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes

Thursday, December 3, 2020

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers, Council Member Atterholt and Council Member Veach.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Times Square Clock

A discussion of a clock in Times Square as requested by Town Council. Town Manager Hernstadt reviewed the background of the clock issue. He described a range of options from keeping the clock even if it eventually quits working to scrapping it. The clock is currently working, but it was not included

in Times Square's new design plan, and the parts are becoming more difficult

to find to repair the clock. Another alternative was to replace the clock with a new free-standing clock or continue with the clock in the concept plan. If the new clock did not work out, they could put the old clock back.

Mayor Murphy questioned the financial estimates for each option. He noted they had received emails regarding nostalgia around the clock. He thought they might be able to find a place for it in the new plan.

Council Member Atterholt discussed major changes on the Island and supported keeping the existing clock.

Council Member Veach agreed. He noted everyone wanted a clock of some kind and if they replaced it, he suggested installing a different type of clock. Vice Mayor Hosafros agreed with Council Member Veach.

Council Member Allers supported keeping the old clock. He questioned whether keeping it in the same spot was viable. Town Manager Hernstadt replied that it could be moved five feet in any direction. He stated that since

the clock was 20 years old, it could be replaced with an updated version of the same model. The lower estimate to replace the casement was \$50,000.00. The new sail with the clock was approximately \$100,000.00. Council Member Allers commented that they could keep the old clock and add a new one.

Mayor Murphy agreed with having two clocks.

Council Member Veach agreed with keeping the old clock, but he liked the variable message board because it was pertinent. He suggested that the logo be implemented in the monument and used as a selfie point. He mentioned integrating the clock in the stage.

Mayor Murphy summarized that the consensus was to keep the old clock and add a new message-board type clock.

B. FMB Arches

A discussion of the Arches as requested by Town Council.

Town Manager Hernstadt reviewed the topic. Lee County and the group trying to save the arches did not reach an agreement regarding locations or designs. There were no plans to include the arches in any of the Town's capital improvement plans.

Council Member Atterholt expressed his support for the Save the Arches group. He suggested installing one arch on the Bay Oaks campus walking trail. He noted that BORCAB (Bay Oaks Recreation Campus Advisory Board) disagreed. He suggested installing an arch at the southern beach access to Lynn Hall Park. He felt they should find a way to memorialize the arches in some capacity.

Council Member Allers agreed that there might be a place for them, but he did not see a good landing spot.

Council Member Veach noted that every location suggested so far did not work for some entity. He stated they did not have much material left from the original arches. He indicated many of the available locations were under County control.

Vice Mayor Hosafros noted that the County was willing to install them at Crescent Beach Park, but a previous Council voted it down. She supported putting them at Crescent Beach Park.

Mayor Murphy stated the County was not interested in pursuing the matter, but they might go along if Council presented a plan.

Vice Mayor Hosafros supported installing them at Lynn Hall Park.

Council Member Atterholt questioned whether the Town Manager would meet with the Save the Arches group and investigate the location. Vice Mayor Hosafros disagreed with meeting with the members of the group since the leader was not even at the meeting. She indicated that they had good intentions, but they were not a structured group. Council Member Atterholt suggested that members of the group attend the next Council meeting to provide input.

Town Manager Hernstadt remarked that the County did not support installing the arches on the Estero Blvd. side of Crescent Beach Park. Mayor Murphy

felt that the Lynn Hall Park location might work since it would not be visible from Estero Blvd.

Council Member Veach stated that the loss of open views to the Gulf was a major complaint about anything being built. Council Member Atterholt stated that the location suggested at the beach access would not obstruct the view. Consensus was reached to try to find a location for remnants of the arches. Town Manager Hernstadt stated that the County may have already reviewed the location.

Council Member Veach recalled that the group to save the arches stated they would fund the operation and Council Member Atterholt thought the County offered to provide some funding too.

C. Bay Oaks' redevelopment progress.

Matters regarding the redevelopment of Bay Oaks.

Town Manager Hernstadt reported that BORCAB (Bay Oaks Recreations Campus Advisory Board) did not want the arches, they did not care for the latest concept plan and they would like a plan with all phases as they originally recommended. He indicated that their original project was closer to \$20 million, but the Town was working with a \$5.5 million budget. Council Member Allers reviewed how redeveloping Bay Oaks started.

BORCAB thought big, but the consultant had to choose priorities to fit within the smaller budget. He commented that the design was better than what was there, but it was not what BORCAB envisioned. He was not sure how to bridge the gap without spending a lot more money. BORCAB would like to be involved with the design going forward.

Vice Mayor Hosafros noted that the AAC (Anchorage Advisory Committee) had their plans dashed, so they researched another path towards their goals. Council Member Atterholt brought up the fact that BORCAB was not involved with discussions to pare down their design. He suggested a joint session between BORCAB, Town Council, the Town Manager and the design firm to implement some of BORCAB's ideas within the budget constraints. He used the amphitheater as an example of something they should be able to fix. He added that they had at least an additional \$1 million to work with, and revenue would be generated with better facilities. He pointed out that since the building at Bayside was no longer an option, they could use those funds at Bay Oaks. Vice Mayor Hosafros did not think it was fair to take funds from the AAC plans. Council Member Atterholt was not aware that the funds were earmarked for the AAC.

Council Member Allers indicated that BORCAB did not know there were two phases to the project. They were open to a phased project, but they were concerned that there were no plans for the second phase. They questioned whether a second phase would ever happen or if they would be stuck with the latest design.

Council Member Veach commented that the facilities were not utilized enough and he thought the proposal achieved the needs within the budget. He did not support raising the tax rate without a referendum.

Mayor Murphy commended BORCAB for their plan. He agreed that the public should provide feedback and get involved with the project.

Vice Mayor Hosafros indicated that two phases were never agreed to and she felt the current design was good. She felt that a referendum was necessary if they wanted to add a phase two.

Town Manager Hernstadt reminded everyone how the project started. He stated that the conflict was where to locate the stand-alone amphitheater. He questioned putting it back by the pool.

Council Member Allers noted that BORCAB was concerned that the feeling of a stand-alone amphitheater would be lost by combining it with the building.

He discussed fundraising efforts. He agreed with a joint meeting and polling the public to determine what they wanted.

Council Member Veach supported creating more functional uses of the property and he felt the current configuration was more versatile. Vice Mayor Hosafros agreed that it made sense to attach the amphitheater to the building for costume changes and storage, the ability to store equipment and catering options.

Council Member Atterholt stated that they had to prioritize what was important and he supported a joint meeting. Council Member Allers suggested that staff present a design with input from BORCAB and Council before scheduling meetings.

Council Member Allers noted that he needed to see what a stand-alone amphitheater would look like before comparing it to the present location. Council Member Veach preferred the current location within the building. Council Member Atterholt did not think they had enough information to make a decision. He supported meetings with appropriate entities to reach a compromise. Mayor Murphy felt that integration was fine but he agreed to take another look at it. Town Manager Hernstadt stated that they would produce more drawings of the amphitheater and schedule meetings.

IV. AGENDA MANAGEMENT

A. Agenda Management

Add data presentation by Manager Chustz to the December 7, 2020 agenda.

Add joint meeting with BORCAB before the first regular Council meeting on January 11, 2021.

Add amphitheater vote to the Council meeting on January 19, 2021.

Add veteran's tribute to an agenda.

V. ADJOURNMENT

Mayor Murphy adjourned the meeting at 11:38 a.m.



Fort Myers Beach Town Council

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Monday, December 7, 2020

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers, Council Member Atterholt and Council Member Veach.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Vice Mayor Hosafros moved Consent Item A - LCSO Extra Duty Traffic Detail(s) for discussion.

Council Member Veach moved Consent Item C - TDC Projects for Fiscal Year 2021 2022 for discussion

Motion to approve with changes by Vice Mayor Hosafros, second by Council Member Veach. Motion carried unanimously.

V. PUBLIC COMMENT

Len Lemmer, owner of Nervous Nellies, stated that they were interested in having Bayside Park flexible to accommodate many events, create a destination for day and night and try to create a destination at the park that did not disturb the neighborhood. He spoke about the lack of lighting on San Carlos and the condition of the seawall at Bayside Park. He stated the seawall was in very poor condition and if it was repaired, they could build another fountain at the park. Peter Ennis, partial owner of Snug Harbor, noted there were not many events at Bayside Park. He discussed setting up a portable stage and bleachers with a stage near the water, adding shade without blocking the view and adding decorative pavers.

Nick Ruland from Snug Harbor emphasized the lack of lighting on San Carlos. He indicated that the lights were dim because no one knew what the turtle regulations would be years ago, per a person who worked for Ensite. He invited Council Members to visit at night.

Laurie Russell, resident and Manager of Marina Village, brought up installing a splash pad at Bayside Park. She distributed a picture from Babcock Ranch. She discussed building an interactive veterans tribute on a walkway.

Jan Lee, resident, discussed beach erosion at Leonardo Arms. She estimated they lost 50 feet of shore from building to surf. She requested that the Town do something to restore the beach.

Chryl Neus, resident of Leonardo Arms, agreed with Jan Lee. She stated it was urgent that something is done to renourish the beach and she did not think it would withstand another storm.

Mayor Murphy suggested that the Leonardo Arms Board of Directors contact Town staff.

Boyd Sand Artist discussed tourists who visited the clock at Times Square and the monetary result.

Phil Winter, resident, discussed the lack of communication with the Mayor and some Council Members. He discussed the traffic light at Times Square and stated they needed full-time deputies on the concrete median.

Scott Saverail, property owner, discussed the trailer bathroom issue on the public right-of-way and the FEMA (Federal Emergency Management Agency) technical bulletin regarding restrooms. He requested that the vote be postponed due to the recent email problems.

Chris Schaab stated that he applied late for his chair and umbrella license. He indicated the ordinance was not being applied the same for everyone. He displayed his public hearing package and noted that his \$1,000.00 check was cashed despite being told that it would be held until the process was completed. He read the ordinance and indicated that he followed the rules, but he did not turn in a complete application. He commented that staff did not follow the rules.

Barbara Hill, Vice Chair of BORCAB, reviewed the history of redesigning Bay Oaks. She looked forward to the upcoming joint meeting and encouraged members of the community to get involved.

Gayle Mason from Restore the Arches thought the arches were going to be discussed. She suggested that everyone involved meet to find a solution.

Earl Morgan supported restoring the arches. He provided his rationale for bringing back the arches and supported placing them at Lynn Hall Park.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Hosafros recognized Town Council members.

Mayor Murphy recognized Steve Huss and Willie Demao and sent condolences to their families.

Council Member Atterholt expressed condolences regarding Mr. Demao. He recognized a book regarding the Mound House and noted it was available at the Mound House.

Council Member Veach recognized the Beach Kids Foundation. He noted that this was their fundraising time of year and he encouraged everyone to donate to their

cause. He appreciated everyone who was following CDC guidelines.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

A. Anchorage Advisory Committee

Kathy Light, Chair of the Anchorage Advisory Committee (AAC), indicated that staff emailed a proposal regarding purchasing two Harbor House units. She stated that they could stay with Matanzas or purchase the units. The AAC felt it was a good investment for the Town to take it in-house. She described approximate costs for the project and noted they were not allowed to make money on the Mooring Field and their goal was to come close to breaking even. Town Manager Hernstadt remarked that they were looking at the project's financial feasibility and would present data at the next M&P Session in January.

Lee Melsek, BORCAB Member and life-long resident noted that their vision for Bay Oaks was lost in the shuffle. He read a letter sent to Council Members and published to websites regarding their vision for the campus. He suggested the plan be completed in phases. He suggested that they reject the latest design and requested that BORCAB be involved in each step of the decision-making process.

VIII. REORGANIZATION OF COUNCIL

A. Selection of Mayor and Vice Mayor

Selection of Mayor and Vice Mayor in accordance with the Town Charter.

Mayor Murphy nominated himself for Mayor.

Council Member Veach nominated Vice Mayor Hosafros for Mayor.

Council Member Allers nominated Council Member Atterholt for Mayor. He declined.

The majority voted to confirm Mayor Murphy. Vote was 3-2; Atterholt and Veach dissenting.

Council Member Atterholt nominated Vice Mayor Hosafros as Vice Mayor.

The vote was unanimous to confirm Vice Mayor Hosafros.

IX. APPROVAL OF MINUTES

A. Draft Minutes November 16, 2020

Council Member Allers moved to approve the minutes; second by Vice Mayor Hosafros.

Motion carried unanimously.

X. PRESENTATION**Fort Myers Beach Renourishment**

Michael Poff from Coastal Engineering Consultants joined Environmental Project Manager Chadd Chustz. He utilized PowerPoint for his presentation. Slides included: Current Project Scope; FDEP Designated as Critically Eroded; Shoreline Change Rates; Area of Concern; Mean High Water Line Survey and Proposed Erosion Control Line. Mr. Poff discussed patterns of erosion and accretion. Manager Chustz displayed pictures of Leonardo Arms, Bermuda Dunes and Newton Park after Hurricane Eta. Mr. Poff discussed funding requirements.

Town Manager Hernstadt suggested that Leonardo Arms Board of Directors contact Coastal Engineering. Mr. Poff stated that they contacted him, but it was a conflict of interest since Coastal Engineering worked for the Town. He suggested that properties affected by erosion get together and establish five-foot-wide public access easements through their properties that lined up with bus stops or parking to obtain credit for state and TDC funding. He noted they could also get qualified as a vacation condo rental through the Department of Business and Professional Regulation (DBPR). He suggested that condos visit the DBPR website for details.

XI. CONSENT AGENDA

Vice Mayor Hosafros moved to approve the Consent Agenda with A. and C. removed for discussion; second by Council Member Allers.
Motion carried unanimously.

A. LCSO Extra Duty Traffic Detail(s)

Approve Extra Duty Traffic Detail contract(s) with Lee County Sheriff's Office for Fiscal Year 2020-2021; Authorize the Town Manager to execute contract documents as approved in FY2021 budget.

Vice Mayor Hosafros brought up the coronavirus and questioned whether they needed extra duty traffic detail. Town Manager Hernstadt replied that it was easier to cancel shifts if needed. Council Member Atterholt indicated that traffic was a problem now and he supported the expenditure. Council Members Veach and Allers agreed. Mayor Murphy agreed it was easier to cancel shifts.

Council Member Atterholt moved to approve; second by Vice Mayor Hosafros.
Motion carried unanimously.

B. LSCO Marine Patrol Detail

Approve Boat Patrol contract(s) with Lee County Sheriff's Office for Fiscal Year 2020-2021; Authorize the Town Manager to execute contract

documents as approved in FY2021 budget.

Mayor Murphy moved to approve the contracts; second by Council Member Allers.

Motion carried unanimously.

C. Approve TDC Projects for Fiscal Year 2021 2022

Approve TDC Projects for Fiscal Year 2021 2022

Council Member Veach expressed concern regarding beach renourishment at the south end and the bathroom trailer. He did not support the bathroom trailer until the public had an opportunity to provide input. Vice Mayor Hosafros noted that they had to go through steps before requesting beach renourishment at Leonardo Arms. She stated that they could approach the TDC on an emergency basis if needed. The bathroom was a replacement and was located in a business neighborhood. No complaints were ever recorded for the restroom at that location. Council Member Veach stated that there were 11 public bathrooms on the Island. He felt they should utilize what they had before asking for more.

Vice Mayor Hosafros stated that the restroom in question was not new. Complaints from businesses were received after the restroom was removed because people were defecating on the property. Council Member Atterholt questioned the Town Attorney regarding whether he felt the restroom violated FEMA regulations or the LDC and comp plan. Town Attorney Herin replied that it was not in violation and the plat was to be used for public purposes.

He indicated that it was appropriate for that area and the restroom was not a permanent structure. He stated that the TDC request was for funding only. Council Member Atterholt questioned whether they could remove the restroom request to allow for public input. Council Member Veach cited FEMA regulations concerning base elevation and whether the area was zoned for a trailer. Town Attorney Herin replied that the restroom was not considered a trailer. Council Member Veach felt they were setting a precedent for future Councils to add restrooms on the beach. Vice Mayor Hosafros stated that businesses should not have to shoulder the brunt of cleaning up the property.

Town Manager Hernstadt described the timeline if TDC approved the funding request. He indicated there were many steps to the process and the public would have opportunities to provide input. Council Member Veach did not support requesting funds to replace the restroom.

Mayor Murphy questioned whether Vice Mayor Hosafros could speak to the TDC for feedback. Vice Mayor Hosafros hesitated to contact the TDC. She reiterated that the restroom had been there for years and they never received a complaint.

Mayor Murphy questioned whether they could create an exception for that location and exclude other locations. Town Attorney Herin replied that he was reluctant to recommend absolutes. He suggested that they could discourage bathrooms and public facilities in any other locations. Council Member Veach suggested that they create a resolution to codify the action. Town Manager Hernstadt suggested they receive consent from the adjacent property owners. Council Member Allers agreed with Vice Mayor Hosafros and stated that he received requests from the business to replace the restroom. He agreed with keeping the request on the list.

Vice Mayor Hosafros moved to approve; second by Mayor Murphy.
Motion carried; 4-1 with Council Member Atterholt dissenting.

D. Council Policies and Procedures Manual

Update Town Council Council Policies and Procedures Manual to reflect March 2020 Referenda changes

Mayor Murphy moved to update the manual; second by Council Member Allers.

Motion carried unanimously.

XII. PUBLIC HEARINGS

A. Ordinance 20-17; Special Events

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 6, 14, AND 34 OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, REVISING CHAPTER 22 OF THE FORT MYERS BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on January 11, 2021 at 9:00 AM

Mayor Murphy read the title of the ordinance.

Community Development Director Jason Green reviewed comments by the LPA.

Vice Mayor Hosafros noted that she thought Sarah Propst recommended deletions concerning temporary uses because they appeared somewhere else in the code. She questioned whether the Town Manager would contact Ms. Propst for clarification. Town Attorney Herin stated that Vice Mayor Hosafros was correct because the temporary use of mobile homes was covered elsewhere. Town Manager Hernstadt will contact Ms. Propst before the second reading. Town Attorney Herin stated there were no significant changes but the formatting was changed to make it easier to codify.

Council Member Atterholt discussed permits for garage sales. He supported striking the language from the ordinance. Consensus was reached to strike the language.

Public comment:

Chris Schaab commented on the man who used a megaphone and video camera while walking around and preaching on the Island. He noted that some people were offended and he questioned whether that person should have to apply for a special event permit.

Public comment closed.

Vice Mayor Hosafros moved that amended Ordinance 20-17 be scheduled for a second and final hearing on January 11, 2021, at 9:00 a.m.; second by Council Member Veach.

Motion carried unanimously.

B. Ordinance 20-18; Water Supply Facilities Work Plan

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING AMENDMENTS TO THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN UTILITIES ELEMENT TO UPDATE DATA AND ANALYSIS AND THE GOALS, OBJECTIVES, AND POLICIES RELATED TO WATER SUPPLY PLANNING REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE

DATE. Open the first public hearing and schedule for second reading and final adoption on March 1, 2021 at 9:00 AM

Mayor Murphy read the title of the ordinance.

Community Development Director Jason Green provided a summary. Town Manager Hernstadt clarified that they had to prove that the Town had a water source for the Town's properties.

No public comment.

Vice Mayor Hosafros moved to schedule Ordinance 20-18 for a second hearing and final adoption on March 1, 2021, at 9:00 a.m.; second by Council Member Veach.

Motion carried unanimously.

C. Ordinance 20-19; Height and Setback Requirements

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE DEFINITIONS IN THE FORT MYERS BEACH LAND DEVELOPMENT CODE AND AMENDING DIVISION 3 OF ARTICLE III OF CHAPTER 34, OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, ENTITLED "EXPLANATION OF PROPERTY DEVELOPMENT REGULATIONS FOR ALL ZONING DISTRICTS" REVISING HEIGHT AND SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE.

Open the first public hearing and schedule for second reading and final adoption on January 11, 2021 at 9:00 AM

Mayor Murphy read the title of the ordinance.

Community Development Director Jason Green reviewed changes. Town Manager Hernstadt noted that anyone could request a deviation. He stated that if property owners were willing to bring in the sides of their building to keep the view corridors open, they could add height. Vice Mayor Hosafros did not think the ordinance went far enough but she supported the compromise. She suggested that staff work on the footprint issue in the future.

No public comment.

Vice Mayor Hosafros moved to schedule Ordinance 20-19 for a second hearing and final adoption on January 11, 2021, at 9:00 a.m.; second by Council Member Veach .

Motion carried unanimously.

XIII. ADMINISTRATIVE AGENDA

A. Replacement Vehicle

Approve the purchase of the replacement vehicle from Sam Galloway Ford in the amount of \$40,457.25 as budgeted in FY 20 budget, piggybacking Lee County Contract ITB160545, and authorizing auction of old van to replace the 2011 Ford F350XL Passenger Van.

Council Member Veach moved to approve the purchase; second by Vice Mayor Hosafros.

Motion carried unanimously.

B. Wire Transfer Policy and Procedures

Approval of Wire Transfer Policy and Procedures as recommended by external Auditors.

Finance Director Walter Pierce explained that the policy updated the previous policy from 2013 and was recommended by the auditors.

Vice Mayor Hosfros moved to approve the wire transfer policy and procedures; second by Council Member Allers.

Motion carried unanimously.

C. Town Investment Policy

Rescind the Town Investment Policy to prevent misunderstanding on how the Town should invest and report on any excess funds available. Also to avoid continued Audit noncompliance.

Finance Director Pierce summarized the reasons to rescind the policy. He noted it was not applicable to their current investment situation. He indicated that they were working on a compromise for reporting finances.

Council Member Veach moved to rescind the Town Investment Policy; second by Council Member Atterholt.

Motion carried unanimously.

D. Matanzas Inn CPD

Determine if Matanzas Inn Commercial Planned Development project has met the conditions of approval for phased development.

Community Development Director Jason Green reviewed Condition 5 of the original CPD. He noted that the 2015 resolution restarted the clock.

Doug Speirn-Smith, owner of Matanzas Inn, noted that he thought it would be simple, but it ended up being complicated due to several issues. He felt the language was confusing and they were trying to coordinate their construction with the Town's redevelopment.

Vice Mayor Hosafros stated that the motion was too vague. Town Attorney

Herin agreed and indicated they could retroactively swear in the witnesses or bring the item back on a future agenda as a quasi-judicial public hearing item. He recommended that at the bare minimum, they should swear in the witnesses.

Council Member Atterholt pressed Director Green for a staff recommendation. Director Green responded that Mr. Speirn-Smith stated that the kitchen was remodeled. Vice Mayor Hosafros questioned whether they were following code provisions. She noted that the public had a lot of input in 2015 and she felt if they went forward that a lot of people would be unhappy. She was uncomfortable with the process and the way it came through. Council Member Allers agreed with continuing the matter.

Vice Mayor Hosafros moved that they move the item to a future date, a staff report be included and that it be conducted as a quasi-judicial hearing; second by Council Member Allers.

Town Manager Hernstadt stated that there was not a clear record and they did not have a problem bringing it back. He encouraged Mr. Speirn-Smith to hire a professional to document his accomplishments and where he met the requirements.

Council Member Atterholt stated why he objected to the motion.

Motion carried; 3-2 with Mayor Murphy and Council Member Atterholt dissenting.

XIV. FINAL PUBLIC COMMENT

Chris Schaab discussed their traffic problem and compared it to how Sanibel directed traffic on their Island.

XV. TOWN MANAGER'S ITEMS

Town Manager Hernstadt stated that he emailed Council Member's Atterholt pictures for a potential location for the arches to Council and the County Manager.

Town Manager Hernstadt suggested they cancel New Year's Eve celebrations.

Council Member Allers questioned whether they could do something virtually.

Town Manager Hernstadt replied that they could via the Town's FaceBook.

Council Members agreed with canceling the event.

Town Manager Hernstadt recommended that the Town issue Mr. Schaab's permit and waive the fees.

Mayor Murphy moved to recommend that they reinstate Mr. Schaub's permit and waive associated fines; second by Council Member Allers.

Motion carried unanimously.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Herin reported that one of the three eviction notices was served to a derelict vessel in the Mooring Field. He commented that they were searching for one of the owners and may have to do the same for the third. He noted that they received a notice of appeal of one of the code enforcement cases. They were

going to ask the court for dismissal based on the timeline.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Veach requested that they be given a summary of usage statistics for Bay Oaks, a survey concerning what the public wanted and the internal layout of the building before the joint meeting with BORCAB on January 11, 2021. Town Manager Hernstadt replied that he would check with Director of Culture, Parks & Recreation Alison Giesen for the information. Council Member Veach questioned whether they should form an ad-hoc committee regarding the veterans tribute. Council Member Atterholt agreed. Council Member Veach questioned adding restrictions regarding residential beach accesses to an M&P Session. Vice Mayor Hosafros agreed.

Council Member Atterholt questioned whether FP&L was scheduled for a Council meeting. Town Manager Hernstadt replied that he was waiting to hear back.

Vice Mayor Hosafros wished everyone a happy holiday.

Council Member Allers mentioned the Women's Tree Festival over the weekend. He wished everyone a happy holiday.

Mayor Murphy wished everyone a happy holiday season.

XVIII. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn; second by Council Member Atterholt.

Motion carried unanimously.

The meeting was adjourned at 12:48 p.m.

1. Requested Motion:

Meeting Date: January 11, 2021

Amendment to extend Resolution 20-45 completion date for an exchange of real property and improvements related to the redevelopment of Bay Oaks recreational facility, not to exceed 60 days.

Why the action is necessary:

The extension will allow for both parties to have accurate information about the interlocal upon further review and closing.

What the action accomplishes:

Extends the closing time for Resolution 20-45 for up to 60 days.

2. Agenda:

CONSENT AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

The resolution is an exchange of real property and improvements related to the redevelopment of Bay Oaks recreational facility. The interlocal agreement is between The School Board of Lee County and The Town of Fort Myers Beach. The closing of the interlocal was set for the end of the calendar year 2020; However, this is an extension to extend the resolution's closing time up to 60 days because the shared-used interlocal hasn't been approved.

Attachments:

1. Real Property Lease Agreement Amendment 1

Financial Impact:

6. Alternative Action

Do not extend.

7. Management Recommendations:

Approve amendment.

8. Recommended Approval:

Randy Paniaqua, Administrative Officer
Chelsea O'Riley, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/5/2021
Approved - 1/5/2021
Approved - 1/6/2021
Approved - 1/6/2021
Final Approval - 1/6/2021

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT RELATING TO
EXCHANGE OF REAL PROPERTY AND IMPROVEMENTS**

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT RELATING TO EXCHANGE OF REAL PROPERTY AND IMPROVEMENTS (this “**First Amendment**”), is made as of the ____ day of December, 2020 by and between the TOWN OF FORT MYERS BEACH (the “**Town**”), and THE SCHOOL BOARD OF LEE COUNTY, FLORIDA (the “**School Board**”).

WITNESSETH THAT:

WHEREAS, the Town and the School Board have entered into that certain Interlocal Agreement Relating to Exchange of Real Property and Improvements effective October 7, 2020 (the “**Agreement**”) with respect to the property and facilities relating to the Bay Oaks Recreational Facility and Fort Myers Beach Elementary School, as more fully described therein (the “**Exchange Parcels**”); and

NOW, THEREFORE, for Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration each to the other paid, the receipt and sufficiency of which is hereby acknowledged, the Town and the School Board hereby agree as follows:

1. **CLOSING**. The time for completing the Closing (as defined in Section 3.1 of the Agreement) is hereby extended sixty (60) days, such that the Closing shall take place on or before the earlier of (i) fifteen (15) days following the satisfaction of all Conditions Precedent or (ii) April 1, 2021.

2. **RATIFICATION**. Except as modified by or where inconsistent with this First Amendment, the Agreement is hereby ratified and confirmed. Where inconsistent, the terms of this First Amendment shall supersede and take precedence over the Agreement. Capitalized terms used but not defined herein shall have the meanings attributed to such terms in the Agreement. The Agreement, as amended hereby, shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

3. **COUNTERPART EXECUTION**. This First Amendment may be executed in any number of counterparts and by each of the parties hereto in separate counterparts, all such counterparts together constituting but one and the same instrument. This First Amendment shall not be effective unless and until the same has been executed and delivered by all parties hereto whether in one or more counterparts. To facilitate execution of this First Amendment, the parties may execute and exchange counterparts of signature pages by telephone, Docusign, facsimile or portable document format (.pdf).

IN WITNESS WHEREOF, the parties have executed this instrument under seal as of the day and year first above written.

TOWN OF FORT MYERS BEACH, a Florida municipal corporation:

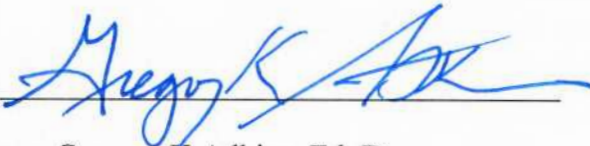
By: _____

Name: _____

Its: _____

Dated: _____

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

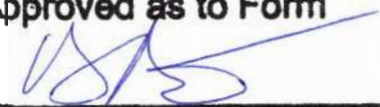
By: 

Name: Gregory K Adkins, Ed. D

Its: Superintendent

Dated: 12/14/2020

Approved as to Form

By: 
School Board Attorney

1. Requested Motion:

Meeting Date: January 11, 2021

Accept donation of \$18,000 from the Friends of Bay Oaks to support the youth programs at Bay Oaks.

Why the action is necessary:

Council approval is needed to designation donation funds and the limitation to use the funds for a specific purpose.

What the action accomplishes:

This allows the funds that have been raised by the Friends of Bay Oaks to continue to support the youth programs.

2. Agenda:

CONSENT AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

The Friends of Bay Oaks, a 501(c)3 non-profit group, was founded with the purpose to promote interest in Bay Oaks Recreation Center, to assist the staff of the Town of Fort Myers Beach in the development of a volunteer program for the Center and to support the Center financially. Due to inactivity the organization the non-profit is currently inactive and is requesting all funds be donated to the Town of Fort Myers Beach for support of youth programs at Bay Oaks. Funds can be used but are not limited to, furnishings and or equipment needed for the new building designated for youth programs and activities and supplies needed for the youth programs currently being offered. At present there are no funds set aside to furnish the interior of the new building. Denise Monahan, President of the Friends of Bay Oaks is unable to attend the meeting to present the check. It is hoped that the Friends of Bay Oaks will become an active non-profit in the future.

Attachments:

1. Friends of Bay Oaks donation notification December 26, 2020

Financial Impact:

6. Alternative Action

7. Management Recommendations:

Accept and approve the donation from the Friends of Bay Oaks.

8. Recommended Approval:

Alison Giesen, Director of Cultural, Parks & Recreation
Alison Giesen, Director of Cultural, Parks & Recreation
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/4/2021
Approved - 1/4/2021
Approved - 1/4/2021
Approved - 1/5/2021
Final Approval - 1/5/2021

From: Denise Monahan <denise@seacoastcottagecompany.com>
Sent: Saturday, December 26, 2020 10:53 AM
To: Alison Giesen
Subject: Friends of Bay Oaks donation

Allison,

As we discussed, the official Friends of Bay Oaks non-profit group has moved to an inactive status for what we hope will be a temporary interruption.

We would like to present you with a check for the full balance of our account, \$18,000.
It is our request that these funds be used toward the youth programs at Bay Oaks.

We are excited to see the commitment to Bay Oaks from our current town council, and appreciate the leadership from you and the entire Bay Oaks staff.

Looking forward to a bright future!

Best Regards,
Denise

Denise Monahan
President
Friends of Bay Oaks Recreation Center
(239) 848-8969

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request.
Your email communications and email address may be subject to public disclosure.

1. Requested Motion:

Meeting Date: January 11, 2021

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REPLACING TOWN OF FORT MYERS BEACH RESOLUTION 98-11, AND AMENDING THE SCHEDULE OF USES FOR PUBLIX CPD; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE. Second and final reading.

Why the action is necessary:

Requested by the Applicant

What the action accomplishes:

Site modifications, rezoning and consideration of new uses.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

4. Submitter of Information:

5. Background:

The subject property is 3.74+ acres in size, and is developed with a Publix Supermarket. The property was originally rezoned from Residential Multiple-Family (RM-2) to Commercial Planned Development (CPD) for development of approximately 28,000 square foot grocery/supermarket under Resolution 98-11 (Exhibit). The Publix Supermarket was developed in 2000, and has operated continuously since that time. Publix Supermarket, Inc. has more than 200 liquor stores country wide and they are continuing to expand. This request, if approved, will allow Publix to build and operate a liquor store next to the supermarket located in the Town.

The applicant is seeking to open a 1,514 square feet package liquor store on the existing site. The proposed store will utilize a Series 3PS, Quota liquor license, which permits beer, wine and liquor to be sold in sealed containers for the consumption off the premises, i.e. package sales. As the CPD does not currently permit the sale of alcohol, the applicant is requesting an amendment to the existing CPD to permit package sales of alcohol at the proposed store. The subject property is within walking distance to the beach and contains a supermarket as well as full service marina, a resort and residential areas. The site is within 500 feet of residential areas.

After staff consideration of the issues, the requested amendment to the CPD is consistent with the Town's Comprehensive Plan and Land Development Code. If Council is inclined to grant this lucrative request to the applicant, any and all Town Council condition requests should be fully debated and considered. Staff had discussion regarding traffic flow, and peak parking issue and the applicant has provided an updated traffic study to address the issue. Staff recommends approval of the proposed amendment to the CPD to allow a package liquor store; amending the MCP to include the liquor store use; and to include all previous deviations and conditions, except as modified below. Staff has made minor changes to the approval conditions to reduce redundancy.

The LPA found the requested amendment to be consistent with the Town's Comprehensive Plan and Land Development Code, but did express concerns about the traffic flow, peak parking and proximity to the public park, Newton Park. Additionally, the LPA suggested the agent to add pharmacy as a permitted use for future growth. To address the LPA's concern the applicant has

requested to add pharmacy under permitted use and also provided an updated Traffic Study with the peak parking variable as attached. Other issues included traffic, circulation and driveway alignment with Estero Blvd, parking and drainage issues related to the existing site and how the changes would impact or further exacerbate those issues.

Subsequent to the LPA hearing the applicant provided an updated traffic study (regarding traffic flow, and peak parking issue) to address some of the traffic concerns. At the LPA hearing, no one from Publix was present to address data on the size of their current store and product variety versus other stores as well as the impact of the modification will have on the community in light of it is the sole grocery store in the Town. Although the applicant discussed why prices are generally higher on the island versus off island stores, but did not commit to remedy the price inequities if the Town were to grant a highly profitable liquor store. With appropriate conditions, and if these concerns are addressed to Town Council's satisfaction, Staff can support the requested amendment to the CPD and its consistent with the Town's Comprehensive Plan and Land Development Code including approval of the proposed amendment for package liquor store to CPD, amending the MCP to include the liquor store use, and subject to all previous deviations and conditions except as modified.

On November 18th Town Council discussed concern about the backed up traffic exiting the property which is served by only one lane for left and right turn onto Estero Boulevard. The council requested solution for the backed up traffic by suggesting addition of a right turn lane exiting the property. Publix is working on a response to Council's request.

On December 9, 2019 the applicant agreed to provide a site plan/ schematic to Town staff for review. Since this time, multiple extensions have been granted due to coordination efforts and COVID-19 related issues. It is staff's understanding that the Publix team has coordinated with Lee County on design concepts for the access from Estero Boulevard. Staff has revised a proposed condition to include timing permits and Town approvals with Lee County approval of the access improvements.

Also during this time, the Town staff has been working with Publix store officials on correcting drainage issues that nearby residents raised. They have since performed maintenance on the drainage system and site. Staff has added a proposed condition to ensure continued maintenance and drainage inspections are provided every five years. This is a typical requirement for commercial projects in other areas of the state. Monitoring this locally will ensure the Town can be responsive to citizen and neighboring property owner concerns.

Attachments:

1. Ordinance 19_14_revised
2. Staff Report_TC_2ndHearing1-11-21
3. Exhibit_Application
4. Exhibit_Supplement Doc
5. Exhibit_Survey_LegalDesc
6. Exhibit__ExistPropSitePlan
7. Exhibit_Publix Store #0740 - Proposed Turn Lane Improvement-2
8. Exhibit_Rev_Traffic and Parking Evaluation - 10 1 2019
9. Exhibit_Resolution 98-11
10. Exhibit_Resolution 98-11A-Rezone-RM-2-to-CPD
11. Exhibit_Resolution 01-06
12. Exhibit_Resolution 14-008

13. Exhibit_Town Council - Regular Meeting - Dec 9, 2019 9_00 AM
14. TC_Notification Letter to Adjacent Property Owners_2nd Hearing (1-11-21)
15. Advertisement-NOTICE OF SCHEDULE OF USES CHANGE Publix CPD 1.11.21

Financial Impact:

6. Alternative Action

7. Management Recommendations:

8. Recommended Approval:

Jason Green, Community Development Services
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/5/2021
Approved - 1/5/2021
Approved - 1/6/2021
Approved - 1/6/2021
Final Approval - 1/6/2021

ORDINANCE NO. 19-14

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REPLACING TOWN OF FORT MYERS BEACH RESOLUTION 98-11, AND AMENDING THE SCHEDULE OF USES FOR PUBLIX CPD; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The Publix supermarket property comprising 3.74+/- acres (located at 4791 Estero Blvd; Strap number 28-46-24-W4-0001.0040), was rezoned from Residential Multi-family (RM-2) to Commercial Planned Development (CPD) pursuant to Resolution 98-11; and

WHEREAS, this Ordinance replaces Resolution 98-11 and modifies and modify the schedule of uses and conditions of approval for the subject property; and

WHEREAS, at a public hearing on September 17, 2019, the LPA gave full and complete consideration of the request, recommendation of approval by staff, the documents in the public record, and the testimony of all interested parties; and recommended approval by a 7-0 vote; and

WHEREAS, on November 04, 2019 the Town Council held a first reading of this Ordinance and set a second hearing, by a majority plus one vote, to consider the recommendation of the LPA, staff, and testimony of the public and interested parties for November 04, 2019 at 9 a.m. as required by Section 166.041(3)(c)2., *Fla. Stat.*, and Section 34-85 of the Fort Myers Beach Land Development Code (LDC); and

WHEREAS, On December 09, 2019 at 9 a.m. the Town Council held a duly advertised second public hearing to fully consider the Ordinance, the recommendation of the LPA, staff, and testimony of the public and interested parties, as required by Section 34-85 of the LDC. The December 09, 2019 meeting was continued for further discussions about the entrance onto Estero Boulevard and to allow the applicant to coordinate with Lee County, who owns and maintains Estero Boulevard; and

WHEREAS, On January 11, 2021 at 9 a.m. the Town Council held a duly advertised second public hearing to fully consider the Ordinance, the recommendation of the LPA, staff, and testimony of the public and interested parties, as required by Section 34-85 of the LDC.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Town Resolution 98-11 is hereby replaced and the schedule of uses and conditions of approval for the Publix CPD as set forth in Exhibit "A," attached hereto and incorporated herein by this reference is hereby approved.

Section 3. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

Section 4. If any Section or portion of this Ordinance proves to be invalid, unlawful, or unconstitutional, it will not invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

Section 5. 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 Councilmember _____ and seconded by Councilmember _____ and upon being put to a roll call vote, the result was as follows:

Ray Murphy, Mayor _____
Rexann Hosafros, Vice Mayor _____
Dan Allers, Councilmember _____
Jim Atterholt, Councilmember _____
Bill Veach, Councilmember _____

ADOPTED this ____ day of _____, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Ray Murphy, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM:

John R. Herin, Jr., Town Attorney

Exhibit A

1. The development and use of the subject property must be in substantial compliance with the approved “Proposed Site Plan” Master Concept Plan entitled “Conceptual Site Plan, Scheme “2” (last revised 05/20/2019 3/3/98, stamped received August 5, 2019 March 4, 1998) as prepared by Sverdrup Architecture John K. McFarland, R.A., except that there will be no pedestrian walkway to Coquina and Coral Streets, and except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.

2. A maximum of ~~28,000~~ 32,117.1 square feet (based on outside face of wall) is allowed within this planned development.

Grocery store: 28330.6 s.f.

Package Liquor Store: 1514 s.f.

Compactor Enclosure: 527.5 s.f.

Covered Loading Dock: 1745 s.f.

3. ~~Exhibit “A” will be the p~~Permitted uses within this planned development.

Approved Schedule of Uses

Essential Services

Essential Services Facilities, Group I

Food Store, Group I Only (Supermarket)

Parking Lot: Accessory

Signs, in Accordance with the Land Development Code

Package Liquor Store with an Area of 1,514 Square Feet

Pharmacy

4. Development of CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions: Specific parcel as depicted on the approved Master Concept Plan. No parcel split or land division has been approved.

Minimum Setbacks:

Street: variance according to the functional classification of the street or road (Section 34-2191 et seq.)

Side: 15 feet

Rear: 50 feet

Maximum Building Height: 24 feet (Tower: 43')

5. The truck loading dock and trash (dumpster) area(s) must be covered by a roof to screen the view and deflect the noise of this area from the adjacent residential condominiums to the north (Ocean Harbor).

6. Air conditioning, cooling, or refrigeration units may be placed on the roof of the building. All such units must be covered with a roof to screen their view and baffled to deflect their noise from the adjacent residential condominiums.

7. The hours of operation of this store are limited from 8:00 AM to 10:00 PM daily. ~~Delivery of goods is also limited to these same hours. The permitted hours of delivery of goods are limited from 7:00 AM to 10:00 PM daily.~~ No delivery trucks are allowed onsite except during these hours.

8. ~~Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional comments may be required to obtain a local development order, consistent with local development regulations. These conditions include a southbound turn left turn lane and, if necessary, a northbound turn lane, and any expansion or potential redesign of the intersection of the access to the subject property with Estero Boulevard.~~

89. An enhanced buffer along the southern property line (adjacent to the Holiday Shores subdivision) must be provided. This buffer must consist of a berm and landscaping that is no less than eight feet in height. Within one year of occupancy, visibility through any buffer installed pursuant to this section must be opaque when viewed at right angles.

940. The architectural design for the supermarket will be is as submitted on 5/5/98.

110. Any exterior lighting must be shielded to prohibit any light from shining onto adjacent parcels.

11. The applicant will maintain the existing design and constructed stormwater conditions along the property line to avoid negative impact of flood issues on the residential neighbors. The applicant/owner will provide stormwater maintenance log-report, signed by a Florida licensed Engineer which states the system is operating as designed, to the Town every five years at an interval compliant with the State's Best Management Practices.

12. An existing driveway will be widened to add a right turn lane provide a total of two exit lanes from Publix and one inbound lane into Publix at the owner's expense as provided on a report provided by Traftech dated 01/16/2020. The applicant must provide a stacking mechanism at the driveway for incoming and outgoing traffic stacking for 4 existing vehicles (2 on each lane) and for 2 inbound vehicles; and it shall not impact more than existing surplus parking spaces. All Lee County approvals are required prior to the Town issuing any final approvals, including but not limited to, amendments to the Development Order and Building Permits.

13. Approval of this use amendment does not exempt the subject property from any provisions of the LDC. The conditions contained in previous resolutions including Resolution 98-11, 98-11A, 01-06, and 14-008 remain in effect except as modified herein.

Deviation

Deviation from LDC 34-2013 to allow driveway aisle along south side of site serving parking spaces for the supermarket to also act as an accessway to the marina and restaurant.

~~If this deviation is approved,~~ In order to reduce the potential impact to the public it is recommended that these parking areas be utilized by employees so that the high turn-over parking areas are located nearest the store and minimizing impact on traffic entering or leaving the marina.

Deviation from LDC34-1263(d)(4) to permit a package store, which is primarily engaged in the retail sale of liquor for consumption off-site, to be closer than 500 feet to dwelling units.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Commercial Planned Development (Rezoning)

CASE NUMBER: DCI20190023

CASE NAME: Publix CPD, Package Liquor store

TOWN COUNCIL HEARING DATE: January 11, 2021

STAFF RECOMMENDATION: Approve amendment to CPD for schedule of uses.

PREPARED/SUBMITTED BY: Jason Green, AICP

I. APPLICATION SUMMARY

Applicant/Agent: Publix Super Market, Inc. / Louis Terminello, Esq.; with permission from the Town of Fort Myers Beach

Request: To amend Resolution 01-06: (1)schedule of uses to allow package liquor store for consumption off premises and (2) Deviation from LDC34-1263(d)(4) to permit a package store to be closer than 500 feet to dwelling unit.

Subject property: Exhibit Survey

Physical Address: 4791 Estero Blvd.

STRAP #: 28-46-24-W4-0001.0040

FLU: Boulevard

Zoning: Commercial Planned Development
(Resolution 98-11/11A, as amended by Resolution 01-06)

Current use(s): Publix Supermarket

Adjacent zoning and land uses:

North:	CPD (Commercial Planned Development); Marina FLUM; Dry Rack Condo
South:	Estero Blvd then RC (Residential Conservation), RM (Residential Multifamily); Mixed Residential FLUM; condominium residences and multi-family residences
East:	Sanders Drive then RS (Residential Single-family); Low Density FLUM; several single-family residence.
West:	RM (Residential Multifamily); Mixed Residential FLUM; several condominium residences.

II. BACKGROUND AND ANALYSIS

Background:

The subject property is 3.74± acres in size and is developed with a Publix Supermarket. The property was originally rezoned from Residential Multiple-Family (RM-2) to Commercial Planned Development (CPD) for development of approximately 28,000 square foot grocery/supermarket under Resolution 98-11 (Exhibit). Resolution 98-11A (Exhibit) clarified the legal description of the project. The CPD was amended under Resolution 01-06 (Exhibit) to allow an additional sign, and to allow an off-site sign. The CPD was amended again in 2014 to allow a temporary sign to announce store hours after an emergency event or for posting of holiday hours under Resolution 14-008 (Exhibit).

The Publix Supermarket was developed in 2000 and has operated continuously since that time. A usual and customary sales tactic of grocery stores and supermarkets is to provide some merchandise outside of the store walls, near the entrance of the store. Publix has employed that strategy at this location for years. Publix Supermarket, Inc. has more than 200 liquor stores country wide and they are continuing to expand. This staff report request for the same for the supermarket located in the Town of Fort Myers Beach.

UPDATED: Pursuant to the Town Council's discussions during the first reading of the Ordinance, Publix has been working with Lee County to develop a concept plan for the access on Estero Boulevard. The intent was to improve traffic flow leaving the site with minimal impact on internal circulation. Staff has revised the edits to the conditions of approval to include requiring Publix to receive Lee County access/drivewayt permit approval prior to Town approval of the Development Order and any Building Permits associated with the development.

Applicant's Request Narrative:

The applicant wishes to open a package store for retail sale of alcoholic beverages for consumption off premises. Resolution 98-11 for CPD amendment does not contain package liquor store in the schedule of uses. The applicant provides following request narrative:

The applicant is seeking to open a 1,514 square feet package liquor store on the existing site. The proposed store will utilize a Series 3PS, Quota liquor license, which permits the beer, wine and liquor to be sold in sealed containers for the consumption off the premises, i.e. package sales. As the CPD does not currently permit the sale of alcohol, the applicant respectfully requests to amend the existing CPD to permit package sales of alcohol at the proposed store.

As the addition of the proposed package liquor store will increase the total square footage currently permitted under the existing CPD, the applicant also respectfully request to amend the total permitted square footage under the CPD to be increased from a total of 28,000 s.f. to 32117.1 s.f. The increased square footage includes both the square footage including existing grocery store, which is approx. 28330.6 s.f. and the proposed square footage of the package liquor store which will be approx. 1514 s.f. the total square footage also includes the compactor enclosure, which is 527.5 s.f. and the square footage for the covered loading dock, which is 1,745 s.f. These square footage calculations are based on the outside face of wall- out to out square footage.

Analysis:

The subject property used as a supermarket and it is within walking distance to the beach as well as full-service marina, several resort and residential areas. The applicant wishes to open a 1,514 square foot package liquor store on the existing site. The site is within 500 foot of residential areas, and a partially similar establishment. Fort Myers Beach Land Development Code does not permit the sale of alcohol in the areas closer than 500 foot to any place of worship, religious facility, school, day care, park, or dwelling unit or 500 foot from any other establishment primarily engaged in the sale of alcoholic beverages.

The requested package store will only allow sale of alcoholic beverages and will not allow consumption of alcohol on the premises. The applicant provides a consistency narrative for Land Development Code:

Section 43-1263(d) of the Land Development Code requires that any package store primarily engaged in the retail sale of liquor for consumption off-site shall not be permitted closer than 500 feet to any place of worship, religious facility, school (noncommercial, day care center (child), park, or dwelling unit, or 500 feet from any other establishment primarily engaged in the sale of alcoholic beverages.

Section 34-1263(d)(4) of the Land Development Code further requires that any planned development zoning district where the applicant is contemplating the sale of alcoholic beverage for consumption off premises in an establishment which cannot meet the distance requirement to request a deviation from the distance requirements as described herein above.

The request will not place any burden on the transportation network or other facilities. The applicant has provided a traffic and parking evaluation study prepared by Trafftech (Exhibit). According to the study, the proposed liquor store will eliminate 7 existing regular parking spaces out of 161 parking spaces. The study shows that the existing grocery store including package store will require 118 parking spaces and the applicant has provided 154 parking spaces. There are additional 36 parking spaces available on the property. The liquor store will not impact negatively on the existing parking spaces.

Comprehensive Plan Consistency:

The subject property was rezoned to CPD in 1998 and it was found to be consistent with the Fort Myers Beach Comprehensive Plan. The subject property is located in Boulevard Future Land Use and primarily in a commercial district.

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 6 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%.

Comprehensive Plan Policy 4-C-2 requires that “the maximum intensity of allowable commercial development in any category may be controlled by height restrictions or by other provisions of this plan and the Land Development Code”. The staff finds that the proposed amendment does not increase the density or intensity within the development.

Policy 4-C-3 contains provision for locational requirement for commercial uses. For Boulevard Future Land Use, the policy states that mixed use development including commercial uses are permitted and the use must be sensitive to nearby residential areas and contribute to the public realm. The subject property is used as supermarket and is contributing toward the public realm as it is.

The proposed amendment does not decrease buffers or open spaces approved under Resolution 98-11; does not underutilize public resources or infrastructure; does not reduce total open space, landscaping or preservation area; and does not impact on surrounding land uses.

Planned Development Considerations:

The Land Development Code includes a list of items that the Town Council must consider, if applicable, when reviewing approval of a requested planned development. These “Considerations” are contained in LDC Section 34-85 and are reproduced and discussed below.

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

Staff finds that there is no ambiguity which must be corrected, but the Schedule of Uses should be amended to allow liquor package store where the supermarket does not provide on-site consumption of alcoholic beverages.

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

It was determined that liquor store is a separate use that needed to be allowed in the CPD zoning district to be permitted on the property.

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

Staff finds the requested amendment is consistent with the intent of the LDC chapter 34 and the previous findings and conclusions documented by previous Town Council.

4. *The testimony of any applicant.*

The Council will be able to hear from the applicant at the public hearing.

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

The staff recommendation and the LPA recommendation that was obtained at the LPA public hearing on September 17, 2019 are contained in this staff report.

6. *The testimony of the public.*

The public will have the opportunity to testify at the Town Council public hearing.

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

The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan. The request does not raise any compatibility concerns with residential uses. Staff finds that the proposal does not substantially change the existing approvals or development rights for the subject site. That the proposed use of the existing property is consistent with the previously approved CPD. Resolution 98-11 found the requested CPD zoning to be in compliance with the Comprehensive Plan. Further, the subject property is located in the Boulevard Future Land Use category, a land use category that allows commercial activities on Fort Myers Beach.

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

Staff finds the proposal will not cause increased air, water or noise pollution. Resolution 98-11 found the requested CPD zoning to be in compliance with all performance and locational standards.

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

Staff finds that urban services are available and adequate as the subject property is already a customer of Beach Water, and roads and sidewalks are in place along Estero Boulevard.

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

Resolution 98-11 found the requested CPD zoning to protect, conserve and preserve 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.*

Concerning this consideration, the applicant provided the following discussion:

A Specific Purpose Survey (Distance Survey attached as exhibit A) reflects that Sand Castle Kindergarten, which is attached to Snook Bight Marina, is located approximately 159.1 feet from the proposed establishment. The enclosed survey also reflects that there are dwelling units located within 500 feet of the proposed establishment, which are specifically detailed on the survey (the closest of which is Ocean Harbor Condominium, which is located approximately 150.8 feet from the proposed establishment). The enclosed survey reflects that there is one (1) business engaged in the sale of alcohol, which is Bayfront Bistro. However, Bayfront Bistro is a bona fide restaurant licensed by the Florida Division of Alcoholic Beverages and Tobacco with a Special Food Services Liquor License, and therefore, is not an establishment primarily engaged in the sale of alcoholic beverages. Under a Special Food Service Liquor License, 51% of the licensee's gross food and beverages revenue must be derived from the sale of food and nonalcoholic beverages.

The granting of the request recited herein will not have any negative impacts on the surrounding properties. In light of the foregoing, and the application materials submitted herewith, we respectfully request approval of this application.

Staff finds that the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. The property is currently used as a

supermarket. This will not change if the request is approved. The requested amendment would allow liquor package store on the property and provide for deviations and conditions of the development.

- 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 request will not place any burden on the transportation network or other facilities. The applicant has provided a traffic and parking evaluation study prepared by Trafftech (Exhibit). According to the study, the proposed liquor store will eliminate 7 existing regular parking spaces out of 161 parking spaces. The study shows that the existing grocery store including package store will require 118 parking spaces and the applicant has provided 154 parking spaces. There are additional 36 parking spaces available on the property. The liquor store will not impact negatively on the existing parking spaces.

Additional consideration for planned development is specified in the Town's Land Development Code. LDC Section 34-216 specifies that "the recommendation made to the town council must be supported by the guidelines set forth in § 34-85" as well the findings must address whether the criteria found in this section can be addressed. These criteria are discussed below:

- 1. The proposed use or mix of uses is appropriate at the subject location;*

The proposed uses in the CPD zoning district is appropriate at the subject location. Any change to the MCP would require the adoption of a revised MCP which meets all of the development standards created in the CPD.

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

Staff finds that the requested use for approval, as amended for this request, provides sufficient safeguards to the public interest.

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

The schedule of uses have been modified to address the addition of the requested use. All previous conditions were found to be sufficient and reasonably related to the impacts on the public's interest.

- 4. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

The request is appropriate at the subject location, does not negatively impact the public, and is consistent with the comprehensive plan.

III. RECOMMENDATION:

Staff finds that the requested amendment to the CPD is consistent with the Town's Comprehensive Plan and Land Development Code. Staff had discussion regarding traffic flow, and peak parking issue and the applicant has provided updated traffic study to address the issue. Staff recommends approval of the proposed amendment for package liquor store to CPD, amending the MCP to include the use as currently developed, and to include all previous deviations and conditions, except as modified below, and for the following conditions and deviations to apply and replace all previous approved Resolutions, Ordinances, Conditions, or Deviations. Staff has made changes to the approval conditions to reduce redundancy and address drainage and traffic/driveway issues.

LPA RECOMMENDATION:

LPA finds that the requested amendment is consistent with the Town's Comprehensive Plan and Land Development Code. LPA has expressed concern about the traffic flow, peak parking and proximity to the public park, Newton Park. LPA pointed out a use which is no longer part of the LDC and the staff has revised the ordinance to remove the use provided as a strikethrough under permitted uses. Additionally, LPA suggested the agent to add pharmacy as a permitted use for future growth. The applicant has contact the Town staff requesting to add pharmacy under permitted use and also provided an updated Traffic Study with the peak parking variable.

Conditions of Approval

1. The development and use of the subject property must be in substantial compliance with the approved "Proposed Site Plan" ~~Master Concept Plan entitled "Conceptual Site Plan, Scheme "2"~~ (last revised 05/20/2019 ~~3/3/98~~, stamped received ~~August 5, 2019~~ March 4, 1998) as prepared by ~~Sverdrup Architecture John K. McFarland, R.A., except that there will be no pedestrian walkway to Coquina and Coral Streets, and except as modified by the conditions herein.~~ Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.

2. A maximum of ~~28,000~~ 32,117.1 square feet (based on outside face of wall) is allowed within this planned development.

Grocery store: 28330.6 s.f.

Package Liquor Store: 1514 s.f.

Compactor Enclosure: 527.5 s.f.

Covered Loading Dock: 1745 s.f.

3. ~~Exhibit "A" will be the p~~Permitted uses within this planned development.

Approved Schedule of Uses

Essential Services

~~Essential Services Facilities, Group I~~

~~Food Store, Group I Only (Supermarket)~~

Parking Lot: Accessory

Signs, in Accordance with the Land Development Code

Package Liquor Store with an Area of 1,514 Square Feet

Pharmacy

4. Development of CPD will comply with the following Property Development Regulations:
Minimum Lot Area and Dimensions: Specific parcel as depicted on the approved Master Concept Plan. No parcel split or land division has been approved.

Minimum Setbacks:

Street: variance according to the functional classification of the street or road
(Section 34-2191 et seq.)

Side: 15 feet

Rear: 50 feet

Maximum Building Height: 24 feet (Tower: 43')

5. The truck loading dock and trash (dumpster) area(s) must be covered by a roof to screen the view and deflect the noise of this area from the adjacent residential condominiums to the north (Ocean Harbor).

6. Air conditioning, cooling, or refrigeration units may be placed on the roof of the building. All such units must be covered with a roof to screen their view and baffled to deflect their noise from the adjacent residential condominiums.

7. The hours of operation of this store are limited from 8:00 AM to 10:00 PM daily. ~~Delivery of goods is also limited to these same hours.~~ The permitted hours of delivery of goods are limited from 7:00 AM to 10:00 PM daily. No delivery trucks are allowed onsite except during these hours.

~~8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional comments may be required to obtain a local development order, consistent with local development regulations. These conditions include a southbound turn left turn lane and, if necessary, a northbound turn lane, and any expansion or potential redesign of the intersection of the access to the subject property with Estero Boulevard.~~

~~9.~~ 9. An enhanced buffer along the southern property line (adjacent to the Holiday Shores subdivision) must be provided. This buffer must consist of a berm and landscaping that is no less than eight feet in height. Within one year of occupancy, visibility through any buffer installed pursuant to this section must be opaque when viewed at right angles.

~~10.~~ 10. The architectural design ~~for the supermarket will be~~ is as submitted on 5/5/98.

~~11.~~ 11. Any exterior lighting must be shielded to prohibit any light from shining onto adjacent parcels.

11. The applicant will maintain the existing design and constructed stormwater conditions along the property line to avoid negative impact of flood issues on the residential neighbors. The applicant/ owner will provide stormwater maintenance log report, signed by a Florida licensed Engineer which states the system is operating as designed, to the Town every five years at an interval compliant with the State's Best Management Practices.

12. An existing driveway will be widened to add a right turn lane provide a total of two exit lanes from Publix and one inbound lane into Publix at the owner's expense as provided on a report provided by Traftech dated 01/16/2020. The applicant must provide a stacking mechanism at the driveway for incoming and outgoing traffic stacking for 4 existing vehicles (2 on each lane) and for 2 inbound vehicles; and it shall not impact more than existing surplus parking spaces. All Lee County approvals are required prior to the Town issuing any final approvals, including but not limited to, amendments to the Development Order and Building Permits.

13. Approval of this use amendment does not exempt the subject property from any provisions of the LDC. The conditions contained in previous resolutions including Resolution 98-11, 98-11A, 01-06, and 14-008 remain in effect except as modified herein.

Deviation

1. Deviation from LDC 34-2013 to allow driveway aisle along south side of site serving parking spaces for the supermarket to also act as an accessway to the marina and restaurant. ~~If this deviation is approved,~~ in order to reduce the potential impact to the public it is recommended that these parking areas be utilized by employees so that the high turn-over parking areas are located nearest the store and minimizing impact on traffic entering or leaving the marina.
2. Deviation from LDC34-1263(d)(4) to permit a package store which is primarily engaged in the retail sale of liquor for consumption off-site to be closer than 500 feet from dwelling units.

IV. CONCLUSION

The granting of the requested CPD amendment for liquor package store would allow the sale of alcoholic beverages for off-site consumption at Publix Supermarket. Staff recommends conditional **APPROVAL with Conditions** of the requested CPD amendment.

If Town Council finds that the requested CPD amendment is contrary to the public interest or the health, safety, comfort, convenience and/or welfare of the citizens of the Town, or that the request is in conflict with the criteria of LDC Section 34-85 regarding rezoning, Town Council should deny the request as provided in LDC Section 34-85(4). If Town Council chooses to approve the request, special conditions necessary to protect the health, safety, comfort, convenience or welfare of the public may be attached if Council finds that such conditions are reasonably related to the requested rezoning.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING



This is 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 *one (1) digital/electronic copy* of all required applications, supplemental information, exhibits and documents. In addition to application fees the applicant will be required to pay all advertising fees.

(If Town employees have to scan for you, there will be a per page fee of 25 cents for 8 1/2 x 11 and 8 1/2 x 14, for 11 x 17 the fee is \$1.00 per page and for 24 x 36 or larger the fee is \$2.00 per page)

Site Address: 4791 Estero Blvd., Ft. Myers Beach, FL 33931

STRAP Number: 28-46-24-W4-0001.0040

Applicant: Publix Super Markets, Inc.

Phone: (305) 789-2733

Contact Name: Adrienne Noto, Esq. on behalf for Publix Super Markets, Inc.

Phone: (305) 789-2733

Email: licensing@gmlaw.com

Fax: (305) 537-3929

Current Zoning District: Commercial Planned Development (CPD)

Future Land Use Map (FLUM) Category: Boulevard

Future Land Use Map Density Range: 6DU/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: 34-1263(d)(4)

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***: Publix Super Markets, Inc. Phone: (305) 789-2733

**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: 3300 Publix Corporate Pkwy., Lakeland, FL 33811-3311

Email: adrienne.noto@gmlaw.com Fax: (305) 537-3929

Contact Name: Adrienne Noto, Esq. on behalf for Publix Super Markets, Inc. Phone: (305) 789-2733

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: Louis J. Terminello Esq., Attorney-in-Fact Phone: (305) 789-2733

Address: c/o Greenspoon Marder LLP, 600 Brickell Avenue, Suite #3600, Miami, FL 33131

Email: licensing@gmlaw.com Fax: (305) 537-3929

D. **Other Agent(s).** Please list the names of all Authorized Agents (attach extra sheets if necessary)
Name: Adrienne Noto, Esq., Attorney-in-Fact Phone: (305) 789-2733

Address: c/o Greenspoon Marder LLP, 600 Brickell Avenue, Suite #3600, Miami, FL 33131

Email: adrienne.noto@gmlaw.com Fax: (305) 537-3929

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 - 1263(d)(4)
- ☐ Conventional Rezoning from _____ to _____
- ☒ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: Resolution No. 98-11
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____
- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____

PART III – Waivers

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

Code Section: Not applicable.

Description: _____

Code Section: _____

Description: _____

Code Section: _____

Description: _____

PART IV – Property Ownership

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

☒ 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 4-1
- ☒ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 28-46-24-W4-0001.0040

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
N/A

Percentage Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office
Please see attached Exhibit A.

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
N/A

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
N/A

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

N/A

Percentage of Stock

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

N/A

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

Louis J. Terminello, Esq., Attorney-in-Fact

Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 22nd day of March,
2019, by Louis J. Terminello, Esq., Attorney-in-Fact.



Kimberly Roscoe-Bringuez
Commission # 98 187886
Expires: March 19, 2022
Bonded thru Aaron Notary

Notary Public Signature

Notary Printed Name

Personally Known X or Produced Identification _____

Type of Identification Produced: N/A My Commission Expires: 3-19-22

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

N/A

Percentage of Stock

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

N/A

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.

Adrienne Noto
Signature

Adrienne Noto, Esq., Attorney-in-Fact

Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 22nd day of March, 2019, by Adrienne Noto, Esq., Attorney-in-Fact.



Kimberly Roscoe-Bringuez
Commission # 08 197895
Expires: March 19, 2022
Bonded thru Aaron Notary
(SEAL)

Kimberly Roscoe-Bringuez
Notary Public Signature

Kimberly Roscoe-Bringuez
Notary Printed Name

Personally Known X or Produced Identification _____

Type of Identification Produced: N/A My Commission Expires: 3-19-22

PART V – Property Information

A. Legal Description:

STRAP: 28-46-24-W4-0001.0040

Property Address: 4791 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 5-1.

☒ Yes. Property identified in subdivision: Please see attached Legal Description Card.

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 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 290 feet

Depth (please provide an average width if irregular in shape) 600 feet

Frontage on street: 190 feet. Frontage on waterbody: N/A feet

Total land area: 162,440 ☐ acres ☒ square feet

*Existing Building Area: 27,406 sq. ft. and Proposed Building Area: 1,595 sq. ft.

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

☒ Attach Area Location Map as Exhibit 5-3

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 5-4.

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

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 5-6.

☒ Attach a map showing the surrounding property owners as Exhibit 5-7.

☒ 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 |

H. Zoning (see official Zoning Map):

- | | |
|--|--|
| ☐ RS (Residential Single-family) | ☐ CF (Community Facilities) |
| ☐ RC (Residential Conservation) | ☐ IN (Institutional) |
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☐ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☒ CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, **Not applicable.**

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

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature of owner or authorized agent

Date

PART VII

AFFIDAVIT

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

I, John A. Attaway, Jr. (name), as Sr. VP, General Counsel & Secretary (title) of Publix Super Markets, Inc. (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County 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 Lee County 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.

Publix Super Markets, Inc.

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

Signature



Sr. VP, General Counsel & Secretary

Title

John A. Attaway, Jr.

Typed or Printed Name

3/13/2019

Date

**STATE OF FLORIDA)
COUNTY OF POLK)**

Subscribed and sworn to (or affirmed) before me this 13 day of March, 2019, by John A. Attaway, Jr.



SANDRA J. VAN HEEST
Commission # GG 295070
Expires January 24, 2023
Bonded Thru Budget Notary Services

Notary Public Signature



Notary Printed Name



SANDRA J. VAN HEEST
Commission # GG 295070
Expires January 24, 2023
Bonded Thru Budget Notary Services

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires: _____

STATE OF FLORIDA)
COUNTY OF POLK)

Subscribed and sworn to (or affirmed) before me this 13 day of March,
20 19, by John A. Attaway, Jr., as (title) Sr. VP, General Counsel & Secretary on behalf of
(company name) Publix Super Markets, Inc.



SANDRA J. VAN HEEST
Commission # GG 295070
Expires January 24, 2023
Bonded Thru Budget Notary Services

Sandra J. Van Heest
Notary Public Signature

Notary Printed Name



SANDRA J. VAN HEEST
Commission # GG 295070
Expires January 24, 2023
Bonded Thru Budget Notary Services

Personally Known X or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: _____

Exhibit A

PUBLIX SUPER MARKETS, INC., - List of primary officers and stockholders Information

Randall T. Jones	CEO and President
John A. Attaway, Jr.	Senior Vice President
David P. Phillips	Executive Vice President and Chief Financial Officer
Jeffrey G. Chamberlain	Senior Vice President
Michael Smith	Senior Vice President
Robert J. McGarrity	Vice President
Robert S. Balcerak	Vice President
Randolph L. Barber	Vice President
William W. Rayburn, IV	Vice President
Kevin S. Murphy	President

Publix is the largest employee-owned retail grocery chain in the United States. Per the attached, most recent Form 8-K, dated April 3, 2017, and as filed with the U.S. Securities and Exchange commission, Publix is "privately owned and operated by its 190,000 employees..."

Publix's common stock is made available for sale to eligible active employees and non-employee members of its Board of Directors. Publix's common stock is not publicly traded on a stock exchange and, therefore, does not have a "ticker" symbol. The market price of Publix's common stock is determined by its Board of Directors each quarter.

Publix Super Markets Inc. has numerous 2APS and 3PS beverage licenses in the State of Florida.



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 special exception. Include this form with the Request for Public Hearing Application.

Project Name: _____ Date: _____

Authorized Applicant: Publix Super Markets, Inc.STRAP # 28-46-24-W4-0001.0040

Current Property Status:

Current Zoning: Commercial Planned Development (CPD) Future Land Use Map Category: Boulevard
Platted Overlay? X Yes _____ No _____ Future Land Use Map Density Range: 6DU/AC

Requested Action:

_____ DRI (with rezoning)
X Planned Development (also check below)
_____ Rezoning from: _____ to: _____
_____ Amendment to Master Concept Plan/attendant documentation

PART I

Narrative Statements

Comprehensive Plan Amendments (check one)

X 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 affect)



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Phasing Construction

☐ The development is to be constructed in a single phase.

☒ The development is to be constructed in phases as follows: (describe proposed phasing)

Please see attached.

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.

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.

Not applicable. This project is not required to meet Commercial Design Standards.

Schedule of deviations and written justification

Provide a list of the 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.

Administrative amendments to approve Master Concept Plan

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

The Town's staff has advised that the requested amendment to modify the existing CPD to the approved uses on Publix's Master Concept Plan to permit the sale of alcohol which constitutes as a "major amendment, which cannot be processed administratively.

Attachment to Supplement PH-D

Phasing Construction

Once approval on this application has been obtained, the first phase will begin with the applicant retaining a firm to develop the shell design/drawings and will then commence construction of the shell. For phase 2, the applicant will have the interior build out plans developed and then begin on the interior work for the proposed store.

Comprehensive Plan Compliance

The Applicant is one of the largest employee owned grocery store chains in the U.S. and one of the ten largest volume supermarket chains in the country. The Applicant opened its first store in 2003 and now has more than 200 liquor stores and is continuing to expand. The proposed liquor store will be located on Estero Boulevard within a shopping center, where the Applicant currently operates one of its grocery stores. The property is currently used for retail shopping on Estero Boulevard, which is consistent with the Town's Comprehensive Plan. The amendment sought expands on the approved retail use on Estero Boulevard.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Part II

Submittal Requirements

All applications for a Special Exception must submit one (1) electronic / digital copy and (2) two paper copies (1 Original and 1 extra paper copy) of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.

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

15.000
11391.80 05
11,406.80

1 000 10 000 11 000 12 000 13 000 14 000 15 000 16 000 17 000 18 000 19 000 20 000 21 000 22 000 23 000 24 000 25 000 26 000 27 000 28 000 29 000 30 000 31 000 32 000 33 000 34 000 35 000 36 000 37 000 38 000 39 000 40 000 41 000 42 000 43 000 44 000 45 000 46 000 47 000 48 000 49 000 50 000 51 000 52 000 53 000 54 000 55 000 56 000 57 000 58 000 59 000 60 000 61 000 62 000 63 000 64 000 65 000 66 000 67 000 68 000 69 000 70 000 71 000 72 000 73 000 74 000 75 000 76 000 77 000 78 000 79 000 80 000 81 000 82 000 83 000 84 000 85 000 86 000 87 000 88 000 89 000 90 000 91 000 92 000 93 000 94 000 95 000 96 000 97 000 98 000 99 000 100 000

INSTR # 4741635
OR BK 03181 PG 2220

RECORDED 10/25/99 03:43 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (F.S. 201.02) 11,391.80
DEPUTY CLERK C Keller

Prepared By:
Thomas E. Moorey, Esq.
1430 Royal Palm Sq. Blvd., #105
Fort Myers, FL 33919

Parcel ID Number: 28-46-24-W4-00001.0030

WARRANTY DEED

OCT.

This Indenture, made this 22 day of ~~June~~ ^{October}, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of POLK, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of-----
----- Ten and no/100-----Dollars
and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby
acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the
following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28,
TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES
SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-
WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE
CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID
NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 195.10 FEET; THENCE RUN
N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A
DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID
HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE
NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE
OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR
LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

and the Grantors do hereby fully warrant the title to said land, and will defend the same against
lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Risner

Witness Signature

NANCY E. RISNER

Printed Name

Barbara M Dodson

Witness Signature

BARBARA M DODSON

Witness Printed Name

James Figuerado, Jr.

James Figuerado, Jr.

Deborah Figuerado

Deborah Figuerado

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of JUNE, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Nancy E. Risner
Notary Public
My Commission Expires:



Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4187, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

VARIANCE REPORT

2/6/2019

Subject Parcels: 1 Affected Parcels: 320 Buffer Distance: 500 ft



28-46-24-W4-00001.0040

320 240 160 80 0 320 Feet

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071
(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS)



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: 2/6/2019 10:16:11 AM
Buffer Distance: 500 ft
Parcels Affected: 320
Subject Parcels: 28-46-24-W4-00001.0040

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>MAP INDEX</u>
SIMMONS CARLEEN J 315 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010C.0010 315 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 1	2
PARMER ANITA G 4870 DOLPHIN LN FORT MYERS BEACH, FL 33931	28-46-24-W4-0010C.0020 4870 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 2	3
MILLS MICHAEL RYAN + 4861 COQUINA RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010C.0030 4861 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 3	4
SEYMOUR JANET G 4841 COQUINA RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010C.0040 4841 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 4	5
STEWART RICHARD L & 22112 COUNTY RD 10 ELKHART, IN 46514	28-46-24-W4-0010C.0050 4831 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 5	6
TARTAGLIA PAUL E + JUDITH T 4811 COQUINA RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010C.0060 4811 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 6	7
FREEMAN NADINE M 375 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010D.0010 375 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 LOT 1 LESS PARL .001A	8
HORNACK CAROL J 395 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010D.001A 395 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 NLY PT LOT 1 PER SERVEY	9
ROBERTSON GLINDA J 830 SANDBAR RD CHAPIN, SC 29036	28-46-24-W4-0010D.0020 4855 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 LOT 2 LESS PAR 2-A	10
ROBERT P ACKERT TRUST 4851 DOLPHIN LN FORT MYERS BEACH, FL 33931	28-46-24-W4-0010D.0030 4851 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 POR OF LOT 2 FR SELY COR + LOT 3	11
AMOS ROY A 4841 DOLPHIN LN FORT MYERS BEACH, FL 33931	28-46-24-W4-0010D.0040 4841 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 LOT 4	12
HAATAJA JUDY A 400 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0010 400 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 1	13
CASSIDY RICHARD + 390 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0020 390 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 2	14
MCCONNELL MARK C & BARBARA + 380 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0030 380 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 3	15
OLSON KEITH + KATHLEEN TR 370 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0040 370 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 4	16

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
HEMING DANIELLE + 5375 AVENIDA PESCADORA FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0050 360 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 5	17
DANIEL DONALD M & BARBARA A TR 350 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0060 350 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 6	18
OHLEMACHER LOIS A TR 310 VASSAR AVE ELYRIA, OH 44035	28-46-24-W4-00400.0070 340 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 7	19
MCKNIGHT KATHERINE S & 25076 WEST EDGAR AVE ANTIOCH, IL 60002	28-46-24-W4-00400.0080 330 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 8	20
NEDDO THOMAS A JR TR 320 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0090 320 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 9	21
TAGUE ARLYCE 310 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0100 310 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 10	22
ROBERTSON DONNA M TR 2825 SILVER LN NE SAINT ANTHONY, MN 55421	28-46-24-W4-00400.0110 300 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 11	23
SCOGNO DOUGLAS J + ROSEMARIE L 15 JULIANA DR ABSECON, NJ 08201	28-46-24-W4-00400.0120 4901 ESTERO BLVD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 12	24
PARZYCH JEFFREY G + MARIBEL B 4903 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-00400.0130 4903 ESTERO BLVD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 13	25
LETTERI LONNE M 4830 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0130 4809 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 13	26
JILL M SHERRITT TRUST + 4880 COQUINA RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0120 4880 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 12	27
GARZELLONI JOHN JR 1413 SWINNEY PARK PL FORT WAYNE, IN 46802	28-46-24-W4-0010B.0110 4870 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 11 + SELY 34 FT LOT 10	28
EGAN TERENCE + DEBORAH 8601 W 132ND PL CEDAR LAKE, IN 46303	28-46-24-W4-0010B.0090 4850 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOTS PT 9 + 10	29
GREEN JOE SCOTT + SHEILA J 3116 COVINGTON ST WEST LAFAYETTE, IN 47906	28-46-24-W4-0010B.0080 4830 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOTS PT 8 + 9	30
RAYMOND ROBERT L + DONNA M TR 18020 SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0070 4810 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 7 + PT LOT 8	31
MACLEOD ROBERT M 4811 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0060 4811 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 6	32
FLICK SONDR A 4821 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0050 4821 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 5	33
COOK DONALD W + 4831 CORAL RD UNIT 33 FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0040 4831 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 4	34
CELANO MATTHEW & MARY LEIGH 409 ENGLISH LAKE DR WINTER GARDEN, FL 34787	28-46-24-W4-0010B.0030 4841 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 3	35
REED RICHARD EUGENE TR + 3522 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0020 4871 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 2	36
HENNEBERGER NANCY S TR 313 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010B.0010 313 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 1	37

All data is current at time of printing and subject to change without notice.
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(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BOLING ED + 311 BAYLAND RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0120 311 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 12 LESS NWLY 11.4FT	38
LETTERI NANCY J TR 4870 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0110 4870 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 11 + NWLY 11.4FT LOT 12	39
SCHLOTTMAN DAVID + CHERI 4850 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0100 4850 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 10	40
LETTERI LONNE M 4830 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0080 4830 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 8 SWLRY 39.5 FT + LOT 9	41
MESIROW BUNNIE R TR 4838 CORAL RD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0070 4838 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 7 + NWLRY 13.5 FT OF LOT 8	42
MAHER MARGARITA 913 NORTH ST FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0060 4801 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 6	43
MDR BEACH PROPERTIES LLC 5917 US 36 E GREENVILLE, OH 45331	28-46-24-W4-0010A.0050 4805 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 5	44
PAINE JOSEPH C + KAREN M 4839 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0040 4839 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 4	45
PATEK JEWELL D H TR 4841 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-0010A.0030 4841 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 3	46
EQUITY TRUST COMPANY 50% + 3590 E ROBINSON RD #236 AMHERST, NY 14228	28-46-24-W4-0010A.0020 4845/4847 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 2	47
WHITMORE ROY C TR 55 MADISON AVE ATHENS, OH 45701	28-46-24-W4-0010A.0010 4851/4853 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 1	48
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS, TX 75252	28-46-24-W4-00001.0030 4761/4765 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SW 1/4 DESC OR 3280 PG 2023	49
ISLAND TOWERS CONDO ASSOC INC RAL PROPERTY MGMT ATTN: JOHN SHAW 17810 SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-02200.1010 4900 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND TOWERS CONDO A TIME-SHARE OR1291 PG0265 UNIT 101 THRU 607 (39 UNITS)	50
OCEAN HARBOR CONDO OF CONTINENTAL GROUP 6300 PARK OF COMMERCE BLVD BOCA RATON, FL 33487	28-46-24-W4-02600.00CE 4741 ESTERO BLVD FORT MYERS BEACH FL 33931	OCEAN HARBOR CONDO PH I + II DESC OR 2265 PG 0538 C/E POOL-TENNIS	51
ROSSI LAURA 5333 SHADOW CREEK DR BOARDMAN, OH 44512	29-46-24-W3-0080F.0010 4545 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 1 LESS BEG SE	52
LOUDERMILK JAMES D + ROSEMARIE 15788 SILVERADO CT FORT MYERS, FL 33908	29-46-24-W3-0080F.0080 116 GULFVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 8	53
BOURASSA OLGA K TR 247 MIRAMAR ST FORT MYERS BEACH, FL 33931	29-46-24-W3-0080F.0090 118 GULFVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 9	54
SMITH LOIS + PO BOX 581 WARSAW, IN 46581	29-46-24-W3-0080F.0100 120 GULFVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 10	55
SCHEFFLER WILLIAM + JOANN 122 GULFVIEW AVE FORT MYERS BEACH, FL 33931	29-46-24-W3-0080F.0110 122 GULFVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 11	56
MURPHY PATRICK M & SHERRI 126 GULFVIEW AVE FORT MYERS BEACH, FL 33931	29-46-24-W3-0080F.0120 126 GULFVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 12	57

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>MAP INDEX</u>
SEEGER ANTHONY + JUDY L 128 GULFVIEW AVE FORT MYERS BEACH, FL 33931	29-46-24-W3-0080F.0130 128 GULFVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOTS 13 + 14.	58
MENDOZA JORGE L & ARLINA I 15133 SW 62ND ST MIAMI, FL 33193	29-46-24-W3-0080F.0150 125 STRANDVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 15	59
ANDERSON CAROL A + 4202 PRAIRIEWEST DR CHAMPAIGN, IL 61822	29-46-24-W3-0080F.0160 121 STRANDVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOTS 16 + 17	60
FUNK MICHAEL T + 1214 SUMMIT AVE LOUISVILLE, KY 40204	29-46-24-W3-0080F.0180 115 STRANDVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOTS 18 + 19 + BEG SE COR	61
POWERS NADA F + ROBERT M 4601 ESTERO BLVD FORT MYERS BEACH, FL 33931	29-46-24-W3-0080G.0050 4601 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK G PB 7 PG 20 LOT 5	62
DIGENIS HELEN L 3908 ZARING MILL CT LOUISVILLE, KY 40241	29-46-24-W3-0080G.0060 112 STRANDVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK G PB 7 PG 20 LOT 6 + SWLY 5 FT OF LOT 7	63
LONG STEVEN + MARCIA 6171 S VICKERYVILLE RD SHERIDAN, MI 48884	29-46-24-W3-0080G.0070 128 STRANDVIEW AVE FORT MYERS BEACH FL 33931	HYDE PARK BLK G PB 7 PG 20 LOT 7 LESS SWLY 5 FT	64
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH, FL 33931	29-46-24-W3-0080H.0010 4650 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK H PB 7 PG 20 LOTS 1 THRU 6	65
ROUGRAFF PAUL M + BARBARA L 122 CARICA RD NAPLES, FL 34108	29-46-24-W3-008J0.0010 4730 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLKJ PB7 PG20 PT LTS 1+2+3+6+PAR IN SEC 28 DESC OR 1268 PG 1181	66
METCALFE NICK & CLAUDIA 4700 ESTERO BLVD FORT MYERS BEACH, FL 33931	29-46-24-W3-008J0.0030 4690/4700 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK J PB 7 PG 20 LOTS 3 4 + 6	67
PUGLIESE JOSEPH A 4660 ESTERO BLVD FORT MYERS BEACH, FL 33931	29-46-24-W3-008J0.0050 4660 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK J PB 7 PG 20 LOT 5	68
ISLAND TOWERS CONDO 4900 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-02200.00CE 4902 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND TOWERS CONDO COMMON AREA DESC OR 1291 PG 0265 + CPB 5 PG 189	69
SEASIDE CONDO ASSOCIATION 4770 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-02300.00CE SEASIDE CONDO C/E FORT MYERS BEACH FL 33931	SEASIDE CONDO COMMON AREA AS DESC IN OR 1370 PG 413	70
KAHLUA BEACH CLUB CONDO 4950 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-02400.00CE 4952 ESTERO BLVD FORT MYERS BEACH FL 33931	KAHLUA BEACH CLUB CONDO COMMON AREA OR 1270 PG 330 + CPB 5 PG 144-146	71
SHORES OF FT MYERS BEACH CONDO ASSOCIATION 5 GLEN FOREST SAINT LOUIS, MO 63124	28-46-24-W4-02500.00CE SHORES OF FT MYERS BEACH CONDO C/E FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO COMMON AREA DESC IN OR 1584 PG 2287	72
WHITE CAP CONDOMINIUM ASSN INC 12230 CHATEAU CT FISHERS, IN 46037	29-46-24-W3-03000.00CE WHITE CAP CONDOMINIUM C/E FORT MYERS BEACH FL	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 COMMON ELEMENT	73
ALL FUTURE OWNERS OF LANDS ,	28-46-24-W4-00009.01CE ALL FUTURE OWNERS OF LAND C/E FORT MYERS BEACH FL	PUBLIC WALKWAYS DESC DB 219 PG 82 C/E	74
OCEAN HARBOR YACHT CLUB INC 4753 ESTERO BLVD SUITE 100 FORT MYERS BEACH, FL 33931	28-46-24-W4-00001.0060 4745 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL LOC IN SW 1/4 OF SEC AS DESC IN OR 2297 PG 4720 + OR 2265 PG 538	75
COOPER & COMPANY LLC PO BOX 501 HOWELL, MI 48844	29-46-24-W3-0080F.0020 4543 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK F PB 7 PG 20 LOT 2 LESS BEG SE	76
BENT PALMS OF FORT MYERS BEACH 4852 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-03100.00CE ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 COMMON ELEMENTS	77

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COUTO FERNAND + IRENE A 773 ARNOLD ST SUDBURY, ON P3E 6H1 CANADA	28-46-24-W4-02300.1010 4770 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 101	78
ERLANDER JAMES C TR 4770 ESTERO BLVD UNIT 102 FORT MYERS BEACH, FL 33931	28-46-24-W4-02300.1020 4770 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 102	78
MATHERS MARY VERNER 42 WINNERS CIR TORONTO, ON M4L 3Z7 CANADA	28-46-24-W4-02300.1030 4770 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 103	78
ANDERSON BETTY J TR BRIAN ANDERSON 7945 PERRY LAKE RD CLARKSTON, MI 48348	28-46-24-W4-02300.1040 4770 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 104	78
PROVENZALE DONALD J + DANIELLE 8S051 CREEK DR NAPERVILLE, IL 60540	28-46-24-W4-02300.1050 4770 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 105	78
TEUSINK PHILIP R + KAREN R 47 S KENSINGTON PL SPRINGFIELD, OH 45504	28-46-24-W4-02300.1060 4770 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 106	78
MANDOLINI ANTHONY M TR 6597 NICHOLAS BLVD UNIT 1101 NAPLES, FL 34108	28-46-24-W4-02300.1070 4770 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 107	78
EVANS GREGORY W + REGINA M 14530 AUTUMN WOOD DR WESTFIELD, IN 46074	28-46-24-W4-02300.1080 4770 ESTERO BLVD #108 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 108	78
MCKEON JOHN J 6 BERGIN CT WOLCOTT, CT 06716	28-46-24-W4-02300.1090 4770 ESTERO BLVD #109 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 109	78
FLIS WANDA SOPHIA 1533 WARREN DR OAKVILLE, ON L6J 1W7 CANADA	28-46-24-W4-02300.1100 4770 ESTERO BLVD #110 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 110	78
BAKKE ROBERT 4735 FREMONT AVE S MINNEAPOLIS, MN 55419	28-46-24-W4-02300.2010 4770 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 201	78
BAKKE ELIZABETH LEE + ROBERT W 4735 FREMONT AVE S MINNEAPOLIS, MN 55419	28-46-24-W4-02300.2020 4770 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 202	78
GRILLO STEVEN G 16 SMALLBROOK CIR RANDOLPH, NJ 07869	28-46-24-W4-02300.2030 4770 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 203	78
MCCOLLOM JOHN P 525 S PARK LA GRANGE HIGHLANDS, IL 60525	28-46-24-W4-02300.2040 4770 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 204	78
HUSEBY LINDA + 913 S 12TH ST MONTEVIDEO, MN 56265	28-46-24-W4-02300.2050 4770 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 205	78
EQUITY TRUST COMPANY 23211 COCONUT SHORES DR ESTERO, FL 34134	28-46-24-W4-02300.2060 4770 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 206	78
LIOTTA SALVATORE + CONCETTA 6 OAK BROOK CLUB DR APT J101 OAK BROOK, IL 60523	28-46-24-W4-02300.2070 4770 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 207	78
ZUFFELATO EUGENE S + EMMA 260 MIDLAND DR ORANGE, CT 06477	28-46-24-W4-02300.2080 4770 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 208	78
KLECZKA FRANK M 4805 SUNNYSIDE DR MILWAUKEE, WI 53208	28-46-24-W4-02300.2090 4770 ESTERO BLVD #209 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 209	78
CARLS THOMAS E + DEBRA R TR 4 INVENESS CT DEKALB, IL 60115	28-46-24-W4-02300.2100 4770 ESTERO BLVD #210 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 210	78

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1765 MCCRAITH PROPERTIES LLC 20 BURRSTONE RD NEW YORK MILLS, NY 13417	28-46-24-W4-02300.3010 4770 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 301	78
FITSGIBBONS DANIEL J TR + 501 E PORTER AVE NAPERVILLE, IL 60540	28-46-24-W4-02300.3020 4770 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 302	78
MATHESON ROBERT R + JORJA L 2935 W COMMERCE RD MILFORD, MI 48380	28-46-24-W4-02300.3030 4770 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 303	78
ANTHONY J ROSS LLC + 13259 SHERBURNE CIR #2201 BONITA SPRINGS, FL 34135	28-46-24-W4-02300.3040 4770 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 304	78
SEBASTIAN R A + JOAN M + 1912 WOODLAND AVE PARK RIDGE, IL 60068	28-46-24-W4-02300.3050 4770 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 305	78
ANDERSON ORION D + MARY M TR 12108 BOAT SHELL DR MATLACHA ISLES, FL 33991	28-46-24-W4-02300.3060 4770 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 306	78
TEGENKVIST ANDERS & HELENE FLYGARVAGEN 48 JARFALLA, 175 69 SWEDEN	28-46-24-W4-02300.3070 4770 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 307	78
DAHLE TORALY & GERTRUDE S TR 4770 ESTERO BLVD #308 FORT MYERS BEACH, FL 33931	28-46-24-W4-02300.3080 4770 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 308	78
NOWACZYK GLORIA TR 606 S CHARLETON ST WILLOW SPRINGS, IL 60480	28-46-24-W4-02300.3090 4770 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 309	78
ZUCKWEILER STEVEN W + JEAN M 532 LAKEWOOD CT WINDSOR, CO 80550	28-46-24-W4-02300.3100 4770 ESTERO BLVD #310 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 310	78
WILLEY RICHARD L TR 3450 BARABOO LN DEKALB, IL 60115	28-46-24-W4-02300.4010 4770 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 401	78
COFFMAN J STEPHEN + SHARON K 1926 ANGEL VIEW DR GREENWOOD, IN 46143	28-46-24-W4-02300.4020 4770 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 402	78
ROBERTSON MICHAEL R + GAIL TR 7 GLENVIEW MANOR DR FORT MYERS BEACH, FL 33931	28-46-24-W4-02300.4030 4770 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 403	78
TRUDEL DAVID R + JUDITH B TR 1807 SETTLERS RESERVE WAY WESTLAKE, OH 44145	28-46-24-W4-02300.4040 4770 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 404	78
REIMSCHISEL REALTY INC 970 N MAIN ST BLUFFTON, IN 46714	28-46-24-W4-02300.4050 4770 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 405	78
SIMONKA MEREDITH V 104 WARWICK RD WEST WINDSOR, NJ 08550	28-46-24-W4-02300.4060 4770 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 406	78
PESSA ANTHONY + ELIZABETH 2027 SE 29TH ST CAPE CORAL, FL 33904	28-46-24-W4-02300.4070 4770 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 407	78
LARSON EVERETT L + ANGELA 53 HIGH ST #55 COLLINSVILLE, CT 06022	28-46-24-W4-02300.4080 4770 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 408	78
FRANCIS DARRELL A + MARY E 410 HAWTHOREN AV SOUTH MILWAUKEE, WI 53172	28-46-24-W4-02300.4090 4770 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 409	78
PHYLLIS JANE EDWARDS TRUST 1102 N TOPPER RD MOUNT PULASKI, IL 62548	28-46-24-W4-02300.4100 4770 ESTERO BLVD #410 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 410	78
COFFMAN JOHN STEPHEN & 1926 ANGEL VIEW DR GREENWOOD, IN 46143	28-46-24-W4-02300.5010 4770 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 501	78

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MARACH DEBORAH A TR 322 BRANCHWOOD CT SCHAUMBURG, IL 60193	28-46-24-W4-02300.5020 4770 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 502	78
OSTENDORF DONALD T & 27530 RICHVIEW CT BONITA SPRINGS, FL 34135	28-46-24-W4-02300.5030 4770 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 503	78
ISH JANE M L/E 4770 ESTERO BLVD #504 FORT MYERS BEACH, FL 33931	28-46-24-W4-02300.5040 4770 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 504	78
FRANCIS DARRELL + MARY 410 HAWTHORNE AVE SOUTH MILWAUKEE, WI 53172	28-46-24-W4-02300.5050 4770 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 505	78
SWANSON RICKY L + LISA M 4558 SILVERTHORN DR JACKSONVILLE, FL 32258	28-46-24-W4-02300.5060 4770 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 506	78
DIDION KENNETH W + SHARON J 29910 SEQUOIA TRAIL WESTLAKE, OH 44145	28-46-24-W4-02300.5070 4770 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 507	78
ISH JANE M L/E 4770 ESTERO BLVD #504 FORT MYERS BEACH, FL 33931	28-46-24-W4-02300.5080 4770 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 508	78
LOSTRITTO DONALD 61 MERWIN CIR CHESHIRE, CT 06410	28-46-24-W4-02300.5090 4770 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 509	78
TUEL LARRY L + 1768 NW 122ND ST CLIVE, IA 50325	28-46-24-W4-02300.5100 4770 ESTERO BLVD #510 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 510	78
BALDRIDGE RYAN F KAREN BALDRIDGE 2041 PAINTED PALM DR NAPLES, FL 34119	28-46-24-W4-02500.1010 4750 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 101	79
CAMPBELL BRIAN + NANCY 221 HILLBROOK DR SHEPHERDSVILLE, KY 40165	28-46-24-W4-02500.1020 4750 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 102	79
SCOVILLE CAROL TR 234 SOUTHERN OAKS DR SAINT CHARLES, MO 63303	28-46-24-W4-02500.1030 4750 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 103	79
BALDRIDGE KAREN ANN 2041 PAINTED PALM DR NAPLES, FL 34119	28-46-24-W4-02500.1040 4750 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 104	79
ESTERO201 LLC 550 TURNER BLVD SAINT PETERS, MO 63376	28-46-24-W4-02500.2010 4750 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 201	79
SHELLEY MARY J 1211 S DUCHESNE DR SAINT CHARLES, MO 63301	28-46-24-W4-02500.2020 4750 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 202	79
NELSON GRANT K + REBECCA B 14604 TIMBERLAKE MANOR CT CHESTERFIELD, MO 63017	28-46-24-W4-02500.2030 4750 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 203	79
OSTENDORF DONALD T & 27530 RICHVIEW CT BONITA SPRINGS, FL 34135	28-46-24-W4-02500.2040 4750 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 204	79
RUSS GERADETTE TR 16151 S RANKIN DR LOCKPORT, IL 60441	28-46-24-W4-0260A.0101 4745 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 101	80
MELE CATHERINE G TR 1653 ANGELINA TER SCHENECTADY, NY 12303	28-46-24-W4-0260A.0102 4745 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 102	80
KLEBER JOHN R + CHARLOTTE M N69W15442 MACALLAN CT MENOMONEE FALLS, WI 53051	28-46-24-W4-0260A.0103 4745 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 103	80
POTHAST MARK A + IRINA 125 CRYSTAL LN MANKATO, MN 56001	28-46-24-W4-0260A.0104 4745 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 104	80

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LEITCH FRANK M & ANN M L/E 3172 WOODLAND CT N N TONAWANDA, NY 14120	28-46-24-W4-0260A.0105 4745 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 105	80
SILVER KENNETH + 4745 ESTERO BLVD #201 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0201 4745 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 201	80
MAHONEY TIMOTHY J + KIMBERLY W 600 ROOKERY LN JOLIET, IL 60431	28-46-24-W4-0260A.0202 4745 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 202	80
MACAU CARLOS L + CAROLINE M 4745 ESTERO BLVD #203 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0203 4745 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 203/CCPT #77	80
LAPINSKY ANDREA JO & 10921 RANCHETTE BLVD MONTGOMERY, AL 36117	28-46-24-W4-0260A.0204 4745 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 204/CCPT #37	80
SUGAREE-1977 LLC 4 LISA CT PLAINVIEW, NY 11803	28-46-24-W4-0260A.0205 4745 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 205	80
HENNIG WILLIAM R JR + DEBORAH 4745 ESTERO BLVD # 301 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0301 4745 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 301	80
GRUBER RALF MICHAEL + IRA 4745 ESTERO BLVD #302 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0302 4745 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 302	80
SADLER ROBERT M + DOROTHY J 4745 ESTERO BLVD # 303 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0303 4745 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 303	80
CHRISTIE TERESA A + KENNETH A 4745 ESTERO BLVD #304 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0304 4745 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 304	80
MILLER MYRA 4745 ESTERO BLVD #305 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0305 4745 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 305	80
TRELEASE DAVID JUSTIN + 4745 ESTERO BLVD #401 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0401 4745 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 401	80
DIGENIS GEORGE A & HELEN A 3908 ZARING MILL CT LOUISVILLE, KY 40241	28-46-24-W4-0260A.0402 4745 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 402	80
NELSON LEONARD W JR & 124 W 5TH ST OSWEGO, NY 13126	28-46-24-W4-0260A.0403 4745 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 403/GAR#119	80
BARTOS ROGER J + 2071 SHERIDAN RD BUFFALO GROVE, IL 60089	28-46-24-W4-0260A.0404 4745 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 404	80
GREENWALD JOSEPH E TR 13426 REDBERRY CIR PLAINFIELD, IL 60544	28-46-24-W4-0260A.0405 4745 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 405/CCPT #48	80
PETER DRUMM REAL ESTATE OF LAURA DRUMM 2008 W BERWYN RD MUNCIE, IN 47304	28-46-24-W4-0260A.0501 4745 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 501	80
DECHRISTOFORO ANTHONY J TR 9 TREETOPS LN DANVERS, MA 01923	28-46-24-W4-0260A.0502 4745 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 502/CCPT #41	80
BOERMAN EDWIN J + JANIS L TR 613 BERKSHIRE CT DOWNERS GROVE, IL 60516	28-46-24-W4-0260A.0503 4745 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 503/CCPT #45	80
FOGELSON BEVERLY KAY TR 4745 ESTERO BLVD #504 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0504 4745 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 504	80
EBERT KIMBERLY K TR 9025 WINDSOR TER N MINNEAPOLIS, MN 55443	28-46-24-W4-0260A.0505 4745 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 505	80

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SPECTRUM JANITORIAL PO BOX 336 INDIANAPOLIS, IN 46206	28-46-24-W4-0260A.0601 4745 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 601	80
BANDY LYNN L & ANNE MARIE 4745 ESTERO BLVD # 602 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0602 4745 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 602	80
ABBS SCOTT + KATHY L 731 E NORTHSHORE DR SYRACUSE, IN 46567	28-46-24-W4-0260A.0603 4745 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 603	80
RAHM DONALD C TR 4745 ESTERO BLVD #604 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0604 4745 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 604/CCPT #40	80
HEENEY PATRICK R & LYNN A 448 MATSON RD LIGONIER, PA 15658	28-46-24-W4-0260A.0605 4745 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 605	80
WELLS THOMAS C + JANICE B 4745 ESTERO BLVD #701 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0701 4745 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 701 + GAR	80
WARREN GULF COAST REALTY 222 HOUGHTONS MILL LUNENBURG, MA 01462	28-46-24-W4-0260A.0702 4745 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 702/CCPT #43	80
BROWN JOSEPH SCOTT + LELA M 12524 RIVENDALE RD KNOXVILLE, TN 37922	28-46-24-W4-0260A.0703 4745 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 703/CCPT #29	80
JACKSON JAY R + PATRICIA S 2827 WOODHOLLOW TRL FORT WAYNE, IN 46825	28-46-24-W4-0260A.0704 4745 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 704	80
GEORGE SANDRA L TR 1132 E ROBINSON ST NORTH TONAWANDA, NY 14120	28-46-24-W4-0260A.0705 4745 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 705	80
MESSINEO JAMES JOSEPH TR 6326 RFD LONG GROVE, IL 60047	28-46-24-W4-0260A.0801 4745 ESTERO BLVD #801 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 801	80
HAMBLIN RODNEY P + MARY JANE 4802 GREEN HAVEN DR WHITE BEAR LK, MN 55127	28-46-24-W4-0260A.0802 4745 ESTERO BLVD #802 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 802	80
TERHUHNE BRENDA A 4745 ESTERO BLVD #803 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0803 4745 ESTERO BLVD #803 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 803/GAR #104	80
ROSTECK PETER & PETRA 805-383 ELLIS PARK RD TORONTO, ON M6S 5B2 CANADA	28-46-24-W4-0260A.0804 4745 ESTERO BLVD #804 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 804/CCPT #44	80
ROLLEY NANCY V 5765 BALTUSROL CT SANIBEL, FL 33957	28-46-24-W4-0260A.0805 4745 ESTERO BLVD #805 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 805	80
HALLBERG JOSEPH W + PAMELA J 9 WHITE PINE RD NORTH OAKS, MN 55127	28-46-24-W4-0260A.0901 4745 ESTERO BLVD #901 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 901	80
CIOCCA CHRISTOPHER & 7801 YOUNG RD FORT WAYNE, IN 46835	28-46-24-W4-0260A.0902 4745 ESTERO BLVD #902 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 902	80
FLOR A DAVID TR 4745 ESTERO BLVD # 903 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0903 4745 ESTERO BLVD #903 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 903	80
HUEY SUSAN R TR + 4745 ESTERO BLVD #904 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0904 4745 ESTERO BLVD #904 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 904/GAR #107	80
KRONENBERGER DALE L + DENISE M 4745 ESTERO BLVD #905 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.0905 4745 ESTERO BLVD #905 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 905/GAR #101	80
CMIEL DAVID F & DIANE C L/E 478 N MCCARRONS BLVD ROSEVILLE, MN 55113	28-46-24-W4-0260A.1001 4745 ESTERO BLVD #1001 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1001/CCPT #84	80

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BRYAR LAURENCE J TR 4745 ESTERO BLVD #1002 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1002 4745 ESTERO BLVD #1002 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1002	80
HAMILTON ALETA F TR 1504 STONY CREEK DR ROCHESTER, MI 48307	28-46-24-W4-0260A.1003 4745 ESTERO BLVD #1003 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1003	80
MARS SHARON D TR 801 ROMNAMO KEY CIR PUNTA GORDA, FL 33955	28-46-24-W4-0260A.1004 4745 ESTERO BLVD #1004 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1004/CCPT #30	80
APRUZZESE MARIO D + PETRINA M 2248 SOUTH SHORE CT ROCHESTER HILLS, MI 48307	28-46-24-W4-0260A.1005 4745 ESTERO BLVD #1005 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1005/GAR #113	80
FUHR MICHAEL A 1525 14TH AVE NW SAINT PAUL, MN 55112	28-46-24-W4-0260A.1101 4745 ESTERO BLVD #1101 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1101	80
HARDER CYNTHIA A TR 4745 ESTGERO B LVDE #1102 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1102 4745 ESTERO BLVD #1102 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1102/GAR #114	80
CAPUA RONALD TR 407 WOODSIDE DR WOOD DALE, IL 60191	28-46-24-W4-0260A.1103 4745 ESTERO BLVD #1103 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1103	80
ARNTSEN SHARON M TR + 4745 ESTERO BLVD #1104 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1104 4745 ESTERO BLVD #1104 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1104/GAR #116	80
ALLSHOUSE BRUCE A + BONNIE Y 4745 ESTERO BLVD # 1105 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1105 4745 ESTERO BLVD #1105 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1105/CCPT #76	80
LEWIS DAVID C + 4745 ESTERO BLVD #1201 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1201 4745 ESTERO BLVD #1201 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1201	80
DAVIS MARK E + MARY A PO BOX 558 SAINT PETER, MN 56082	28-46-24-W4-0260A.1202 4745 ESTERO BLVD #1202 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1202 + CCPT#42	80
ROMANSKI ROGER + PAULINE S TR 512 BRENTWOOD WISCONSIN RAPIDS, WI 54494	28-46-24-W4-0260A.1203 4745 ESTERO BLVD #1203 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1203/GAR #106 + CCPT #33	80
PARKER ROBERT M TR 1102 DAVIDSON WALK SPRING HILL, TN 37174	28-46-24-W4-0260A.1204 4745 ESTERO BLVD #1204 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 A UNIT 1204/CCPT #38	80 BLDG
ROSEANNA BIONDO LIVING TRUST 56199 SUMMIT DR SHELBY TOWNSHIP, MI 48316	28-46-24-W4-0260A.1205 4745 ESTERO BLVD #1205 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1205	80
ROSITZKE MARILYN J TR 4745 ESTERO BLVD APT 1401 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1401 4745 ESTERO BLVD #1401 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1401/CCPT #74	80
HALL BRINLEY M + ANN E 4745 ESTERO BLVD #1402 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1402 4745 ESTERO BLVD #1402 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1402	80
VAN ERT WAYNE R + BETTE L TR 4745 ESTERO BLVD #1403 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1403 4745 ESTERO BLVD #1403 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1403/GAR #108 + #109	80
MORGAN RONALD A + MARY TR 4753 ESTERO BLVD # 903 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1404 4745 ESTERO BLVD #1404 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1404	80
WILLIAMS CHARLES A & 3015 WOOD DUCK LN SE ADA, MI 49301	28-46-24-W4-0260A.1405 4745 ESTERO BLVD #1405 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1405	80
LOOMIS CLIFFORD R + LINDA A TR 1840 CANDLEWOOD LN RICHFIELD, WI 53076	28-46-24-W4-0260A.1501 4745 ESTERO BLVD #1501 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1501	80
LOOMIS CLIFFORD R + LINDA TR 1840 CANDLEWOOD LN RICHFIELD, WI 53076	28-46-24-W4-0260A.1502 4745 ESTERO BLVD #1502 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1502/GAR #105	80

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HMURA MICHAEL F + DONNA M TR 4745 ESTERO BLVD #1503 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1503 4745 ESTERO BLVD #1503 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1503/GAR #118	80
COYLE MICHAEL D & MARIANNE 4753 ESTERO BLVD # 804 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1504 4745 ESTERO BLVD #1504 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1504	80
SEBGHATI MAHMOUD TR 4745 ESTERO BLVD #1505 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260A.1505 4745 ESTERO BLVD #1505 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1505 + GAR #110	80
HUCK JOSEPH A + DONNA F 10890 FLORIDA RD FORTVILLE, IN 46040	28-46-24-W4-0260A.1601 4745 ESTERO BLVD #1601 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1601/GAR #99	80
FRANKS JAMES R + ELIZABETH A 3414 HANCOCK BRIDGE PKWY #904 NORTH FORT MYERS, FL 33903	28-46-24-W4-0260A.1602 4745 ESTERO BLVD #1602 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1602/GAR #100	80
1187915 ONTARIO LIMITED DR L B LUKENDA PROFESSIONAL PLACE 202-212 QUEEN ST E SAULT SAINTE MARIE, ON P6A 5X8 CANADA	28-46-24-W4-0260A.1603 4745 ESTERO BLVD #1603 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1603/GAR #102	80
PERREIRA DAVID E + KAREN PO BOX 6450 FORT MYERS BEACH, FL 33932	28-46-24-W4-0260A.1604 4745 ESTERO BLVD #1604 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1604 + XF(UNDER BLDG SPC #111)	80
STEIN NANCY G + 7550 WHISPERING FARM TRAIL CLEVES, OH 45002	28-46-24-W4-0260A.1605 4745 ESTERO BLVD #1605 FORT MYERS BEACH FL 33931	OCEAN HARBOR OR 2265 PG 0538 BLDG A UNIT 1605/GAR #112	80
MOYER DENNIS KELLY + 11233 RIVER OAKS LN W OSCEOLA, IN 46561	28-46-24-W4-0260B.0101 4753 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 101/CCPT #129	81
CUTLER HELEN 43 ALEXIS RD THORNHILL, ON L3T 6Z9 CANADA	28-46-24-W4-0260B.0102 4753 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 102/CCPT #130	81
GEORGE JOHN + SANDRA L/E 1132 E ROBINSON ST NORTH TONAWANDA, NY 14120	28-46-24-W4-0260B.0103 4753 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 103	81
KESSLER GEORGE + MARY KAY 283 S SUNSET DR MINA, SD 57451	28-46-24-W4-0260B.0104 4753 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 104	81
MEFFE DOMENIC A 6 THORNCREST RD TORONTO, ON M9A 1R9 CANADA	28-46-24-W4-0260B.0105 4753 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 105/CCPT #133	81
SIMONIAN JACK + JACQUELINE TR 4753 ESTERO BLVD # 201 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0201 4753 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 201/CCPT #40	81
AUDETTE ALICE C 4753 ESTERO BLVD APT 202 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0202 4753 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 202	81
STOUT JAMES V + CHARLOTTE D 4753 ESTERO BLVD #203 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0203 4753 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 203/CCPT #66 + #67	81
FEENEY TERENCE TR 16924 OBRIEN RD MINOOKA, IL 60447	28-46-24-W4-0260B.0204 4753 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 204/CCPT #58	81
FIKE RODNEY + GLENDA 4753 ESTERO BLVD #205 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0205 4753 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 205/CCPT #74	81
MAISENBACHER RICHARD SANDWEG 19 76139 KARLSRUHE, GERMANY	28-46-24-W4-0260B.0301 4753 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 301/CCPT #33 + #57	81

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REID GARRY D + SHARON E 424 THE THICKET MISSISSAUGA, ON L5G 4P6 CANADA	28-46-24-W4-0260B.0302 4753 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 302	81
ZIEMER SUZANNE S 4753 ESTERO BLVD #303 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0303 4753 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 303/CCPT #49 + #50	81
KOBELL WOLFGANG + MEDEA BERGSONSTRASSE 79 81245 MUNICH, GERMANY	28-46-24-W4-0260B.0304 4753 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 304	81
WIMMER RICHARD G JR + MARY ANN 4656 OAKHURST RIDGE RD CLARKSTON, MI 48348	28-46-24-W4-0260B.0305 4753 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 305/CCPT #36	81
JENKINS RICHARD 4753 ESTERO BLVD #401 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0401 4753 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 401/GAR #121	81
AMOS DON + JOAN 4753 ESTERO BLVD #402 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0402 4753 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 402	81
SPINDLER GEORG + ROSA TIERGARTEN STR 7 96149 BREITENQUSSBACH, GERMANY	28-46-24-W4-0260B.0403 4753 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 403	81
JOLA RODNEY T 6979 WINKLER RD UNIT 134 FORT MYERS, FL 33919	28-46-24-W4-0260B.0404 4753 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 404/CCPT #38	81
GILLIAN PATRICK H 4753 ESTERO BLVD #405 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0405 4753 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 405/GAR #106	81
WYATT VICKI L 4753 ESTERO BLVD APT 501 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0501 4753 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 501/GAR #100 + CCPT #32	81
CARROLL BARBARA W 51 ELDER ST MILFORD, CT 06460	28-46-24-W4-0260B.0502 4753 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 502/CCPT #63	81
POLIZZE MICHAEL P + PATRICIA M 6 PARK CT CAPE MAY COURT HOUSE, NJ 08210	28-46-24-W4-0260B.0503 4753 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 503	81
WALLRAB SUSAN P TR 2920 KNOLLCREST DR BURLINGTON, WI 53105	28-46-24-W4-0260B.0504 4753 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 504/CCPT #54	81
LOMAS ROY H JR 1359 MICHAEL WY LANSDALE, PA 19446	28-46-24-W4-0260B.0505 4753 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 505	81
DELISLE JOSEPH C 4753 ESTERO BLVD APT 601 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0601 4753 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 601/CCPT #30 + #46	81
DELISLE JEFFREY T TR 4753 ESTERO BLVD #602 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0602 4753 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 602	81
LARIMI CORP 4753 ESTERO BLVD APT 603 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0603 4753 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 603/CCPT #59	81
LINEBARGER JOHN 4753 ESTERO BLVD #604 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0604 4753 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 604	81
SHULZE ROGER C TR + 2258 PEBBLE CREEK OAKLAND, MI 48363	28-46-24-W4-0260B.0605 4753 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 605	81
BONNICE DAVID WILLIAM & 1038 FAIR HILL RD MONTROSE, PA 18801	28-46-24-W4-0260B.0701 4753 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 701/CCPT #68	81

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FMB 702B LLC 6001 N OCEAN DR APT 1505 HOLLYWOOD, FL 33019	28-46-24-W4-0260B.0702 4753 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 702/CCPT #55	81
WILSON DIANE R 4753 ESTERO BLVD # 703 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0703 4753 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 703/CCPT #47	81
GHRIST ALBERT S + JANET M 303 CHRISNER RD LIGONIER, PA 15658	28-46-24-W4-0260B.0704 4753 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 704 + PK SP #5 + STORG #704B	81
HANSEN NANCY FRANK TR 4753 ESTERO BLVD #705 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0705 4753 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH-II OR 2265 PG 0538 BLDG B UNIT 705	81
BURRELL GREGG + REBECCA 16619 EAST LAKE DR LAKEVILLE, MN 55044	28-46-24-W4-0260B.0801 4753 ESTERO BLVD #801 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 801/CCPT #60	81
BURRELL JACK L TR 4753 ESTERO BLVD #802 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0802 4753 ESTERO BLVD #802 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 802	81
LUTZ SHARON L TR 21216 LILAC LN CLINTON TWP, MI 48036	28-46-24-W4-0260B.0803 4753 ESTERO BLVD #803 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 B UNIT 803/CCPT #34 + #35	81 BLDG
NORCIA GERARDO & 17743 STONEBROOK DR NORTHVILLE, MI 48168	28-46-24-W4-0260B.0804 4753 ESTERO BLVD #804 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 804/CCPT #44	81
JACOBELLI SAMUEL + JOAN 4753 ESTERO BLVD APT 805B FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0805 4753 ESTERO BLVD #805 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 805/GAR #110	81
HAMILTON MARSHA C TR 22559 MERLIN CT JOLIET, IL 60404	28-46-24-W4-0260B.0901 4753 ESTERO BLVD #901 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 901	81
SMITH TIMOTHY & ELAINE 9513 E VISTA DR HILLSBORO, MO 63050	28-46-24-W4-0260B.0902 4753 ESTERO BLVD #902 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 902/CCPT #69	81
MORGAN RONALD TR + 4753 ESTERO BLVD #903 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0903 4753 ESTERO BLVD #903 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 903/CCPT #41	81
HANSEN PATRICIA C TR 5533 S 30TH ST GREENFIELD, WI 53221	28-46-24-W4-0260B.0904 4753 ESTERO BLVD #904 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 904	81
MUSTO DONALD J JR TR 4753 ESTERO BLVD # 905 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.0905 4753 ESTERO BLVD #905 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 905/GAR #109	81
KNUEPPEL BODO H + CAROL L 4422 DARNLEY CT FORT WAYNE, IN 46814	28-46-24-W4-0260B.1001 4753 ESTERO BLVD #1001 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1001/CCPT #52	81
TENNEY ROBERT E & AUDREY M TR 4753 ESTERO BLVD #1002 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1002 4753 ESTERO BLVD #1002 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1002	81
MARTIN WILLIAM J JR + DONNA M 4753 ESTERO BLVD #1003 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1003 4753 ESTERO BLVD #1003 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1003/CCPT #65	81
DREMSS LLC ROGER ROMANSKI 512 BRENTWOOD DR WISCONSIN RAPIDS, WI 54494	28-46-24-W4-0260B.1004 4753 ESTERO BLVD #1004 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1004/CCPT #70	81
MAYR-HOEFFNER INGELORE ODENWALDSTRASSE 11C 93057 REGENSBURG, GERMANY	28-46-24-W4-0260B.1005 4753 ESTERO BLVD #1005 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1005/GAR #115 + CCPT #37	81
PETTERSEN SHEILA E TR 4753 ESTERO BLVD #1101 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1101 4753 ESTERO BLVD #1101 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1101	81

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
MCCORMICK THOMAS J + BARBARA S 902 BLUFFS DR N BAITING HOLLOW, NY 11933	28-46-24-W4-0260B.1102 4753 ESTERO BLVD #1102 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1102/CCPT #72	81
COOLEN BARBARA A TR 4753 ESTERO BLVD # 1103 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1103 4753 ESTERO BLVD #1103 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1103/GAR #104	81
OASIS HOLDING COMPANY LIMITED SUNNETALSTR 23 8117 FALLANDEN, SWITZERLAND	28-46-24-W4-0260B.1104 4753 ESTERO BLVD #1104 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1104	81
OASIS HOLDING COMPANY LIMITED SUNNETALSTR 23 8117 FALLANDEN, SWITZERLAND	28-46-24-W4-0260B.1105 4753 ESTERO BLVD #1105 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1105	81
KEATHLEY JOHN R & DONNA M 720 N MIAMI ST EVART, MI 49631	28-46-24-W4-0260B.1201 4753 ESTERO BLVD #1201 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1201/CCPT #73	81
SUPREME PROPERTIES LLC 914 WALNUT AVE ARLINGTON HEIGHTS, IL 60004	28-46-24-W4-0260B.1202 4753 ESTERO BLVD #1202 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1202/CCPT #61	81
WALLACE CLIFTON O JR SUITE 160-189 16970 SAN CARLOS BLVD FORT MYERS, FL 33908	28-46-24-W4-0260B.1203 4753 ESTERO BLVD #1203 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1203	81
OSTERLOO WILLIAM E 4120 PINE CREEK RD ELKHART, IN 46516	28-46-24-W4-0260B.1204 4753 ESTERO BLVD #1204 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH-II OR 2265 PG 0538 BLDG B UNIT 1204/GAR 114	81
ROSANIA JOHN C + E SHIRLEY 4753 ESTERO BLVD # 1205 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1205 4753 ESTERO BLVD #1205 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1205/GAR #118	81
OERTER CATHY JO TR 4753 ESTERO BLVD # 1401 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1401 4753 ESTERO BLVD #1401 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1401 + CCPT A75	81
RENNER KARL TR 28128 W GRAY BARN DR LAKE BARRINGTON, IL 60010	28-46-24-W4-0260B.1402 4753 ESTERO BLVD #1402 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1402/CCPT #128	81
RENNER KARL TR 28128 GRAY BARN LN LAKE BARRINGTON, IL 60010	28-46-24-W4-0260B.1403 4753 ESTERO BLVD #1403 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1403/GAR #112	81
RENNER KARL TR KARL F RENNER 28128 GRAY BARN LN BARRINGTON, IL 60010	28-46-24-W4-0260B.1404 4753 ESTERO BLVD #1404 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1404	81
MACDONALD PHYLLIS P TR 24131 W OAK LN SHOREWOOD, IL 60404	28-46-24-W4-0260B.1405 4753 ESTERO BLVD #1405 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1405 + CCPT 131	81
RENNER KARL TR 28128 W GRAY BARN LN BARRINGTON, IL 60010	28-46-24-W4-0260B.1501 4753 ESTERO BLVD #1501 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1501+ GAR 118	81
HOLTON M ROSS + LORALEE G 4753 ESTERO BLVD #1502 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1502 4753 ESTERO BLVD #1502 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1502/CCPT #127	81
DOWNEY DOUGLAS H + M SANDRA 37 ELLEN ST UNIT 1308 BARRIE, ON L4N 6G2 CANADA	28-46-24-W4-0260B.1503 4753 ESTERO BLVD #1503 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1503	81
CHRISTOPHER JAMES III + 4753 ESTERO BLVD # 1504 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1504 4753 ESTERO BLVD #1504 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1504/GAR #116	81
INTERNATIONAL CAPITAL 1336 BASSWOOD RD SCHAUMBURG, IL 60173	28-46-24-W4-0260B.1505 4753 ESTERO BLVD #1505 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1505/CCPT #48	81
BARKER MELODY TR 1951 CHAPMAN LAKE DR WARSAW, IN 46582	28-46-24-W4-0260B.1601 4753 ESTERO BLVD #1601 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1601/CCPT #71	81

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SOENKE JOSEPHINE TR 4753 ESTERO BLVD # 1602 FORT MYERS BEACH, FL 33931	28-46-24-W4-0260B.1602 4753 ESTERO BLVD #1602 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1602/GAR #117	81
TOWNSEND GARY V + JANET R PO BOX 7015 MUNCIE, IN 47308	28-46-24-W4-0260B.1603 4753 ESTERO BLVD #1603 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1603/GAR #120 + GAR #119	81
MITCHELL JACK S + JACQUELINE 275 LANE 200F LAKE JAMES ANGOLA, IN 46703	28-46-24-W4-0260B.1604 4753 ESTERO BLVD #1604 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1604/GAR #107	81
NIELSEN DENNIS E TR + 6958 STILLWATER CV WESTERVILLE, OH 43082	28-46-24-W4-0260B.1605 4753 ESTERO BLVD #1605 FORT MYERS BEACH FL 33931	OCEAN HARBOR PH II OR 2265 PG 0538 BLDG B UNIT 1605/GAR #111	81
SCHMIDT JENIFER 11330 COMPASS POINT DR FORT MYERS, FL 33908	28-46-24-W4-03000.0105 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 5 UNIT 105	82
WAKENEK INTERESTS LLC 351 MANNING RD MOGADORE, OH 44260	28-46-24-W4-03000.0106 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 6 UNIT 106	82
PARRISH D MICHAEL + CHRISTINE 1256 FIRETHORNE CLUB DR WAXHAW, NC 28173	28-46-24-W4-03000.0107 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 7 UNIT 107	82
FINDLEY JOHN W PO BOX 485 OCONOMOWOC, WI 53066	28-46-24-W4-03000.0108 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 8 UNIT 108	82
COYLE MICHAEL D + MARIANNE 29 ARCTIC SPRINGS JEFFERSONVILLE, IN 47131	28-46-24-W4-03000.0109 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 9 UNIT 109	82
ORTHMANN FINN WEIDENHOFSTRASSE 14 STEINACH, 9323 SWITZERLAND	28-46-24-W4-03000.0110 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 10 UNIT 110	82
VINCI JAMES P + VIRGINIA M 1416 SUNFLOWER ST YORKTOWN HEIGHTS, NY 10598	28-46-24-W4-03000.0111 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 11 UNIT 111	82
OMDOLL PAUL A 2921 LEONARDO AVE NAPLES, FL 34119	28-46-24-W4-03000.0112 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 12 UNIT 112	82
KANTER GARY J + KIMBERLY J 3061 LYNDAL CT EDGEWOOD, KY 41017	28-46-24-W4-03000.0113 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2014000030511 AIRSPACE PH 13 UNIT 113	82
ABBS SCOTT E & KATHY L 731 E NORTHSORE DR SYRACUSE, IN 46567	28-46-24-W4-03000.0205 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 21 UNIT 205	82
KOZAK RAYMOND J TR 215 SADDLEBOW RD BELL CANYON, CA 91307	28-46-24-W4-03000.0206 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 22 UNIT 206	82
RAYMOND ROBERT L + DONNA M 18020 SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-03000.0304 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 36 UNIT 304	82
TUYLS JOSHUA J + BETH ANN 251 DUNDEE RD FORT MYERS BEACH, FL 33931	28-46-24-W4-03000.0305 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 37 UNIT 305	82
NEHRING RANDALL J 2908 SPRUCELEIGH CT SIOUX FALLS, SD 57105	28-46-24-W4-03000.0307 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 39 UNIT 307	82

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
SAMU KENNETH 6 TIMBERWOLF DR TRENTON, NJ 08620	28-46-24-W4-03000.0308 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 40 UNIT 308	82
MILLER PHILIP G + SANDRA A 833 CHERRYWOOD JACKSON, MI 49203	28-46-24-W4-03000.0310 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 42 UNIT 310	82
WE OWN A BOAT DOCK INC 1256 SW 5TH ST BOCA RATON, FL 33486	28-46-24-W4-03000.0405 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 61 UNIT 405	82
WOITYNEK MARIANNE & WERNER 3541 QUILL LEAF CT BONITA SPRINGS, FL 34134	28-46-24-W4-03000.0407 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 63 UNIT 407	82
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS, TX 75252	28-46-24-W4-03000.0411 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST#2008000316726 AIRSPACE PH 67 UNIT 411	82
PRIORY RICHARD B + JOAN E R TR 5051 PELICAN COLONY BLVD #503 BONITA SPRINGS, FL 34134	28-46-24-W4-03000.0504 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 84 UNIT 504	82
STOTTS LYNN + KEITH + 2885 TRAPPERS TRAIL LONG LAKE, MN 55356	28-46-24-W4-03000.0506 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 86 UNIT 506	82
LEWIS KEARSLEY BARTON 1313 TRIANDRA LN NAPLES, FL 34119	28-46-24-W4-03000.0722 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 200900009146 AIRSPACE PH 134 UNIT 722	82
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS, TX 75252	28-46-24-W4-03000A.0000 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 RESERVE FOR FUTURE AIRSPACE UNITS	83
ZINK DAVID C TR 20 TERRY CT JACKSONVILLE, IL 62650	29-46-24-W3-0300B.0201 4633 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 201	84
PRASSE MARJORIE J TR 4633 ESTERO BLVD #202 FORT MYERS BEACH, FL 33931	29-46-24-W3-0300B.0202 4633 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 202	84
LUSARDI GARY M + LYNDIA S 13441 PARKSIDE TER COOPER CITY, FL 33330	29-46-24-W3-0300B.0203 4633 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 203	84
LST & KEES LLC 12285 BERAGIO PL ALPHARETTA, GA 30004	29-46-24-W3-0300B.0204 4633 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 204	84
HENDERSON JAMES + KERRIE 10738 S 575 W PENDLETON, IN 46064	29-46-24-W3-0300B.0305 4633 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 305	84
PAOLI DEVELOPMENT ASSN LLP 1263 SHADOW OAK DR MALVERN, PA 19355	29-46-24-W3-0300B.0306 4633 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 306	84
KELLER DAVID B + JENNIFER S 515 KESSLER BLVD W DR INDIANAPOLIS, IN 46228	29-46-24-W3-0300A.0201 4631 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG A UNIT 201	85
WARNER H JACK TR 12344 N LEDGES DR ROSCOE, IL 61073	29-46-24-W3-0300A.0202 4631 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG A UNIT 202	85
KETRING ENTERPRISES LLC 10473 S 50W PENDLETON, IN 46064	29-46-24-W3-0300A.0303 4631 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG A UNIT 303	85
SANDBERG DAVID A + KRISTINE E 2655 HARLSTONE DR AURORA, IL 60502	29-46-24-W3-0300A.0304 4631 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG A UNIT 304	85

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PASTENA JAMES R + DIANE R PO BOX 286 SUCCASUNNA, NJ 07876	28-46-24-W4-03101.0001 4854 ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 BLDG 1 UNIT 1	86
JOHNSON GARY R 4852 ESTERO BLVD FORT MYERS BEACH, FL 33931	28-46-24-W4-03102.0002 4852 ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 BLDG 2 UNIT 2	87
LUKEENDA TIMOTHY L + N39W23612 GRAY FOX COURT PEWAUKEE, WI 53072	28-46-24-W4-03103.0003 4850 ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 BLDG 3 UNIT 3	88



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- We were founded in 1930 in Winter Haven, Florida, by George W. Jenkins.
 - We are the largest employee-owned grocery chain in the United States.
 - We are one of the 10 largest-volume supermarket chains in the country.
 - Our retail sales in 2018 reached \$36.1 billion.
 - Currently, we employ over 200,000 people.
 - We've received numerous **awards** for being a great place to shop and work.

... and these are our Southeast locations.

1,230 Store Locations

- Alabama (74 stores)
- Florida (803 stores)
- Georgia (187 stores)
- North Carolina (44 stores)
- South Carolina (61 stores)
- Tennessee (46 stores)
- Virginia (15 stores)

9 Distribution Centers

- Boynton Beach, Florida
- Miami, Florida
- Deerfield Beach, Florida
- Orlando, Florida
- Jacksonville, Florida
- Sarasota, Florida
- Lakeland, Florida
- Dacula, Georgia
- McCalla, Alabama

11 Manufacturing Facilities

- Atlanta, Georgia (bakery plant)
- Deerfield Beach, Florida (dairy plant, fresh foods)
- Jacksonville, Florida (fresh foods)
- Lakeland, Florida (bakery plant, dairy plant, deli kitchen, fresh foods, printing services)
- Dacula, Georgia (dairy plant, fresh foods)



Awards & Achievements

We are honored to have received the following awards and recognitions. These achievements are the result of Publix's commitment to associates, customers, and community organizations.

A Great Place to Work

- Ranked No. 4 for Best Job Security by Indeed.com (2018)
- Named as one of *Fortune's* "100 Best Companies to Work For" (1998–2019), earning Publix recognition as one of the Great Place to Work Legends*
- Ranked No. 1 on *Fortune's* inaugural list of Best Big Companies to Work For (2019)
- Named by *Fortune* as one of the country's Most Important Private Companies (2016)
- Listed as one of America's Best Employers by *Forbes* magazine (2018)
- Recognized by Glassdoor.com's "Candidates' Choice Awards" for positive interview experience (2017)
- Listed as one of *Fortune's* "Best Workplaces in Retail," "Best Workplaces for Women," "Best Workplaces for Diversity" and "Best Workplaces for Millennials" (2018)
- Ranked America's Largest Majority Employee-Owned Company by the National Center for Employee Ownership (2017)

Tops in Customer Service and Satisfaction

- Voted "South's Best Grocery Store" by *Southern Living* readers (2018)
- Ranked No. 6 on the Harris Poll Reputation Quotient Study (2019)
- Listed among the country's favorite supermarkets by Marketforce.com (2014–2018)
- Rated No. 2 in the Temkin Customer Experience Ratings (2018)
- Selected as one of America's Best Supermarkets by DailyMeal.com (2018)
- Recognized as a top brand on Siegel+Gale's Global Brand Simplicity Index (2017)
- Named as one of the Most Reputable Companies in the US by Reputation Institute (2018)
- Rated "Highest in Customer Satisfaction with Supermarket Pharmacies, Eight out of the last Ten Years" by J.D. Power**

An Industry Leader

- Recognized as one of *Fortune's* Most Admired Companies (1994–2019)
- Named Retailer of the Year by *Store Brands* magazine (2017)
- **IMAGE-certified** by the United States Department of Homeland Security for exemplary hiring and employment eligibility verification practices (2016)
- Ranked 88 on *Fortune* magazine's annual list of *Fortune* 500 companies (2018)
- Listed among the World's Most Valuable Brands in *Brand Finance* magazine (2018)
- Received the Safe Quality Foods Achievement Award for Manufacturer of the Year (2015)
- Received the GreenChill Achievement Award from the Environmental Protection Agency (2014)
- Named Black Pearl Award winner by the International Association for Food Protection (2013)

Involved in the Community

- Ranked No. 2 among the Top Companies for Social Responsibility by Harris Poll (2017)
- Ranked No. 1 nationwide in giving to March of Dimes (2017)
- Honored as a United Way Outstanding Strategic Partner (2014)
- Recognized as a Feeding America Leadership Partner (2017)
- Received United Way Summit Awards for Philanthropic Engagement and Community Impact (2012)
- Inducted into the Special Olympics Florida Hall of Fame (2001)
- Presented the United Way National Spirit of America Award (1996)

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SURVEYOR'S NOTES:

Underground improvements, if any, have not been located.

Parking lot area located by aerial photography.

See sheet 2 of 2 for aerial photograph.

The title matters shown hereon were provided by Policy Number OPM-1822937, issued by Attorneys' Title Insurance Fund, Inc., effective October 25, 1999 at 3:43 PM, and was relied upon to be complete and correct.

Bearings based on the Northwesterly line of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 9, Page 33, Public Records of Lee County, Florida, being assumed South 38°13'53" West.

LEGEND:

[illegible]

DESCRIPTION: (PROVIDED)

A parcel of land located in the Southwest Quarter of Section 28, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Begin at the Westerly most corner of Lot 5, Block "A" of HOLIDAY SHORES SUBDIVISION as recorded in Plot Book 9, Page 33 of the Public Records of Lee County, Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard (State Road 865), 32.5 feet Northerly right-of-way line, for a distance of 195.10 feet; thence run N 49°13'33"E for a distance of 374.01 feet; thence run S 51°46'07"E for a distance of 374.01 feet to 38°13'53" W along the Northwestern line of said HOLIDAY SHORES SUBDIVISION; thence run S distance of 575.00 feet to the Point of Beginning.

CERTIFICATION:

I hereby certify that this drawing correctly reflects the results of a recent specific purpose survey made under my direction and this survey was made in accordance with minimum technical standards adopted by the State of Florida Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, Chapter 61G17-6 of the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

DATE OF SURVEY:

December 7, 2000

John Richard Noland, Jr., P.S.M.
Florida Registration #5923
CHASTAIN-SKILLMAN, INC.
Certificate Number LB 262
4705 Old Highway 37
Lakeland, Florida 33813
(863) 646-1402

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

This survey performed without the benefit of a current abstract or full title opinion search, therefore, easements or other encumbrances may exist that are not shown hereon.

LEGEND:

A/C	Air Conditioning Unit
B.B.	Bottom of Bank
B.C.	Back of curb
(C)	Calculated Measurement
CD	Chord Distance
CB	Chord Bearing
CL	Center line
CM	Concrete Monument
CM-P	Corrugated Metal Pipe
CONC	Concrete
OPP	Corrugated Plastic Pipe
(D)	Dead/Described Measurement
D	Degree of Curvature
D.B.	Dead Book
D.O.T.	Department of Transportation
EDGE	Edge of Pavement
F.C.M.C.	Found Concrete Monument and Cap
F.C.M.	Found Concrete Monument
F.I.P.	Found Iron Pipe
F.I.P.C.	Found Iron Pipe and Cap
F.I.R.	Found Iron Rod
F.I.R.C.	Found Iron Rod and Cap
F.A.B.D.	Found Nail and Disk
F.R.S.	Found Railroad Spike
F.L.	Field Measurement
F.B.	Field Book
HDPE	High Density Polyethylene Pipe
INV	Invert
LB	Licensed Business
L.S.	Licensed Surveyor
M.B.	Map Book
-OHW-	Overhead Wire
O.R.	Official Records Book
(P)	Plot Measurement
P.B.	Plot Book
PC	Point of Curvature
PCP	Permanent Control Point
PG	Page
P.L.S.	Professional Land Surveyor
PSM	Professional Surveyor & Mapper
INV	Permanent Reference Marker
PVC	Polyvinyl Chloride Pipe
R.C.M.C.	Recovered "x" of Concrete Monument and Cap
	"Chostain-Sillman"
R.I.R.C.	Recovered 3/8" Iron Rod and Cap
	"Chostain-Sillman"
R.N.B.D.	Recovered Nail and Disk
	"Chostain-Sillman"
RCP	Reinforced Concrete Pipe
S.I.R.C.	Set 3/8" Iron Rod and Cap
	"Chostain-Sillman"
S.N.B.D.	Set-Nail-and-Disk
	"Chostain-Sillman"
T.B.	Top of Bank
TRANS.	Transformer
(TYP)	Typical
U.G.S.	Underground Service
VCP	Vitrified Clay Pipe
	- Asphalt
	- Back Flow Preventer
	- Cable Junction Box
	- Cable Junction Vault
	- Cleanout
	- Cable Line Marker
	- Cable Line Marking
	- Concrete Light Pole
	- Concrete Utility Pole
	- Concrete
	- Drainage Manhole
	- Electric Meter
	- Electric Junction Box
	- Electric Junction Vault
	- Electric Manhole
	- Electric Line Marker
	- Electric Line Marking
	- Fiber Optics Cable Marker
	- Fire Valve
	- Fire Hydrant
	- Gas Line Marker
	- Gas Valve
	- Gas Meter
	- Gas Manhole
	- Guy Anchor
	- Irrigation Valve
	- Light Pole
	- Metal Light Pole
	- Metal Utility Pole
	- Sewer Line Marking
	- Sewer Manhole
	- S... VOI.
	- Telephone Junction Box
	- Telephone Junction Vault
	- Telephone Line Marker
	- Telephone Line Marking
	- Telephone Manhole
	- Utility Pole
	- Water Meter
	- Water Valve

Specific Purpose Survey showing places of worship, religious facilities, schools (noncommercial), day care centers (child), parks, dwelling units, or establishments primarily engaged in the sale of alcoholic beverages that are located within 500 feet of the entrance of the proposed liquor store located at 4791 Estero Blvd. in rt. Myers Beach.

1) A field inspection has been made the following has been determined:

- a. No religious facilities were found to be within a 500 foot radius of the approximate entrance of the proposed liquor store.
- b. 1 school was located to be within a 500 foot radius of the proposed liquor store site.

Sand Castle Kindergarten (Attached to Snook Bight Morino)
4761 Eslero Blvd. (Approximately 159.1 feet from the property line of the school to the entrance of the proposed liquor store)

- c. 39 dwelling units were located to be within a 500 foot radius of the approximate entrance of the proposed liquor store site:

34 residential dwelling units (labeled with numbers ranging from 1-34)

1. 4801 Estero Blvd.	13. 4831 Coral Rd.	25. 4861 Coquina Rd.
2. 4805 Estero Blvd.	14. 4841 Coral Rd.	26. 4870 Dolphin Ln.
3. 4839 Estero Blvd.	15. 4871 Coral Rd.	27. 315 Bayland Rd.
4. 4841 Estero Blvd.	16. 313 Bayland Rd.	28. 4841 Dolphin Ln.
5. 4845 Estero Blvd.	17. 4810 Coquina Rd.	29. 4851 Dolphin Ln.
6. 4838 Coral Rd.	18. 4830 Coquina Rd.	30. 4855 Dolphin Ln.
7. 4830 Coral Rd.	19. 4850 Coquina Rd.	31. 375 Bayland Rd.
II. 4850 Coral Rd.	20. 4870 Coquina Rd.	32. 112 Strandview Av.
9. 4870 Coral Rd.	21. 4880 Coquina Rd.	33. 128 Strandview Av.
10. 311 Bayland Rd.	22. 4811 Coquina Rd.	34. 4730 Estero Blvd.
11. 4811 Coral Rd.	23. 4831 Coquina Rd.	
12. 4821 Coral Rd.	24. 4841 Coquina Rd.	

Condominiums (labeled with letters A through E)

A. White Cap Beach Condos 4631 Estero Blvd.	D. The Shores 4750 Estero Blvd.	*Closest Condominium to the entrance of the proposed liquor store is Ocean Harbor Condominium. Approximately 150.8 feet from the property line of the condominium to the entrance of the proposed liquor store+.
B. Ocean Harbor Condominiums* 4741 Estero Blvd.	E. Seaside Condo 4770 Estero Blvd.	
C. Seaside Resort 4690 Estero Blvd.		

- d. No parks found to be within a 500 foot radius of the approximate location of the proposed liquor store entrance.
- e. 1 establishment engaged in the sale of alcohol was found to be within 500 foot radius of the approximate entrance of the proposed liquor store:
- Boyfront Bistro
4761 Estero Blvd
- f. No day care centers were found to be within a 500 foot radius of the approximate location of the proposed liquor store entrance.
- *all above addresses are located in Fort Myers, Florida, 33931

2) This is not a boundary survey.

3) Aerial photograph shown for reference only.

CERTIFICATION:

I hereby certify that this drawing correctly reflects the results of a recent survey made under my direction and this survey was made in accordance with Standards of Practice adopted by the State of Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, Chapter 5J-17 of the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.



GRAPHIC SCALE



(IN FEET)
1 inch = 200 feet

DCI20190023

FIELD BY:
H.DAVIDSON

DATE OF SURVEY:
03/01/2019

FIELD BOOK & PAGE
FB 821 PG 11

PROJECTNUMBER:
9353.92

SHEETNUMBER:
V-01

PUBLIX SUPER MARKETS
4791 ESTERO BOULEVARD, FORT MYERS, FLORIDA
LOCATED IN SECTION 28, TOWNSHIP 26 SOUTH.
RANGE 24 EAST
SPECIFIC PURPOSED SURVEY
DISTANCE SURVEY

JOHN EDWARD HOLLAND, JR., P.S.M.
FLORIDA REGISTRATION NO. 2092
CHASTAIN-SKALAWAN, INC. CERTIFICATE NUMBER L8 2862
205 EAST WILKE STREET, GAINESVILLE, FLORIDA 32601
205ANDCHASTAIN@GMAIL.COM (904) 836-1402
THE SURVEY MAP AND REPORT OF THE COMES THERE ARE NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER

CHASTAIN-SKILLMAN
205 EAST ORANGE STREET
LAKELAND, FL 33801-4611
(883) 848-1402



Exhibit A
Legal Description

A parcel of land located in the Southwest Quarter (SW1/4) of Section 28, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Westerlymost corner of Lot 6, Block A, Holiday Shores Subdivision, as recorded in Plat Book 9 at Page 33 of the Public Records of Lee County, Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard (SR865) 32.5 feet from the centerline of Estero Boulevard; Thence run N49°57'33"W along said Northeasterly right-of-way line for a distance of 195.10 feet; Thence run N20°45'47" for a distance of 596.34 feet; Thence run S51°46'07"W for a distance of 374.01 feet to a point on the Northwestern line of said Holiday Shores Subdivision; Thence run S38°13'53"W along the Northwestern line of said Holiday Shores Subdivision for a distance of 575.00 feet to the Point of Beginning.

Containing 3.736 acres, more or less.

Search

A circular professional engineer seal for Brett Evan Rowan. The outer ring contains the text "BRETT EVAN ROWAN" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. Inside the ring, the word "LICENSE" is at the top, "No. 77608" is in the center, and "STATE OF FLORIDA" is at the bottom, also separated by two stars. The seal is stamped over a document with a grid background.

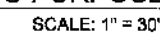
Revision: _____
Date: _____
By: _____
Description: _____

Key Plan:

PROJECT TRUE
NORTH NORTH

Drawing Title

Page 81 of 246



SURVEYOR'S NOTES:

The title matters shown hereon were provided by Policy Number OPM-1822937, issued by Attorneys' Title Insurance Fund, Inc., effective October 25, 1989 at 3:43 PM, and was relied upon to be complete and correct.

Bearings based on the Northwesterly line of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 9, Page 33, Public Records of Lee County, Florida, being assumed South 38°13'53" West.

LEGEND

[illegible]

DESCRIPTION: (PROVIDED)

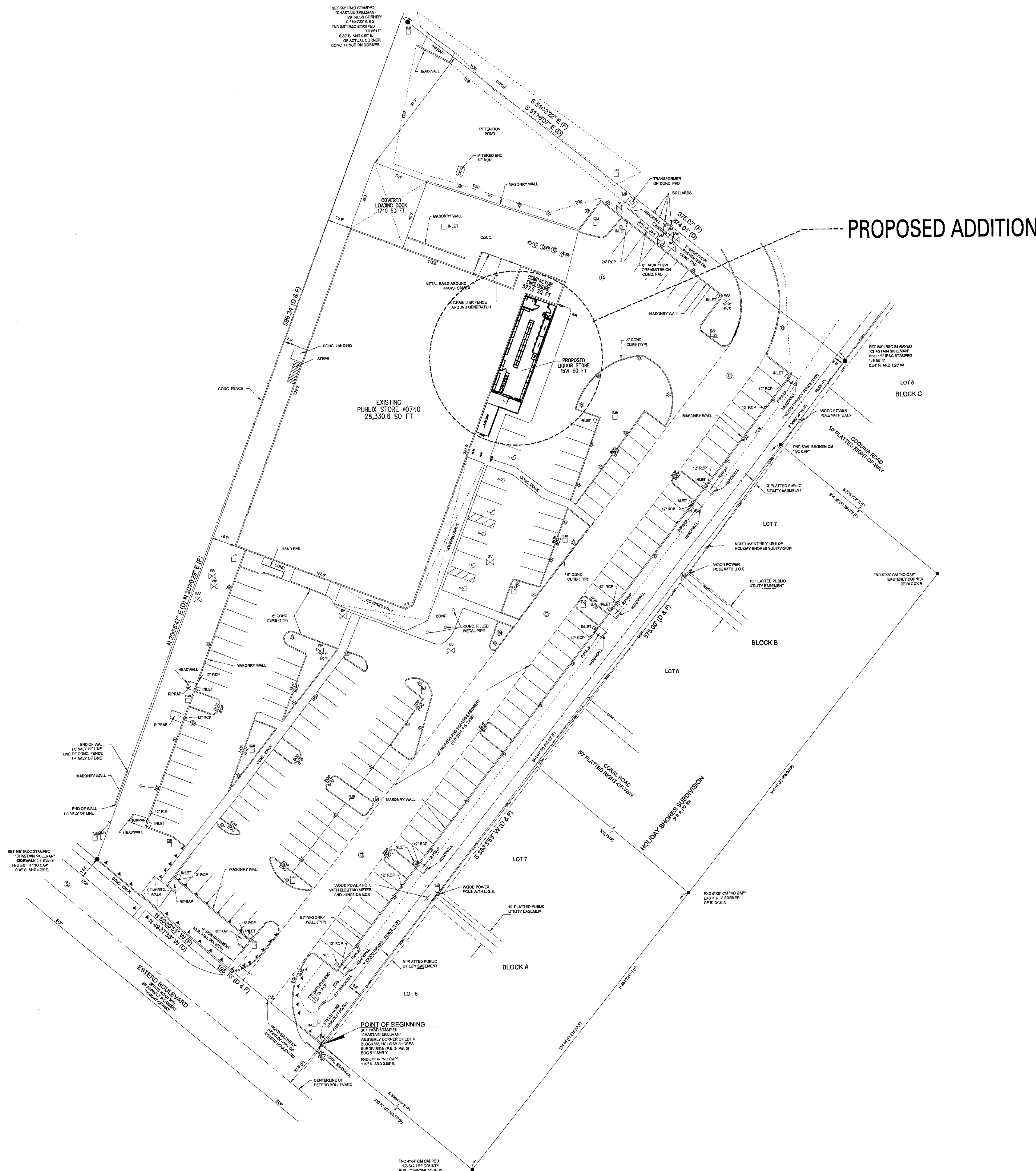
A parcel of land located in the Southwest Quarter of Section 28, Township 48 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Begin at the Westerly most corner of Lot 6, Block "A" of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 5, Page 33 of the Public Records of Lee County, Florida, also being a point on the Northeastly right-of-way line of Estero Boulevard (State Road 866), 32.5 feet from the center line of Estero Boulevard; thence run N 49°57'33" W, along said Northeastly right-of-way line for a distance of 195.10 feet, thence run N 20°45'47" E for a distance of 598.34 feet, thence run S 51°46'07" E for a distance of 374.01 feet to a point on the Northwesternly line of said HOLIDAY SHORES SUBDIVISION; thence run S 38°13'33" W along the Northwesternly line of said HOLIDAY SHORES SUBDIVISION, for a distance of 575.00 feet to the Point of Beginning.

NOTE: INFORMATION SHOWN HERE IS ADAPTED FROM AN OWNER SUPPLIED SITE SURVEY AND INTENDED STRICTLY FOR PRELIMINARY DEVELOPMENT REVIEW, DOCUMENTING PRE-EXISTING SITE CONDITIONS WITH RESPECT TO A PROPOSED BUILDING ADDITION INDICATED ON SHEET SP-2 OF THIS 3-PAGE SUBMITTAL. IT IS NOT INTENDED AS A RECORD SITE SURVEY OR CONSTRUCTION DOCUMENT.

A1 EXISTING SITE PLAN
SP-1 REDUCTION - NOT TO SCALE

NOT FOR CONSTRUCTION

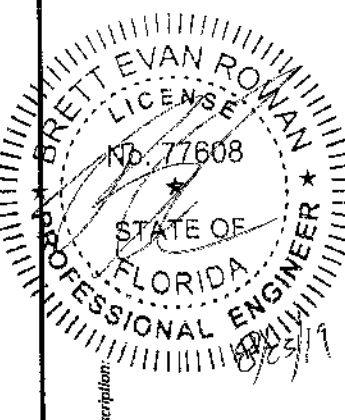


NOTE: INFORMATION SHOWN HERE IS ADAPTED FROM AN OWNER SUPPLIED SITE SURVEY AND INTENDED SOLELY FOR PRELIMINARY DEVELOPMENT REVIEW WITH RESPECT TO A PROPOSED 1,514 SQUARE FEET BUILDING ADDITION FOR A SEPARATE LIQUOR STORE. IT IS NOT INTENDED FOR CONSTRUCTION, OR CURRENT RECORD SURVEY.

A1 PROPOSED ADDITION
SP-2 REDUCTION - NOT TO SCALE

JACOBS
Project: Publix Super Markets, Inc. - Fort Myers Beach
Drawing: F6-W745-00-0740M
Date: 08/27/19
Designed By: W. LEONARD
Drawn By: W. LEONARD
Checked By: B. ROWAN
Reviewed By: B. ROWAN
Title: PROPOSED SITE PLAN

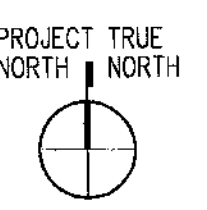
ENGINEER OF RECORD
NAME: BRETT EVAN ROWAN, P.E.
REGISTRATION: FLORIDA REG. #PF77008



Revision: _____
Date: _____

Publix super markets, inc.
PUBLIX STORE #0740
PUBLIX AT FORT MYERS BEACH
CORPORATE OFFICES:
FACILITIES DESIGN DEPT.
BOX 407, LAKELAND, FL 33802
FORT MYERS, FLORIDA 33931-3923
TELEPHONE (888)688-1188

Key Plan:



Jacobs Project No.: F6-W745-00-0740M
Drawing Title: PROPOSED SITE PLAN

Date: 08/27/19
Designed By: W. LEONARD
Drawn By: W. LEONARD
Checked By: B. ROWAN
Reviewed By: B. ROWAN
Title: PROPOSED SITE PLAN

January 16, 2020

Fort Myers Beach Publix
c/o Adrienne Noto, Esq.
Greenspoon Marder
600 Brickell Avenue, Suite 3600
Miami, Florida 33131

Re: Fort Myers Beach Publix – Proposed Turn Lane Improvement

Dear Adrienne:

Per the Town of Fort Myers Beach's request, we have prepared a conceptual plan depicting the proposed egress lane from the Publix Supermarket located at 4791 Estero Boulevard. Figures 1 and 2 on the following pages depict the existing conditions and the proposed turn lane improvement. Regarding the stacking dimension of the proposed improvement, the Institute of Transportation Engineers (ITE) in their *Transportation and Land Development* (2nd Edition) document recommend that 50 feet is adequate for stacking purposes and a dimension of 75 feet to the first parking space. These dimensions are recommended in order to accommodate expected queues and to provide a safe operation. The pertinent section from the referenced ITE document is attached.

Please give me a call if you have any questions.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

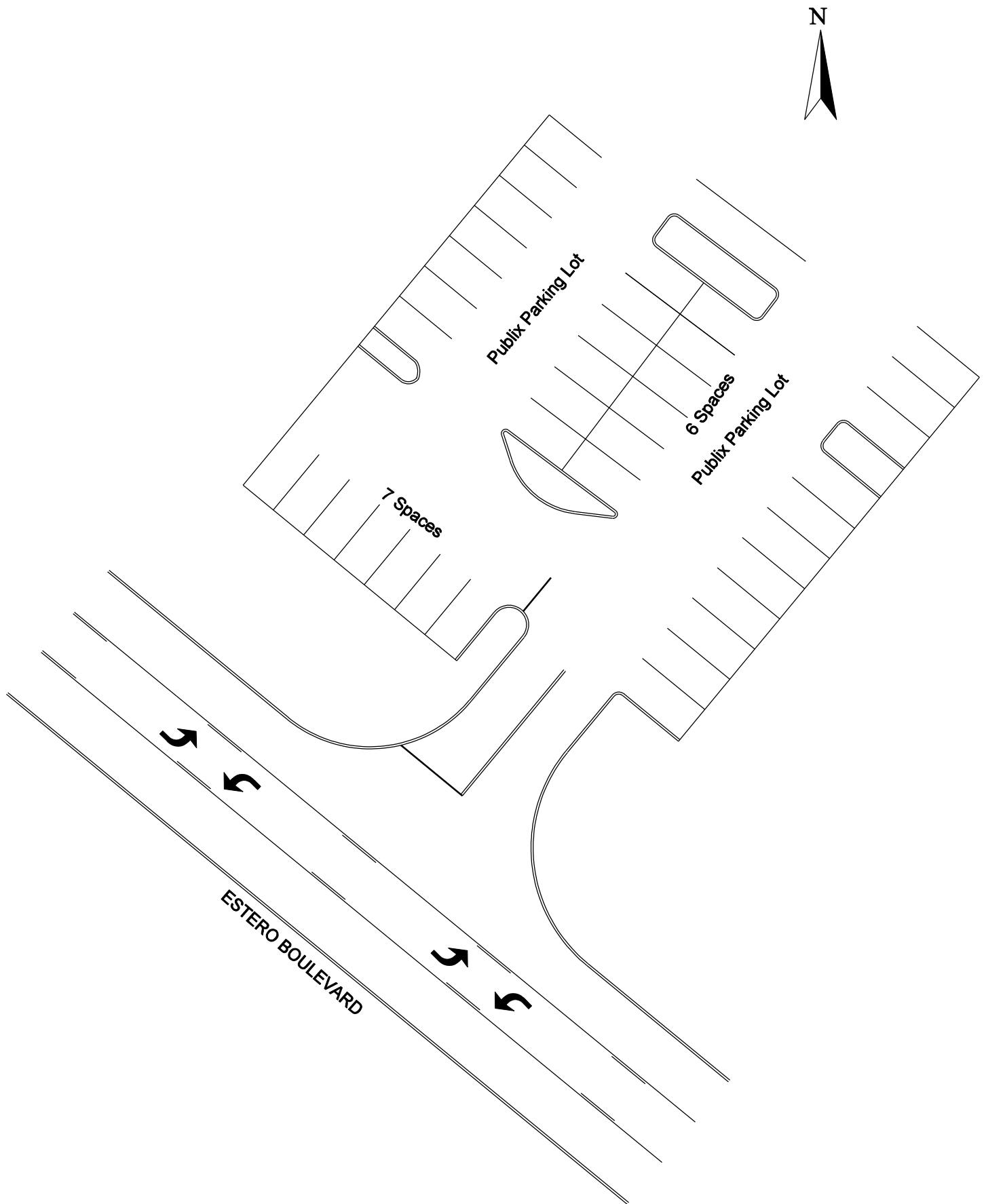


FIGURE 1
Existing Conditions

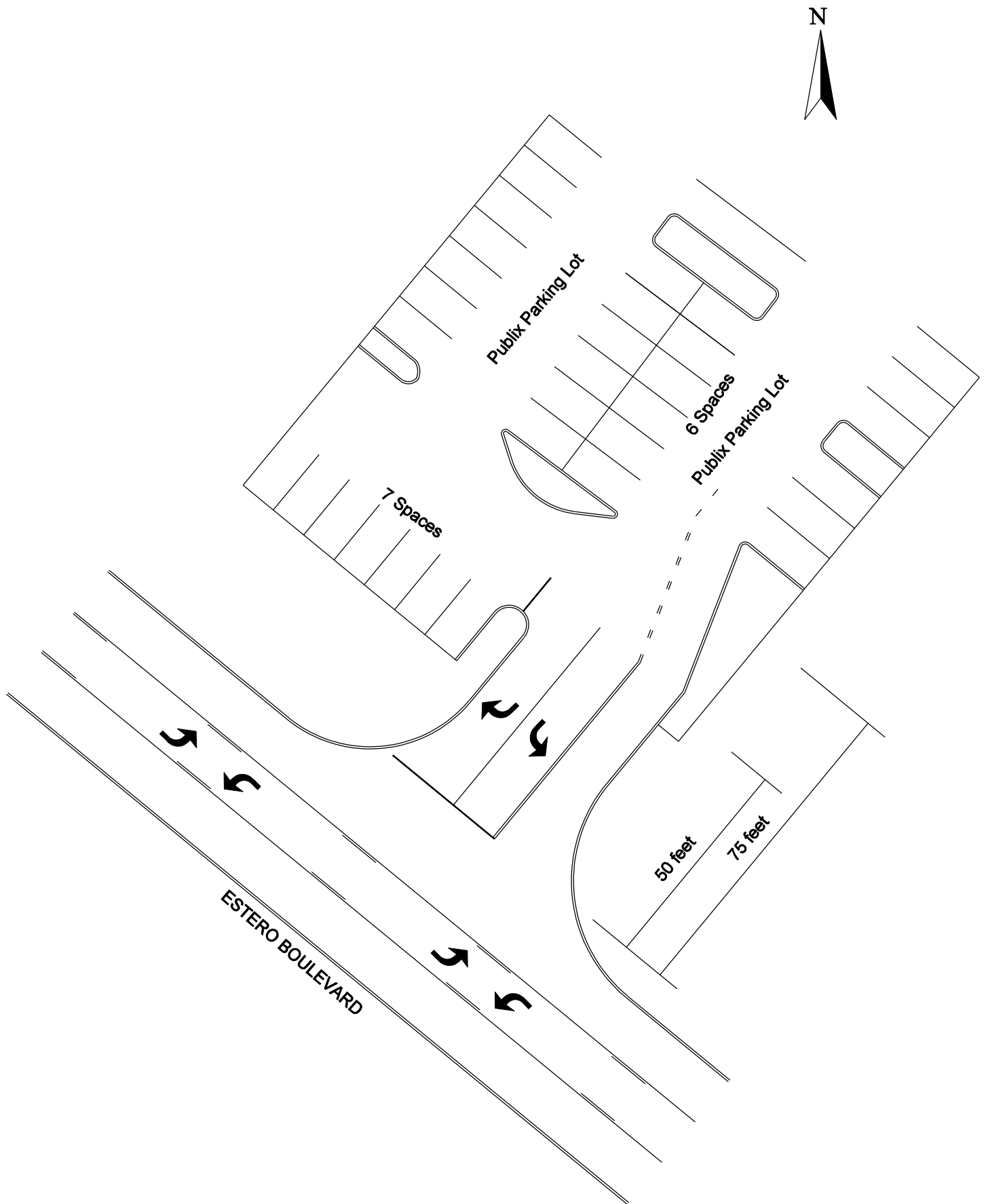
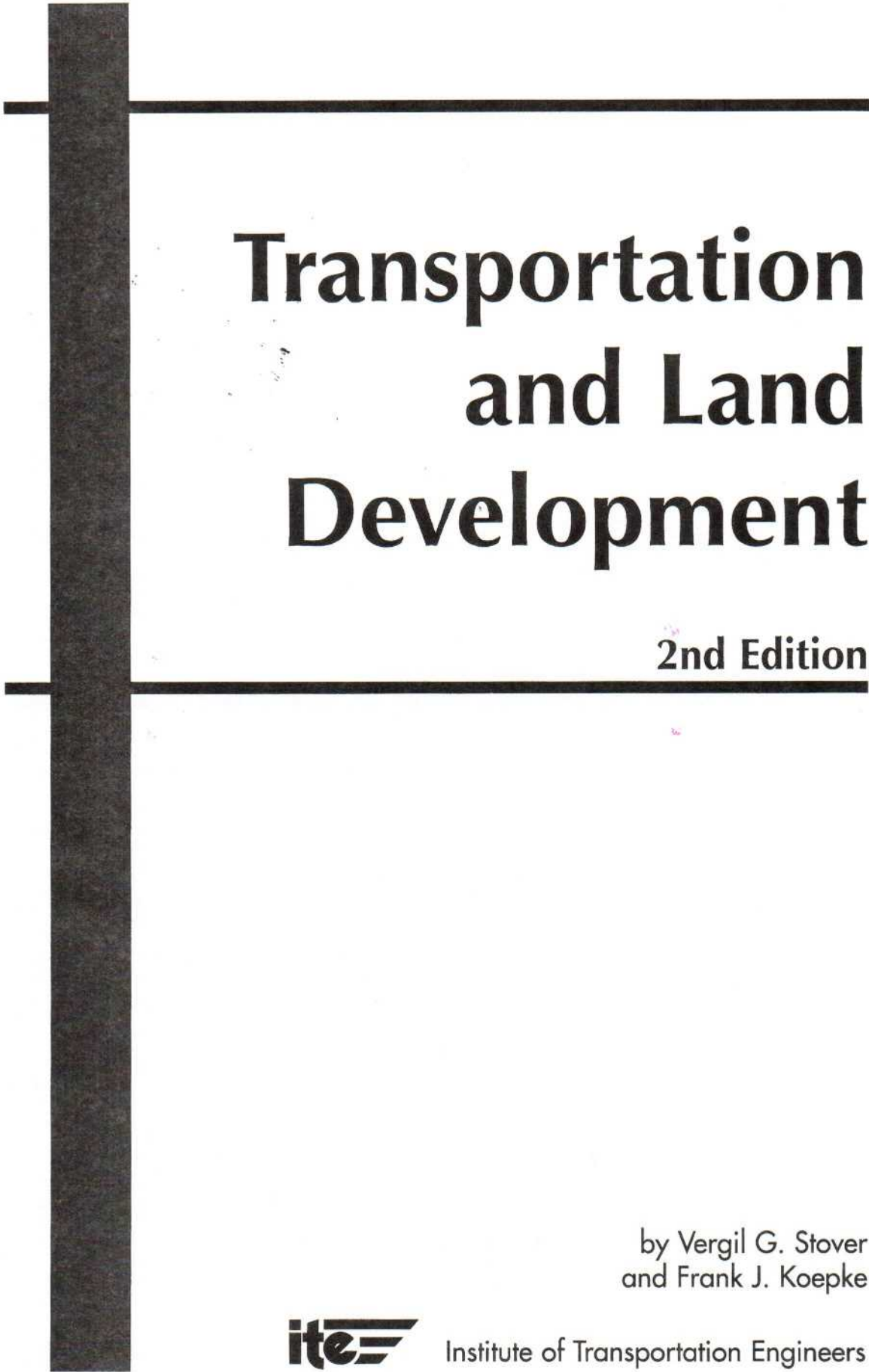


FIGURE 2
Proposed Turn Lane
(- 5 Parking Spaces)

ATTACHMENT A

Throat Length Dimensions at Stop-Controlled Driveways



Transportation and Land Development

2nd Edition

by Vergil G. Stover
and Frank J. Koepke



Institute of Transportation Engineers

The throat length and cross-section are interrelated; the wider the cross-section the longer the exit throat length needs to be. This relationship results from the one fact that the weaving maneuver becomes more complex and requires a longer length as the number of exit lanes increases. Also, the need to achieve very high exit flow rates becomes more important as the exit volume increases. Thus, the exit condition controls the length of large traffic generators; while the entry condition controls the throat length of small generators. Minimum throat lengths for unsignalized and signalized access drives are summarized in Tables 7-8 and 7-9 respectively.

**Table 7-8. Summary of Minimum Throat Lengths
for Unsignalized Access Drives**

<u>Number of Lanes</u>	<u>On-Site Development</u>	<u>Minimum Throat Length</u>	
		<u>ft.</u>	<u>(m)</u>
1 enter and 1 exit	parking	75	(25)
	intersection	30	(10)
1 enter and 2 exit	parking	75	(25)
	intersection	50	(20)

**Table 7-9. Summary of Throat Lengths
for Signalized Access Drives**

<u>Number of Egress Lanes (left, thru and right)</u>	<u>Minimum Throat Length</u>	
	<u>ft.</u>	<u>(m)</u>
2	75	(25)
3	200	(60)
4	300	(95)

October 1, 2019

Fort Myers Beach Publix
c/o Adrienne Noto, Esq.
Greenspoon Marder
600 Brickell Avenue, Suite 3600
Miami, Florida 33131

Re: Fort Myers Beach Publix – Traffic and Parking Evaluation

Dear Adrienne:

The purpose of this letter is to document the traffic and parking impacts associated with the construction of a liquor store at the existing Fort Myers Beach Publix Supermarket located at 4791 Estero Boulevard. The supermarket has a gross building area of approximately 28,331 square feet. One hundred and sixty-one (161) parking spaces are provided at the site (refer to site plan located in Attachment A).

The proposed liquor store will require the elimination of seven (7) parking stalls in order to construct an additional 1,514 square feet of building area. Hence, with the future liquor store, the site will provide 154 parking spaces (161-7). Attachment A also contains the future site plan associated with the existing supermarket and proposed liquor store.

Traffic Impacts

In order to document the traffic impacts associated with the proposed liquor store, a trip generation analysis was performed for the existing supermarket and future liquor store using the trip generation rates published in the Institute of Transportation Engineer's (ITE) report *Trip Generation Manual* (10th Edition). The trip generation analysis was undertaken for daily, AM peak hour and PM peak hour conditions. According to ITE's *Trip Generation Manual* (10th Edition), the trip generation rates for the existing and proposed uses are:

SUPERMARKET (ITE Land Use 850)

Daily Trip Generation (Weekday)

$$T = 70.89 (X) + 1,212.64$$

Where T = number of daily trips, X = 1,000 square feet of

AM Peak Hour (Typical Morning Rush Hour)

$T = 3.82 (X)$ (60% inbound and 40% outbound)

Where T = number of peak hour trips, X = 1,000 square feet

PM Peak Hour (Typical Afternoon Rush Hour)

$T = 0.75 + 3.21 (X)$ (51% inbound and 49% outbound)

Where T = number of peak hour trips, X = 1,000 square feet

LIQUOR STORE (ITE Land Use 899)

Daily Trip Generation (Weekday)

$T = 101.49 (X)$

Where T = number of daily trips, X = 1,000 square feet of

AM Peak Hour

$T = 4.55 (X)$ (51% inbound and 49% outbound)

Where T = number of peak hour trips, X = 1,000 square feet

PM Peak Hour (Typical Afternoon Rush Hour)

$T = 16.37 (X)$ (50% inbound and 50% outbound)

Where T = number of peak hour trips, X = 1,000 square feet

Using the above-listed trip generation rates from the ITE document, a trip generation analysis was undertaken for the existing and proposed land uses. The results of this effort are documented in Table 1 and 2. As indicated in the tables, the proposed liquor store is projected to add approximately 259 new daily trips, approximately 5 new AM peak hour trips and approximately 15 new trips during the typical afternoon peak hour. Hence, the traffic impacts associated with the proposed 1,514 square-foot liquor store are considered insignificant from a traffic-engineering standpoint (one new vehicle-trip every 4 minutes).

According to the Florida Department of Transportation (FDOT), Estero Boulevard carried approximately 500 vehicles per hour in 2018 (refer to Attachment B). These traffic counts were recorded in July and therefore, adjusting the traffic counts to reflect peak season conditions (FDOT's adjustment factors are also contained in Attachment B), the peak season peak hour traffic volumes on Estero Boulevard are approximately 560 vehicles per hour. Moreover, Estero Boulevard near the subject supermarket is a two-lane roadway with a center turn lane and slow speeds. Based on the 2013 FDOT Quality/Level of Service Handbook, Estero Boulevard has a level-of-service "D" carrying capacity of approximately 1,197 vehicles per hour (refer to Attachment B).

TABLE 1 Trip Generation Summary (Existing Use) Publix Store #0740 - Fort Myers Beach								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Grocery (LUC 850)	28,331	3,221	108	65	43	304	155	149

Source: ITE Trip Generation Manual (10th Edition)

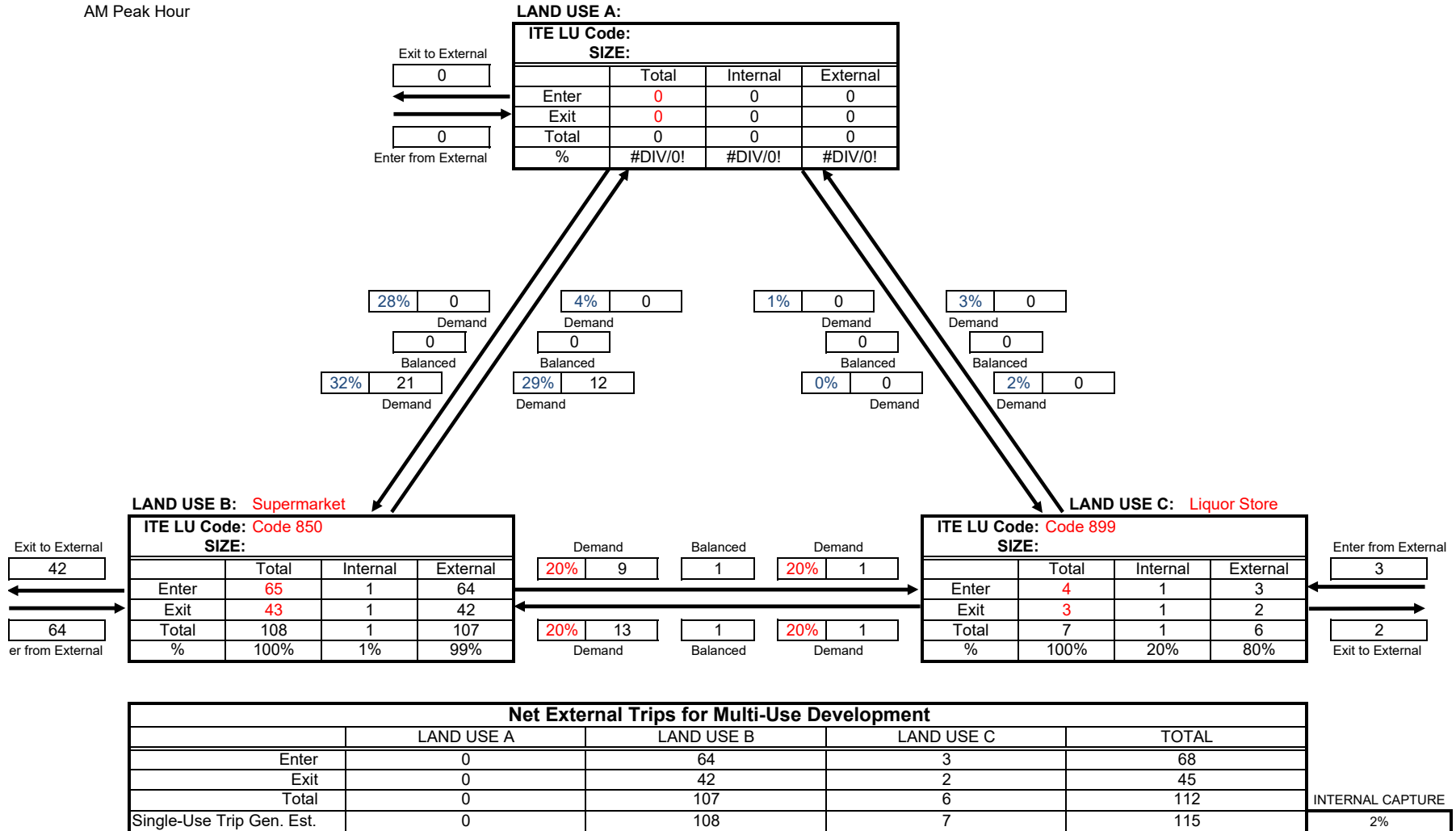
TABLE 2 Trip Generation Summary (Proposed Uses) Publix Store #0740 - Fort Myers Beach								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Grocery (LUC 850)	28,331	3,221	108	65	43	304	155	149
Liquor Store (LUC 899)	1,514	154	7	4	3	25	13	12
Subtotal	29,845	3,375	115	69	46	329	168	161
Internal (2%/3%)		105	-2	-1	-1	-10	-5	-5
External Trips	29,845	3,480	113	68	45	319	163	156

Source: ITE Trip Generation Manual (10th Edition)

Difference:	1514	259	5	3	2	15	8	7
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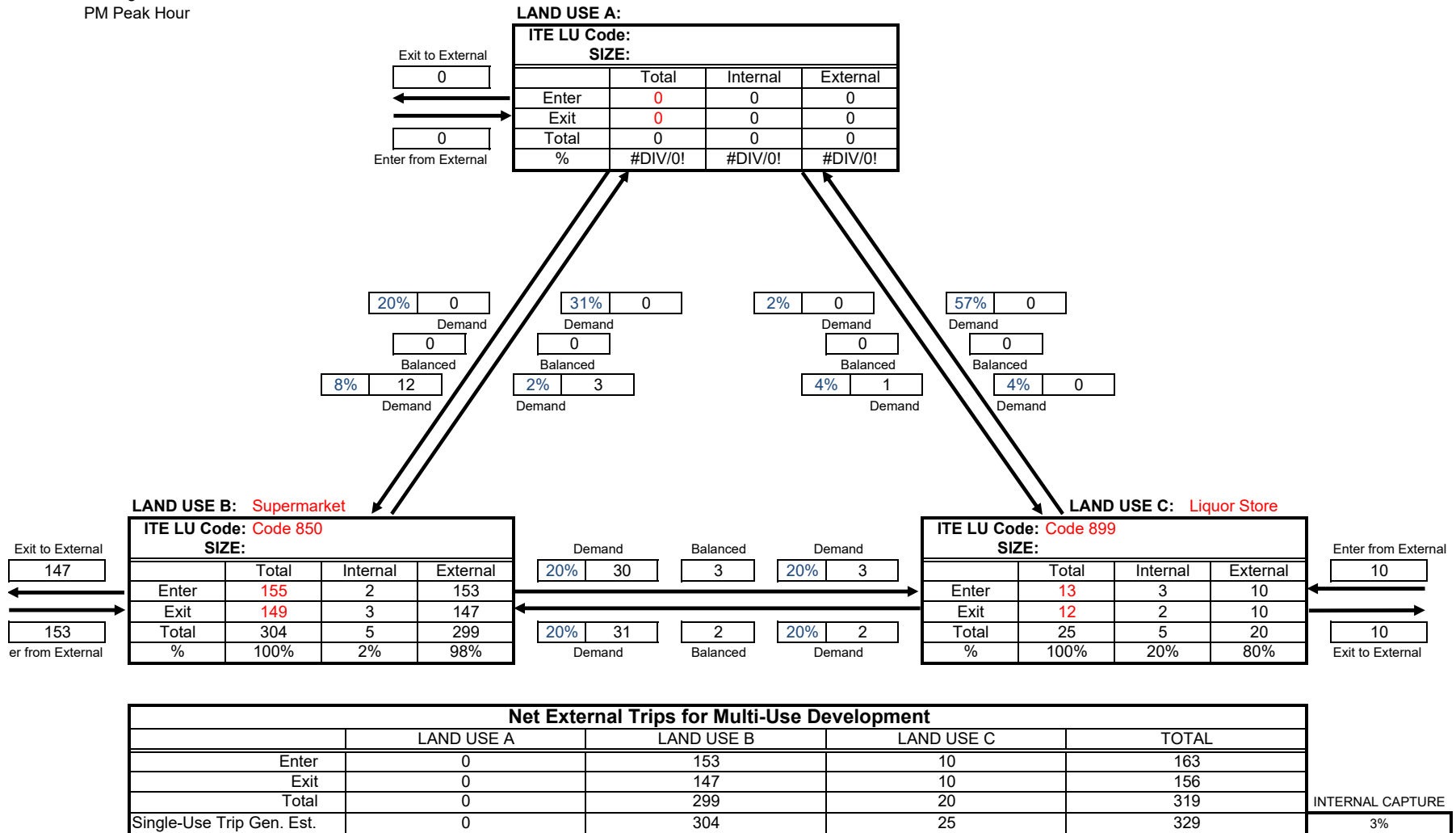
PROPOSED LAND USES
Trip Generation
and Internal Capture Summary

Analyst: Vargas
Date: 20-Aug-19
 AM Peak Hour



PROPOSED LAND USES
Trip Generation
and Internal Capture Summary

Analyst: Vargas
Date: 20-Aug-19
 PM Peak Hour



Hence, Estero Boulevard is currently operating at an acceptable level of service and will continue to operate adequately with the proposed liquor store in place. The 15 new peak hour trips generated by the proposed liquor store represent less than one percent of the carrying capacity of Estero Boulevard (assuming approximately 60% of the 15 new trips, or 9 trips will head towards the north west).

Parking Needs

Table 3 below documents the parking requirements per City of Fort Myers Beach Land Development Regulations (Section 34-2020). As indicated in the subject table, the existing supermarket plus the proposed liquor store requires 118 parking spaces. Since 154 parking spaces will be provided after the implementation of the liquor store, a parking surplus of +36 parking stalls will be available. Hence, parking is not anticipated to become a problem after the construction of the liquor store.

TABLE 3 Publix Store #0740, Fort Myers Beach Parking Calculations			
Parking Required ¹	Parking Provided	Parking Surplus	
		Spaces	Percentage
118	154	+36	+30%

In summary, the proposed 1,514 square-foot liquor store will have a De-Minimus traffic impact to Estero Boulevard. A parking surplus of approximately 36 parking stalls will be provided after the liquor store is built and occupied.

Please give me a call if you have any questions.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

¹ 4.0 parking spaces per 1,000 square feet of grocery store space (28,331 square feet) plus 3.0 parking space per 1,000 square feet of retail space (1,514 square feet of liquor store proposed) = 113.3 + 4.5 = 118 parking spaces required.

ATTACHMENT A

Site Plan for Existing Publix #0740 and New Liquor Store

JACOBS'

Florida Publisher/Corporate License Acquiring
Florida Publisher/Corporate License Acquiring
Florida Publisher/Corporate License Acquiring
200 South Orange Avenue, Suite 900, Orange, Florida 32668
Phone 407-837-5001
Fax 407-837-5880

ARCHITECT OF RECORD
NAME: JOHN F. McFARLAND, P.A.
REGISTRATION: FLORIDA REG #A002213



st

ark
S BEACH
RD
33931-3

RE #074
PORT MY
BOULE
S, FLOR

pe
PUBLIX S
PUBLIX A
791 EST
PORT MY

T. 33802
88

**OFFICE
DESIGN
IRELAND
0631688**

COMPANY
FACILITY
BOX #
TELEPHONE



Project No.:
6-W745-00-0740

REFERENCES

EXISTING SITE PLAN

Approved By: W LEONARD

Ind By: J McFARLAND

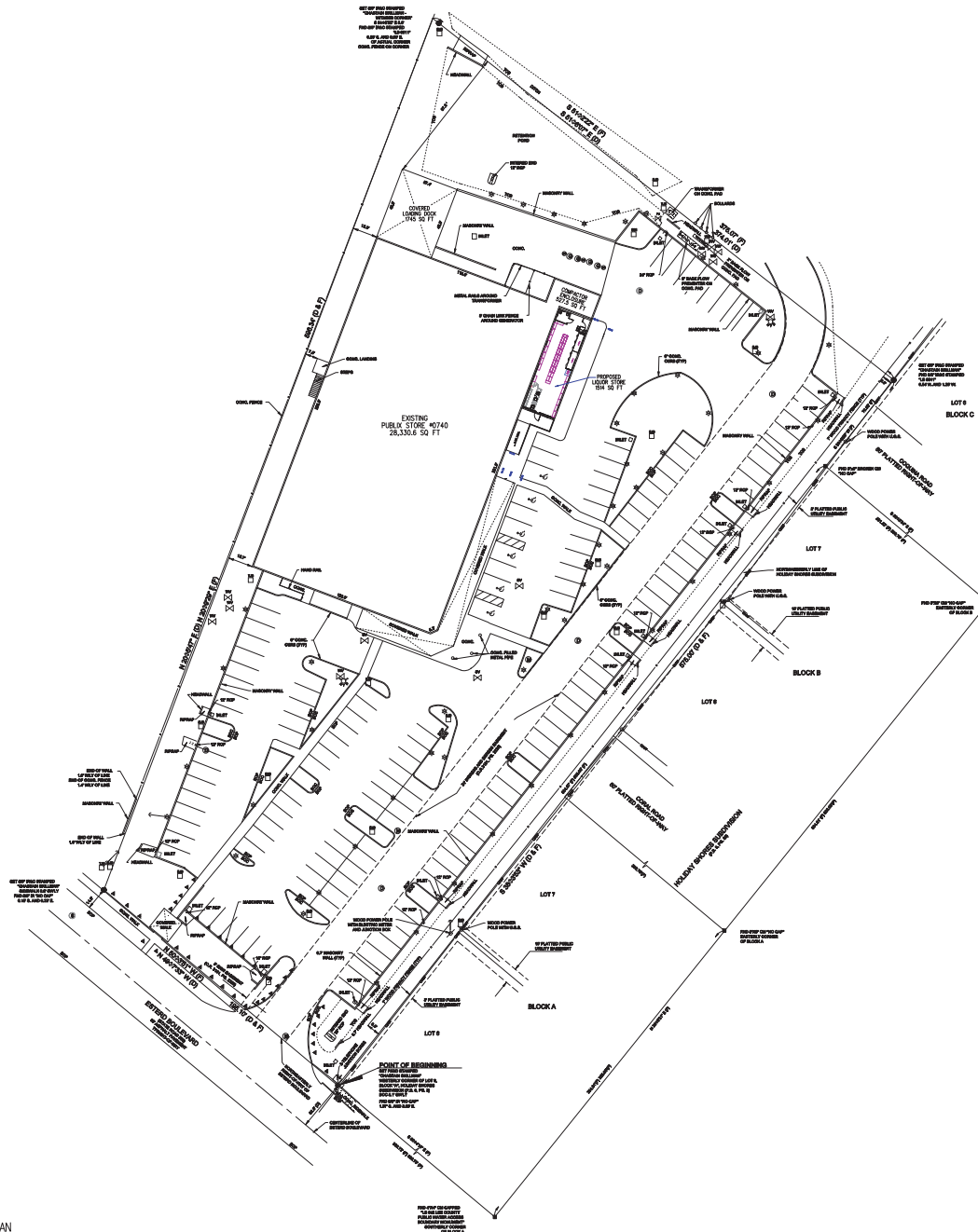
SP-1

SP-1

246

246

EXISTING PUBLIX plus LIQUOR STORE



NOTE: GROSS AREAS ARE BASED ON DIMENSIONS TO OUTSIDE FACE OF BUILDING. INFORMATION SHOWN HERE IS ADAPTED FROM AN OWNER SUPPLIED SITE PLAN AND PRESENTED HERE FOR THE PURPOSE OF AMENDING THE COMMERCIAL PLANNED DEVELOPMENT CONDITIONS OF APPROVAL.

ATTACHMENT B

Traffic Counts on Estero Boulevard Peak Season Adjustment Factors for Fort Myers Beach and Roadway Capacities

COUNTY: 12
 STATION: 4274
 DESCRIPTION: CR 865/ESTERO BLVD, @ BIG CARLOS PASS BRIDGE PR
 START DATE: 07/17/2018
 START TIME: 1100

TIME	DIRECTION: N					DIRECTION: S					COMBINED TOTAL	
	1ST	2ND	3RD	4TH	TOTAL	1ST	2ND	3RD	4TH	TOTAL		
0000	9	1	2	3	15	5	1	2	3	11	26	
0100	4	4	1	1	10	0	3	2	2	7	17	
0200	4	1	2	1	8	2	0	1	0	3	11	
0300	1	0	2	3	6	2	1	2	2	7	13	
0400	0	2	1	0	3	1	5	3	5	14	17	
0500	2	5	6	4	17	4	6	14	14	38	55	
0600	4	6	16	28	54	20	24	22	24	90	144	
0700	21	38	33	33	125	36	37	36	48	157	282	
0800	37	44	40	25	146	48	54	56	43	201	347	
0900	32	39	40	49	160	63	52	50	57	222	382	
1000	36	41	42	58	177	81	75	69	60	285	462	
1100	42	52	47	49	190	59	63	71	66	259	449	
1200	51	65	66	61	243	56	60	47	40	203	446	
1300	62	47	79	59	247	53	44	54	41	192	439	
1400	80	74	52	66	272	51	55	55	51	212	484	
1500	74	56	62	74	266	50	54	63	52	219	485	
1600	55	65	63	52	235	62	45	70	40	217	452	
1700	51	62	61	64	238	49	58	46	47	200	438	
1800	78	66	50	46	240	47	41	34	40	162	402	
1900	48	48	40	37	173	36	30	38	33	137	310	
2000	41	38	30	40	149	21	29	25	19	94	243	
2100	25	19	29	25	98	26	27	11	12	76	174	
2200	16	16	7	7	46	18	12	9	4	43	89	
2300	11	6	9	4	30	6	5	3	5	19	49	
24-HOUR TOTALS:					3148						3068	6216

PEAK VOLUME INFORMATION							
DIRECTION: N		DIRECTION: S		COMBINED DIRECTIONS			
A.M.	HOUR	VOLUME	HOUR	VOLUME	HOUR	VOLUME	
	745	154	815	216	745	360	
P.M.	1330	292	1515	231	1330	493	
DAILY	1330	292	1000	285	1330	493	

Recorded traffic count = 493 veh/hr

TRUCK PERCENTAGE 4.70 4.79 4.75

CLASSIFICATION SUMMARY DATABASE																
DIR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTTRK TOTVOL
N	33	2264	703	0	73	22	2	44	6	1	0	0	0	0	0	148 3148
S	32	2254	635	2	67	31	6	35	6	0	0	0	0	0	0	147 3068

GENERATED BY SPS 5.0.48P

2018 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: DISTRICT
 CATEGORY: 1250 FT MYERS BCH, BONITA BCH

WEEK	DATES	SF	MOCF: 0.95 PSCF
1	01/01/2018 - 01/06/2018	1.00	1.05
2	01/07/2018 - 01/13/2018	1.00	1.05
3	01/14/2018 - 01/20/2018	0.99	1.04
4	01/21/2018 - 01/27/2018	0.98	1.03
* 5	01/28/2018 - 02/03/2018	0.97	1.02
* 6	02/04/2018 - 02/10/2018	0.95	1.00
* 7	02/11/2018 - 02/17/2018	0.94	0.99
* 8	02/18/2018 - 02/24/2018	0.94	0.99
* 9	02/25/2018 - 03/03/2018	0.94	0.99
*10	03/04/2018 - 03/10/2018	0.93	0.98
*11	03/11/2018 - 03/17/2018	0.93	0.98
*12	03/18/2018 - 03/24/2018	0.94	0.99
*13	03/25/2018 - 03/31/2018	0.95	1.00
*14	04/01/2018 - 04/07/2018	0.95	1.00
*15	04/08/2018 - 04/14/2018	0.96	1.01
*16	04/15/2018 - 04/21/2018	0.97	1.02
*17	04/22/2018 - 04/28/2018	0.98	1.03
18	04/29/2018 - 05/05/2018	1.00	1.05
19	05/06/2018 - 05/12/2018	1.01	1.06
20	05/13/2018 - 05/19/2018	1.02	1.07
21	05/20/2018 - 05/26/2018	1.03	1.08
22	05/27/2018 - 06/02/2018	1.03	1.08
23	06/03/2018 - 06/09/2018	1.04	1.09
24	06/10/2018 - 06/16/2018	1.04	1.09
25	06/17/2018 - 06/23/2018	1.05	1.11
26	06/24/2018 - 06/30/2018	1.05	1.11
27	07/01/2018 - 07/07/2018	1.06	1.12
28	07/08/2018 - 07/14/2018	1.06	1.12
29	07/15/2018 - 07/21/2018	1.07	1.13
30	07/22/2018 - 07/28/2018	1.06	1.12
31	07/29/2018 - 08/04/2018	1.05	1.11
32	08/05/2018 - 08/11/2018	1.04	1.09
33	08/12/2018 - 08/18/2018	1.03	1.08
34	08/19/2018 - 08/25/2018	1.04	1.09
35	08/26/2018 - 09/01/2018	1.04	1.09
36	09/02/2018 - 09/08/2018	1.05	1.11
37	09/09/2018 - 09/15/2018	1.05	1.11
38	09/16/2018 - 09/22/2018	1.04	1.09
39	09/23/2018 - 09/29/2018	1.03	1.08
40	09/30/2018 - 10/06/2018	1.02	1.07
41	10/07/2018 - 10/13/2018	1.01	1.06
42	10/14/2018 - 10/20/2018	1.00	1.05
43	10/21/2018 - 10/27/2018	1.00	1.05
44	10/28/2018 - 11/03/2018	1.00	1.05
45	11/04/2018 - 11/10/2018	1.00	1.05
46	11/11/2018 - 11/17/2018	1.00	1.05
47	11/18/2018 - 11/24/2018	1.00	1.05
48	11/25/2018 - 12/01/2018	1.00	1.05
49	12/02/2018 - 12/08/2018	1.00	1.05
50	12/09/2018 - 12/15/2018	1.00	1.05
51	12/16/2018 - 12/22/2018	1.00	1.05
52	12/23/2018 - 12/29/2018	0.99	1.04
53	12/30/2018 - 12/31/2018	0.99	1.04

Adjustment Factor 1.13 for
 July 17 traffic count

* PEAK SEASON

26-FEB-2019 18:31:28

830UPD

1_1250_PKSEASON.TXT

Generalized **Peak Hour Two-Way** Volumes for Florida's
Urbanized Areas¹

TABLE 4

12/18/12

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
2	Undivided	*	1,510	1,600	**
4	Divided	*	3,420	3,580	**
6	Divided	*	5,250	5,390	**
8	Divided	*	7,090	7,210	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	C	D	E
2	Undivided	*	660	1,330	1,410
4	Divided	*	1,310	2,920	3,040
6	Divided	*	2,090	4,500	4,590
8	Divided	*	2,880	6,060	6,130

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent.)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
2	Divided	Yes	No	+5%
2	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
-	-	-	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding two-directional volumes in this table by 0.6

BICYCLE MODE²

(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Paved Shoulder/Bicycle

Lane Coverage	B	C	D	E
0-49%	*	260	680	1,770
50-84%	190	600	1,770	>1,770
85-100%	830	1,770	>1,770	**

PEDESTRIAN MODE²

(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

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

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Lanes	B	C	D	E
4	4,120	5,540	6,700	7,190
6	6,130	8,370	10,060	11,100
8	8,230	11,100	13,390	15,010
10	10,330	14,040	16,840	18,930
12	14,450	18,880	22,030	22,860

Freeway Adjustments

Auxiliary Lanes

Present in Both Directions

+ 1,800

Ramp Metering

+ 5%

Capacity = 1,330 x 0.90 = 1,197 veh/hr

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	C	D	E
2	Undivided	770	1,530	2,170	2,990
4	Divided	3,300	4,660	5,900	6,530
6	Divided	4,950	6,990	8,840	9,790

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
2	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

¹Values shown are presented as peak hour two-way 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 Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.

² Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicyclists or pedestrians using the facility.

³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

* Cannot be achieved using table input value defaults.

** 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.

Source:
Florida Department of Transportation
Systems Planning Office
www.dot.state.fl.us/planning/systems/sm/los/default.shtm

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 98-11

WHEREAS, James & Deborah Figuerado, represented by Stephen Roth, in reference to Publix Supermarket, filed a request to rezone from Multiple-Family (RM-2) to Commercial Planned Development (CPD) to permit the development of a grocery store /supermarket with a maximum of 30,00 square feet of gross floor area with a maximum height from finished floor to main building parapet of 19 feet 7 inches; and

WHEREAS, the subject property is located at 4765 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 24 East, Lee County, Florida:

A parcel of land located in the Southwest Quarter of Section 28, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

BEGIN at the Westerly most corner of Lot 6, Block "A" of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 9 at Page 33 of the Public Records of Lee County Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard 325 feet from the centerline of Estero Blvd; THENCE run N49degrees45'47"E for a distance of 596.34 feet; THENCE run S51degrees46'07"E for a distance of 374.01 feet to a point on the Northwesterly line of said HOLIDAY SHORES SUBDIVISION; THENCE run S38degrees13'53"W along the Northwesterly line of said HOLIDAY SHORES SUBDIVISION for a distance of 575.00 feet to the POINT OF BEGINNING Containing 3.736 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is: 28-46-24-W4-0000 1.0030; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency on April 14, 1998 at which full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons, and after which the Agency recommended denial; and

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan.

- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34 of the L. D. C..

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

SEE ATTACHED

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

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>absent</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED/~~DENIED~~ this 5th day of May, 1998.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George By: Anita T. Cereceda
 Marsha Segal-George, Town Clerk Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
 Richard V.S. Roosa, Town Attorney

Publix CPD
CONDITIONS OF APPROVAL

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "Conceptual Site Plan, Scheme"2"(last revised 3/3/98, stamped received March 4, 1998) as prepared by Sverdrup Architecture, except that there will be no pedestrian walkway to Coquina and Coral Streets, and except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.
2. A maximum of 28,000 square feet is allowed within this planned development.
3. Exhibit "A" will be the permitted uses within this planned development.
4. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions: Specific parcel as depicted on the approved Master Concept Plan. No parcel split or land division has been approved.

Minimum Setbacks:

Street: variable according to the functional
classification of the street or road (Section
34-2191 et seq.)

Side: 15 feet

Rear: 50 feet

Maximum Building Height: 24 feet (Tower: 43')

5. The truck loading dock and trash (dumpster) area(s) must be covered by a roof to screen the view and deflect the noise of this area from the adjacent residential condominiums to the north (Ocean Harbor).
6. Air conditioning, cooling, or refrigeration units may be placed on the roof of the building. All such units must be covered with a roof to screen their view and baffled to deflect their noise from the adjacent residential condominiums.
7. The hours of operation of this store are limited from 8:00 AM to 10:00 PM daily. Delivery of goods is also limited to

these same hours. No delivery trucks are allowed onsite except during these hours.

8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations. These conditions include a southbound left turn lane and, if necessary, a northbound turn lane, and any expansion or potential redesign of the intersection of the access to the subject property with Estero Boulevard.
9. An enhanced buffer along the southern property line (adjacent to the Holiday Shores subdivision) must be provided. This buffer must consist of a berm and landscaping that is no less than eight feet in height. Within one year of occupancy, visibility through any buffer installed pursuant to this section must be opaque when viewed at right angles.
10. The architectural design will be as submitted on 5/5/98.
11. Any exterior lighting must be shielded to prohibit any light from shining onto adjacent parcels.

Deviation

Deviation from LDC 34-2013 to allow driveway aisle along south side of site serving parking spaces for the supermarket to also act as an accessway to the marina and restaurant.

If this deviation is approved, in order to reduce the potential impact to the public it is recommended that these parking areas be utilized by employees so that the high turn-over parking areas are located nearest the store and minimizing impact on traffic entering or leaving the marina.

EXHIBIT A

Approved Schedule of Uses

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, Group I

FOOD STORE, GROUP I only (supermarket)

PARKING LOT: Accessory

SIGNS, in accordance with the Land Development Code

NOTE: For purposes of clarification, the legal description has been attached as Exhibit B.

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 98-11 A

WHEREAS, James & Deborah Figuerado, represented by Stephen Roth, in reference to Publix Supermarket, filed a request to rezone from Multiple-Family (RM-2) to Commercial Planned Development (CPD) to permit the development of a grocery store /supermarket with a maximum of 30,00 square feet of gross floor area with a maximum height from finished floor to main building parapet of 19 feet 7 inches; and

WHEREAS, the subject property is located at 4765 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: See Exhibit B.

WHEREAS, the applicant has indicated the property's current STRAP number is: 28-46-24-W4-0000 1.0030; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency on April 14, 1998 at which full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons, and after which the Agency recommended denial; and

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan.

- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34 of the L. D. C..

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

SEE ATTACHED

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

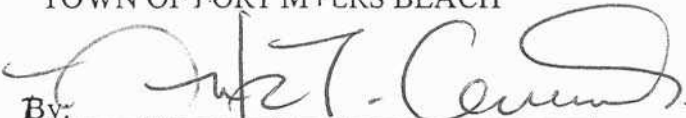
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>absent</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED/~~DENIED~~ this 5th day of May, 1998.

ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Anita T. Cereceda, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

Publix CPD
CONDITIONS OF APPROVAL

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "Conceptual Site Plan, Scheme"2" (last revised 3/3/98, stamped received March 4, 1998) as prepared by Sverdrup Architecture, except that there will be no pedestrian walkway to Coquina and Coral Streets, and except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.
2. A maximum of 28,000 square feet is allowed within this planned development.
3. Exhibit "A" will be the permitted uses within this planned development.
4. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions: Specific parcel as depicted on the approved Master Concept Plan. No parcel split or land division has been approved.

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (Section 34-2191 et seq.)

Side: 15 feet

Rear: 50 feet

Maximum Building Height: 24 feet (Tower: 43')

5. The truck loading dock and trash (dumpster) area(s) must be covered by a roof to screen the view and deflect the noise of this area from the adjacent residential condominiums to the north (Ocean Harbor).
6. Air conditioning, cooling, or refrigeration units may be placed on the roof of the building. All such units must be covered with a roof to screen their view and baffled to deflect their noise from the adjacent residential condominiums.
7. The hours of operation of this store are limited from 8:00 AM to 10:00 PM daily. Delivery of goods is also limited to

these same hours. No delivery trucks are allowed onsite except during these hours.

8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations. These conditions include a southbound left turn lane and, if necessary, a northbound turn lane, and any expansion or potential redesign of the intersection of the access to the subject property with Estero Boulevard.
9. An enhanced buffer along the southern property line (adjacent to the Holiday Shores subdivision) must be provided. This buffer must consist of a berm and landscaping that is no less than eight feet in height. Within one year of occupancy, visibility through any buffer installed pursuant to this section must be opaque when viewed at right angles.
10. The architectural design will be as submitted on 5/5/98.
11. Any exterior lighting must be shielded to prohibit any light from shining onto adjacent parcels.

Deviation

Deviation from LDC 34-2013 to allow driveway aisle along south side of site serving parking spaces for the supermarket to also act as an accessway to the marina and restaurant.

If this deviation is approved, in order to reduce the potential impact to the public it is recommended that these parking areas be utilized by employees so that the high turn-over parking areas are located nearest the store and minimizing impact on traffic entering or leaving the marina.

EXHIBIT A

Approved Schedule of Uses

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, Group I

FOOD STORE, GROUP I only (supermarket)

PARKING LOT: Accessory

SIGNS, in accordance with the Land Development Code

EXHIBIT B

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 24 East, Lee County, Florida:

A parcel of land located in the Southwest Quarter (SW¼) of Section 28, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Westerlymost corner of Lot 6, Block "A" of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 9 at Page 33 of the Public Records of Lee County Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard (State Road 865) 32.5 feet from the centerline of Estero Boulevard;

THENCE run N49°57'33"W along said Northeasterly right-of-way line for a distance of 195.10 feet;

THENCE run N20°45'47"E for a distance of 596.34 feet;

THENCE run S51°46'07"E for a distance of 374.01 feet to a point on the Northwesterly line of said HOLIDAY SHORES SUBDIVISION;

THENCE run S38°13'53"W along the Northwesterly line of said HOLIDAY SHORES SUBDIVISION for a distance of 575.00 feet to the POINT OF BEGINNING.

Containing 3.736 acres, more or less.

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

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

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

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

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

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

a. That there are/not exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;

b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);

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

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

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

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

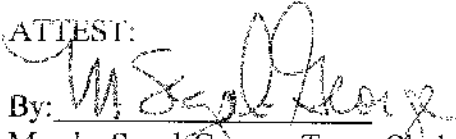
1. The development of this project must continue to be consistent with the original zoning approvals contained in Resolutions Z-98-11 and Z-98-11a.
2. The approved sign must be developed in compliance with the submitted sign plan received on October 31, 2000.
3. The sign must be designed with internal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

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

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

APPROVED this 12th day of February, 2001.

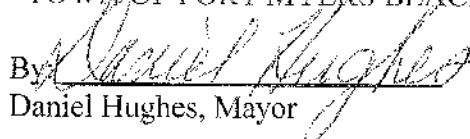
ATTEST:

By: 
Marsha Segal George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2014-008
DCI2014-0001
Publix CPD Amendment

WHEREAS, Gary Resnick, authorized agent for Publix Super Markets, Inc., owner of property located at 4791 Estero Boulevard, Fort Myers Beach Florida has requested an amendment to the schedule of uses in the Publix CPD, to allow outdoor display of merchandise and to allow a temporary sign for use during emergencies; and

WHEREAS, the subject property is located in the Boulevard Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the applicant has indicated that the STRAP for the subject property 28-46-24-W4-00001.0040 and the legal description is provided as follows:

A parcel of land located in the Southwest Quarter (SW1/4) of Section 28, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Westerlymost corner of Lot 6, Block A, Holiday Shores Subdivision, as recorded in Plat Book 9 at Page 33 of the Public Records of Lee County, Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard (SR865) 32.5 feet from the centerline of Estero Boulevard; Thence run N49°57'33"W along said Northeasterly right-of-way line for a distance of 195.10 feet; Thence run N20°45'47" for a distance of 596.34 feet; Thence run S51°46'07"W for a distance of 374.01 feet to a point on the Northwesterly line of said Holiday Shores Subdivision; Thence run S38°13'53"W along the Northwesterly line of said Holiday Shores Subdivision for a distance of 575.00 feet to the Point of Beginning; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on May 13, 2014; and

WHEREAS, at the 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 Fort Myers Beach Land Development Code (LDC) Section 34-85.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting special exceptions, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **APPROVE** the applicant's request for an amendment to the schedule of uses to allow outdoor display of merchandise and to allow a temporary sign for use during emergencies.

RECOMMENDED FINDINGS AND CONCLUSIONS:

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

There is no ambiguity which must be corrected, but the Schedule of Uses should be amended to allow outdoor display where a typical supermarket provides outdoor displays at their entrance. **APPROVE**

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

The changed condition occurred in 2013 when Code Enforcement conducted a "sweep" of outdoor displays within the Town as part of the Outdoor Display Working Group process to change the provisions for outdoor displays in the Downtown zoning district. It was determined that Outdoor Display is a separate use that needed to be allowed in the zoning district to be permitted on the property. **APPROVE**

3. *The impact of a proposed change on the intent of LDC Chapter 34.*

The requested amendment to the CPD will not have an impact on the intent of LDC Chapter 34. **APPROVE**

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

Resolution 98-11 found the requested CPD zoning to be in compliance with the Comprehensive Plan. Further, the subject property is located in the Boulevard Future Land Use category, a land use category that allows commercial activities on Fort Myers Beach. **APPROVE**

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

Resolution 98-11 found the requested CPD zoning to be in compliance with all performance and locational standards. **APPROVE**

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

Urban services are available, as the subject property is already a customer of Beach Water, and roads and sidewalks are in place along Estero Boulevard. **APPROVE**

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

Resolution 98-11 found the requested CPD zoning to protect, conserve and preserve environmentally critical areas and natural resources. **APPROVE**

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

The requested amendment would allow outdoor display to resume, where it had previously occurred, and to allow a temporary sign to alert customers to special hours of operation. Neither request will cause damage, hazard, nuisance, or other detriment to persons or property. **APPROVE**

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

The request will not place any burden on the transportation network or other facilities. **APPROVE**

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

1. *The proposed mix of uses is appropriate at the subject location.*
2. *Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*
3. *All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*
4. *The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

The request is appropriate at the subject location, does not negatively impact the public, and is consistent with the comprehensive plan. **APPROVE**

11. The Local Planning Agency recommends expedition of Resolution to Town Council.

Remainder of this page intentionally left blank

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member **Shamp** and seconded by LPA Member **Plummer**, and upon being put to a vote, the result was as follows:

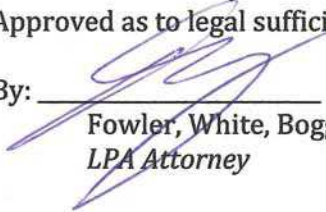
Hank Zuba, Chair AYE
Chuck Bodenhafer AYE
John Kakatsch EXCUSED
Jim Steele AYE

Joanne Shamp, Vice Chair AYE
Al Durrett AYE
Jane Plummer AYE

DULY PASSED AND ADOPTED THIS 13th day of MAY 2014.

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

X. PUBLIC HEARINGS**A. 126 Mango Street Variance & Special Exception**

Approve/approve with conditions/deny the requested special exception for a bed and breakfast use in RM zoning.

Approve/approve with conditions/deny the variance from Sec. 34-1803(c) for 126 Mango Street.

Town Attorney Herin, Jr. swore in those providing testimony for the Mango St. Inn variance and the Publix CPD. Mayor Cereceda requested ex parte communication. Council Member Shamp - site visit; Council Member Hosafros - spoke to Mr. Andre and Mayor Cereceda - spoke to Mr. Andre.

Community Development Planner Sarah Propst reviewed the background of the request.

Dan Andre, owner, agreed that he needed a variance and he requested a refund of \$3,800.00 for the application fee. He stated that he had to spend \$20,000.00 to reconfigure the Inn to avoid fines. He agreed with the conditions as stated.

Council Member Shamp confirmed that Mr. Andre would register as a B&B if required. She noted that the request met the intent of 34-1803(c) for density even though it was a four/two configuration compared to a three/three.

MOTION: Vice Mayor Murphy moved to approve with conditions the requested special exception for a bed and breakfast use in RM zoning, approve with conditions the variance from Sec. 34-1803(c) for 126 Mango Street and refund Mr. Andre's \$3,800.00 application fee; second by Council Member Hosafros.

VOTE: Motion approved; 5-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOTION BY:	Ray Murphy, Vice Mayor
SECOND BY:	Rexann Hosafros, Council Member
AYES:	Cereceda, Hosafros, Shamp, Butcher, Murphy

B. First reading and public hearing: Ordinance 19-14, Publix CPD

Motion to approve/ deny the request to move Ordinance 19-14 to second reading for consideration of adoption, amending the previously approved Publix CPD.

Mayor Cereceda requested ex parte communication. Council Member Butcher - site visit and Mayor Cereceda - public comments.

Town Attorney Herin, Jr. stated that the publication was properly advertised.

Director of Community Development Services Jason Green reviewed the background of the request as stated on the Blue Sheet. Discussion was held regarding the turn lane to be discussed later. Director Green confirmed that they would check the strength of the lights on the property.

Vice Mayor Murphy questioned whether the people south of the property were interested in creating an opening in the wall for access.

Council Member Butcher questioned the status of the expanded exit lane.

Director Green replied that they had not reviewed any plans.

Attorney Adrienne Noto from Greenspoon Marder LLP represented Publix. She stated that the ordinance would be amended to allow a future pharmacy; there was no decision regarding banning single-use plastic bags; prices were based on different factors; the lighting used was HPS and future replacements would be consistent with amber lighting and they agreed with adding a right-hand turn lane. Schematics would be provided before the next hearing.

Council Member Shamp requested that they do not display fireworks again this year.

Mayor Cereceda discussed the need for a pharmacy at the location and she hoped they would consider eliminating single-use plastic bags.

Public comment:

- Benny Sierra., Manager of Skipper's Liquors, explained that they could not compete with a chain on prices. He stated that the competition was unfair. He felt they should expand the grocery store instead of adding a liquor store.

- Dave Arndt, resident of the Estero Beach Club, questioned why he received a notice that the issue would affect him a mile away from the store.

- Jignesh Patel, part-owner of Skipper's Liquors, requested that they keep businesses local. He did not support the request because they could not compete.

Public comment closed.

Director Green indicated that the property appraiser provided the addresses for notifying people within 500 feet. He explained that if a corner of a condominium property was within 500 feet of Publix, all residents would receive a letter.

MOTION: Council Member Hosafros moved to set the second public hearing for January 21, 2020, at 9:00 a.m.; second by Council Member Butcher.

VOTE: Motion approved; 5-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Council Member
SECOND BY:	Bruce Butcher, Council Member
AYES:	Cereceda, Hosafros, Shamp, Butcher, Murphy

C. LDC Amendment to Division 17 Fences, Walls and Entrance Gates

Ordinance 19-16 amending Chapter 34, Division 17 of the Land Development Code.

Planner Propst reviewed the background of the amendment.

Planner Propst explained that chain link fences were removed from Packet Page 245 because it was repetitive.

Council Member Shamp suggested that (b) on Packet Page 247 be more specific regarding adequate stacking. Planner Propst commented that they required 18 feet. Council Member Shamp questioned sending courtesy letters to people who had non-compliant fences. Planner Propst will meet with code enforcement regarding the letters.



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: DCI2019-0023

Case Name: Publix Amendment to CPD

Applicant: Publix Super Markets, Inc.

Location: 4791 Estero Blvd STRAP #: 28-46-24-W4-00001.0040

Zoning: Commercial Planned Development (CPD)

Request: The applicant is seeking amendment to the CPD to change schedule of uses to allow package liquor store for consumption off premises.

Staff Report: Direct inquiries to:
Jason Green, at 239-765-0202 ext.1300 or green@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold a second reading and possible adoption public hearing at a meeting beginning at **9:00 AM on January 11th, 2021** regarding the case listed above. This hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

At this hearing the Town Council of the Town of Fort Myers Beach will review the case and make a decision on this matter. If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the staff report are available for viewing at Fort Myers Beach Town Hall no later than January 4th, 2020. 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 are in need of reasonable accommodation, contact Town Hall at 239-765-0202.

NOTICE OF SCHEDULE OF USES CHANGE

The Town of Fort Myers Beach proposes to adopt the following ordinance:

ORDINANCE NO. 19-14

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REPLACING TOWN OF FORT MYERS BEACH RESOLUTION 98-11, AND AMENDING THE SCHEDULE OF USES FOR PUBLIX CPD; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE

A public hearing on the ordinance will be held on **January 11, 2020 at 9:00 AM** at Town Hall – Council Chambers, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.

If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record

indicates the testimony and evidence upon which the appeal is to be based.

Copies of the full ordinance text are available at Fort Myers Beach Town Hall. Call 239-8765-0202 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 are in need of reasonable accommodation, contact Town Hall at 239-765-0202.



Figure: Geographic Location Map

Amy Baker, Town Clerk

1. Requested Motion:

Meeting Date: January 11, 2021

Determine if Matanzas Inn Commercial Planned Development project has met the conditions of approval for phased development.

Why the action is necessary:

The property owner requested Town Council interpret the intent of the conditions of approval of the Planned Development and find that improvements made to date satisfy the intent of the conditions of approval. The conditions of approval require a

What the action accomplishes:

Determines the appropriate path for the property owner moving forward. If the condition of approval timeline is satisfied, it will allow the additional phases to be completed within the period stated in the condition. Finding that the condition has not been satisfied and that the time has expired, the applicant would be required to re-apply to amend the CPD, including conditions of approval which would provide clarity as the project moves forward.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution/Ordinance

4. Submitter of Information:

5. Background:

Matanzas Inn Commercial Planned Development was approved with conditions of approval that required phased development to be completed within specific times, including an initial phase within parcel "A" to be completed within 60 months of approval. The property owner is requesting Town Council to find that work done to date satisfies condition #5 of Resolution 15-05, DCI 2013-0002 Matanzas Inn CPD. Doing so will allow the property owner to receive a building permit for additional work and phasing. The CPD would then be subject to completion of all planned improvements within 120 months of the September 9, 2015 approval. Denial of the request will result in the Planned Development Concept Plan expiring and require an amendment to the Planned Development zoning approval to include a master concept plan.

Per Council's direction, staff has reviewed additional documents available as part of the public record and from the property owner. Condition #5 addresses Parcel A development may be done in any order. We have included the document labeled in public records as Approved MCP, which includes existing conditions and proposed conditions. The property owner has provided a summary of improvements as part of his request and believes these improvements meet the intent of the condition in the approval. Staff has not found sufficient evidence that other than restaurant remodeling, paver and pavement replacement, there have not been any substantial expansion or replacement of structures. Building permit records appear to indicate remodeling of decks, extend rooflines over decks or existing building (2018), trellis installation (2014 & 2018), resurface of the pool (2019) and driveway paver replacement.

Attachments:

1. Property Owner submitted documents for condition of approval satisfaction 1-11-21 TC
2. 15-05, DCI2013-0002, Matanzas Inn CPD Amendment FINAL
3. Adopted MCP_SH_1 Existing Conditions
4. Adopted MCP_SH_2 Proposed Conditions
5. MATANZAS REMODEL

Financial Impact:

N/A

6. Alternative Action

7. Management Recommendations:

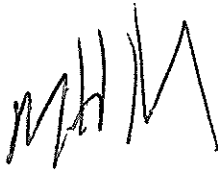
8. Recommended Approval:

Jason Green, Community Development Services
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/4/2021
Approved - 1/4/2021
Approved - 1/6/2021
Approved - 1/6/2021
Final Approval - 1/6/2021

To: Jason Green

From: Douglas Speirn-Smith 12/10/2020



Re: Phasing at Matanzas Inn Resort- Revised and Clarified with exhibits.

This CPD has been complicated for a long-time- mostly because it has been modified several times and the parcels have changed. Several restaurant expansions have been completed along the way. Regardless, progress has been consistent with the CPD approval and continuous. In retrospect, given how nuanced a phased redevelopment plan can be - the MCP, the resolution and the inflexibility of language versus intent or practicality have contributed to a complicated sequence. Nevertheless, there has been steady progress on the property with a number of milestones. We believe this is the intent of the CPD and is consistent to the language and five year phase one completion. In summary:

1. In Sept 2015 the revised new CPD resolution was adopted. The primary change was the transfer of density from a parcel across Crescent Street and a sidewalk cooperation agreement. The plan included multiple phase options for restaurant and resort expansion/change. Neighborhood concerns mostly involved increases in density and live music noise. These issues were mitigated by the applicant changing the request for the one to three density multiplier from the four units transferred from across the street and developing a music management plan. No noise issues have occurred. It should be pointed out that the CPD did not ask for density/height or any parking variances- it is a scale consistent with the Crescent Street vision. **Exhibit A**
2. In summer of 2016, The Development Order was approved that included the entire site and an initial resort Building footprint. Working drawings for the building were retained and completed. **Exhibits B and C.**
3. In 2016, the four-plex building on Second Street that was added to the CPD in the 2015 amendment was torn down to make way for the density transfer/new building on the resort site.
4. In late May 2016, the initial expansion of the restaurant was consummated with payment of impact fees for the patio/trellis area as shown on the MCP. This restaurant expansion was included in the 2015 CPD approval and satisfies the Phase One completion referenced in Condition Five of the CPD resolution. Several additional options for restaurant expansion still exist in the MCP. See exhibit C and D. Condition Five was added primarily so the CPD could not lie dormant for the approved ten years and this is certainly the case. **Exhibit D and E.**
5. In 2017- 2018 specific building plans were prepared and building permits applied for in 2019 for the pending resort building that consummates the maximum density on the site, although additional phased redevelopment options exist on the MCP. This submittal has required negotiation with the Town relating the sidewalks (still ongoing). This pending permit is constant with the MCP – the CPD and the Development Order approved in 2016. **Exhibit F.**

In summary, there has been consistent progress, continuous progress and by any reasonable standard,- the initial phase of the contemplated various phases of redevelopment have been satisfied.

We appreciate your time and efforts on these matters.

Exhibit A

Matanzas CPD approved in Sept 2015. MCP included showing restaurant and resort phasing options

Exhibit B--- County approval of Amended Development Order -
August 19th, 2016



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8890

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

August 19, 2016

DOUGLAS SPEIRN-SMITH
ESTERO BAY HOTEL COMPANY
416 CRESCENT STREET
FORT MYERS BEACH, FL 33931

RE: MANTANZAS INN
DOS2006-00247 - DO Submittal Small
A12 Appl. (Amend Resub) A

Dear DOUGLAS SPEIRN-SMITH :

Your plans for the above-referenced project have been reviewed and approved for an Amended Development Order with stipulation(s) for the following:

Approved for an amendment (A01) to increase the number of rooms from 32 to 36, to re-designate the parcels and phases, to revise the building/site layout, to revise the restaurant expansion area, add buffers and to convert the vertical datum from NGVD to NAVD.

This approval does not relieve the development from the responsibility to obtain all other necessary Federal, State and local permits.

Approval is subject to the following stipulation(s) and/or comment(s):

Fort Myers Beach Outdoor Lighting Checklist (Ord. 04-01)

2) *Lighting.* The applicant for any development order or building permit (except single-family or duplex) involving outdoor lighting fixtures must submit evidence that the lighting work will comply with the outdoor lighting standards of this code. [10-8(9), 34-2015(4) & 34-2032]

1. All proposed light fixtures shall be fully shielded, full cutoff luminaires with recessed bulbs and flat lenses.
2. Existing light fixtures must be brought into compliance with this code by January 1, 2010. Any fixtures replaced after the date of the adoption of this code must be replaced with fixtures that comply with the standards established herein. Illuminance levels specified in this code apply to all outdoor lighting.

4) *Contact.* The reviewer may be contacted for additional information regarding this Outdoor Lighting checklist.

Robert Hutcherson, AICP
239-533-8890
rhutcherson@leegov.com

Fort Myers Beach Transportation Checklist - General & Sidewalks (Ord. 04-01)

7) Sidewalks Required. Development that abuts a Major Street, as defined in FMBLDC Sec. 10-1, must construct a sidewalk for the entire length of the property's frontage on the Major Street, unless a sidewalk has already been built at that location and remains in good physical condition. [10-289(b)]

7a) The requirement to construct new sidewalks applies to all new buildings and to "substantial improvements" as defined in FMBLDC Sec. 6-405. [10-289(b)(1)]

STIPULATION: Pursuant to Resolution # 15-05, Condition # 11, The Developer will construct sidewalks acceptable to the Town within or along the rights of way of Crescent Street, First Street, and Second Street along the boundary of the subject property. The precise locations, dimensions, and specifications for these sidewalks will be determined in cooperation with the Town Public Works Department, but will not exceed the requirements of LDC Section 10-289. The developer will construct the sidewalks in conjunction with the Town's construction of other sidewalks along the aforementioned streets, or as part of construction of Phases B2, C, or D - Whichever occurs first.

17) Town Permit Required. A roadway construction permit issued by the Town is required for any construction in any Town maintained road right-of-way or easement. A drainage plan prepared by a registered professional engineer is required. [10-296(o)(2)]

Prior to any work done within the Town's right-of-ways, a right-of-way permit will be required.

19) Contact. The reviewer may be contacted for additional information regarding this Transportation checklist.

Robert Hutcherson, AICP
239-533-8890
rhutcherson@leegov.com

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Exhibit C - Development Order Drawings and Building Location for Resort Buildings

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The population of the United States has increased from about 100 million in 1900 to over 200 million in 1960. At the same time, the population of rural areas has decreased from about 100 million in 1900 to about 50 million in 1960. This has led to a concentration of the population in urban areas, which has had a number of important consequences. One of the most important is that it has led to a change in the way of life of the majority of the population. In rural areas, the population has traditionally been engaged in agriculture, and the way of life has been based on the needs of the farm. In urban areas, the population has traditionally been engaged in industry and commerce, and the way of life has been based on the needs of the city. This has led to a number of differences between the two ways of life, including differences in the types of housing, the types of jobs, and the types of social organizations. These differences have led to a number of problems, including the problem of housing, the problem of unemployment, and the problem of social inequality. These problems have led to a number of social movements, including the labor movement, the civil rights movement, and the women's movement. These movements have led to a number of important changes in the way of life of the majority of the population, and these changes have led to the development of the modern United States.

[illegible][illegible]

[Faint, illegible handwritten notes]

1. RESEARCHERS ATTEMPT TO FIND THE
BEST WAY TO CONDUCT RESEARCH. RESEARCH
MAY BE CONDUCTED IN A VARIETY OF
WAYS, INCLUDING:

- EXPERIMENTAL RESEARCH
- FIELD RESEARCH
- LABORATORY RESEARCH
- ARCHIVAL RESEARCH
- ETHNOGRAPHY
- QUALITATIVE RESEARCH
- QUANTITATIVE RESEARCH
- MIXED RESEARCH

2. RESEARCHERS ATTEMPT TO FIND THE
BEST WAY TO CONDUCT RESEARCH. RESEARCH
MAY BE CONDUCTED IN A VARIETY OF
WAYS, INCLUDING:

- EXPERIMENTAL RESEARCH
- FIELD RESEARCH
- LABORATORY RESEARCH
- ARCHIVAL RESEARCH
- ETHNOGRAPHY
- QUALITATIVE RESEARCH
- QUANTITATIVE RESEARCH
- MIXED RESEARCH

LEGEND

- CITY OF 100,000 OR MORE
- CITY OF 25,000 TO 99,999
- CITY OF 10,000 TO 24,999

1. The first step is to identify the problem. In this case, the problem is that the system is not working properly.

$\frac{1}{2} \log \frac{1}{2} = -0.153$

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

[illegible]

LIST OF DRAMATISTS

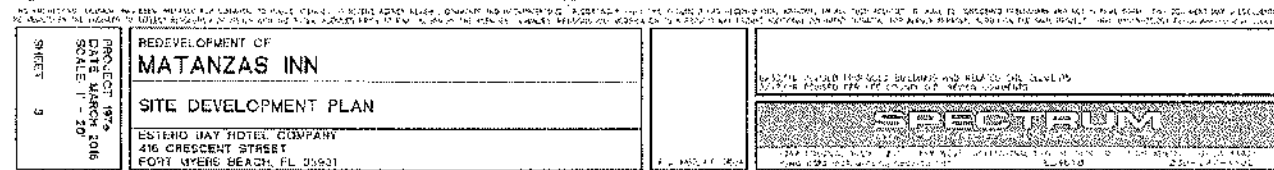
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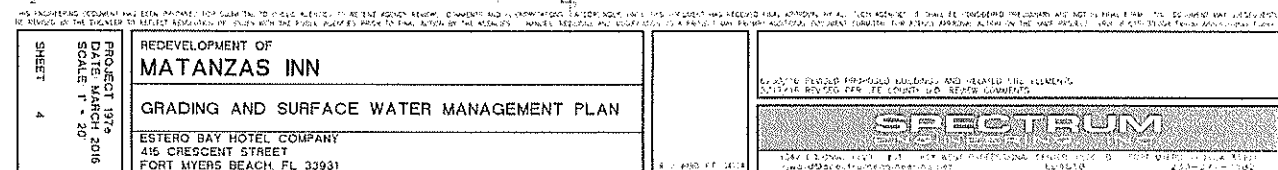
SITE LOCATION MAP

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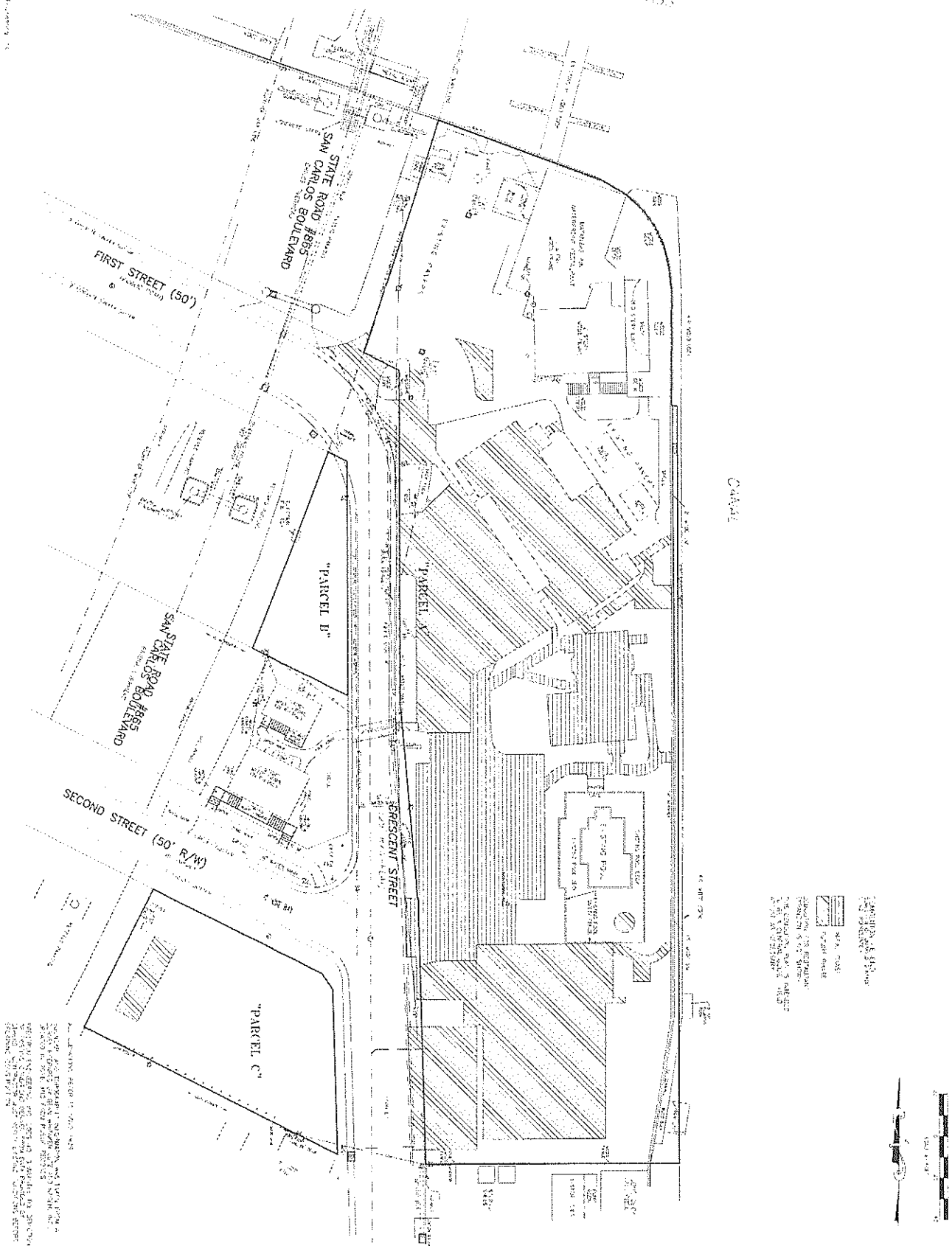
PROJECT 197E
DATE: MARCH 2010





MATANZAS PASS

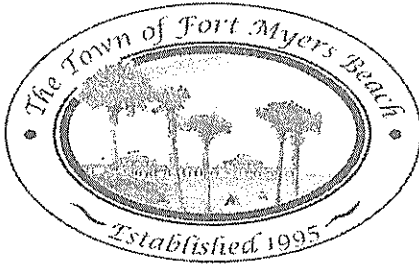
DATE: 1/15/2016



THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROJECT 1976 DATE MARCH 2016 SCALE 1" = 20' SHEET 5	REDEVELOPMENT OF MATANZAS INN DEMOLITION PLAN ESTERO BAY HOTEL COMPANY 416 CRESCENT STREET FORT MYERS BEACH, FL 33931		1/2016 PREPARED PROPOSED BUILDING AND RELATED THE CURRENT 1/2016 PREPARED FOR THE CLIENT AND REVIEWED
	SPECTRUM ENGINEERING & ARCHITECTURE 1547 COLINA BLVD. #101 FORT MYERS BEACH, FL 33931 888-888-8888		1/2016 PREPARED FOR THE CLIENT AND REVIEWED

Exhibit D: Impact Fee Payment Invoice and Paid Receipt for
Phase One Restaurant Expansion May 2016.



INVOICE

Town of Fort Myers Beach

2523 Estero Blvd

Fort Myers Beach, FL 33931

Email: Permits@FortMyersBeachFL.gov

Phone: (239) 765-0202

APPLICANT: PAVERS & POOL DECKS, LLC

414/416 CRESCENT ST

FORT MYERS BEACH, FL 33931

DRIVEWAY/PAVER

Permit No: DRV14-0029

Parcel No: 194624W40150E0210

Fee Description	Fee Amount
-----------------	------------

IMPACT FEE-COMMERICAL FIRE PER 1000 FT.

	ADMIN. FEE-COMMERICAL FIRE PER 1000 FT.	\$20.49
1440	IMPACT FEE-COMMERICAL FIRE PER 1000 FT.	\$682.80

IMPACT FEE - RESTAURANT STANDARD

	ADMIN. FEE - RESTAURANT STANDRAD	\$126.72
1440	IMPACT FEE - RESTAURANT STANDARD	\$4233.84

	COMPLETION PERMIT	\$95.00
--	-------------------	---------

Total Fees Due:	\$5,158.85
------------------------	-------------------

Date Printed: 05/20/2016

Assessed by: KARA STEWART

CUSTOMER

Matanzas Inn Resort
414 Crescent Street
Fort Myers Beach, FL 33931

Date	Ref. No.
05/20/2016	DRV14-0029

Vendor
Town of Fort Myers Beach 2523 Estero Blvd. FORT MYERS BEACH, FL 33931

PAID

Bill Due	05/30/2016
Terms	
Memo	

Account	Memo	Amount	Customer:Job	Class
License & Permits	IMPACT FEE ON TRELLIS AREA	5,158.85		Non Allocated

Expense Total : 5,158.85

Bill Total : \$5,158.85

5/20/2016

Town of Fort Myers Beach

**5,158.85

Five Thousand One Hundred Fifty-Eight and 85/100*****

Town of Fort Myers Beach
2523 Estero Blvd.
FORT MYERS BEACH, FL 33931

Estero Bay Hotel Co.

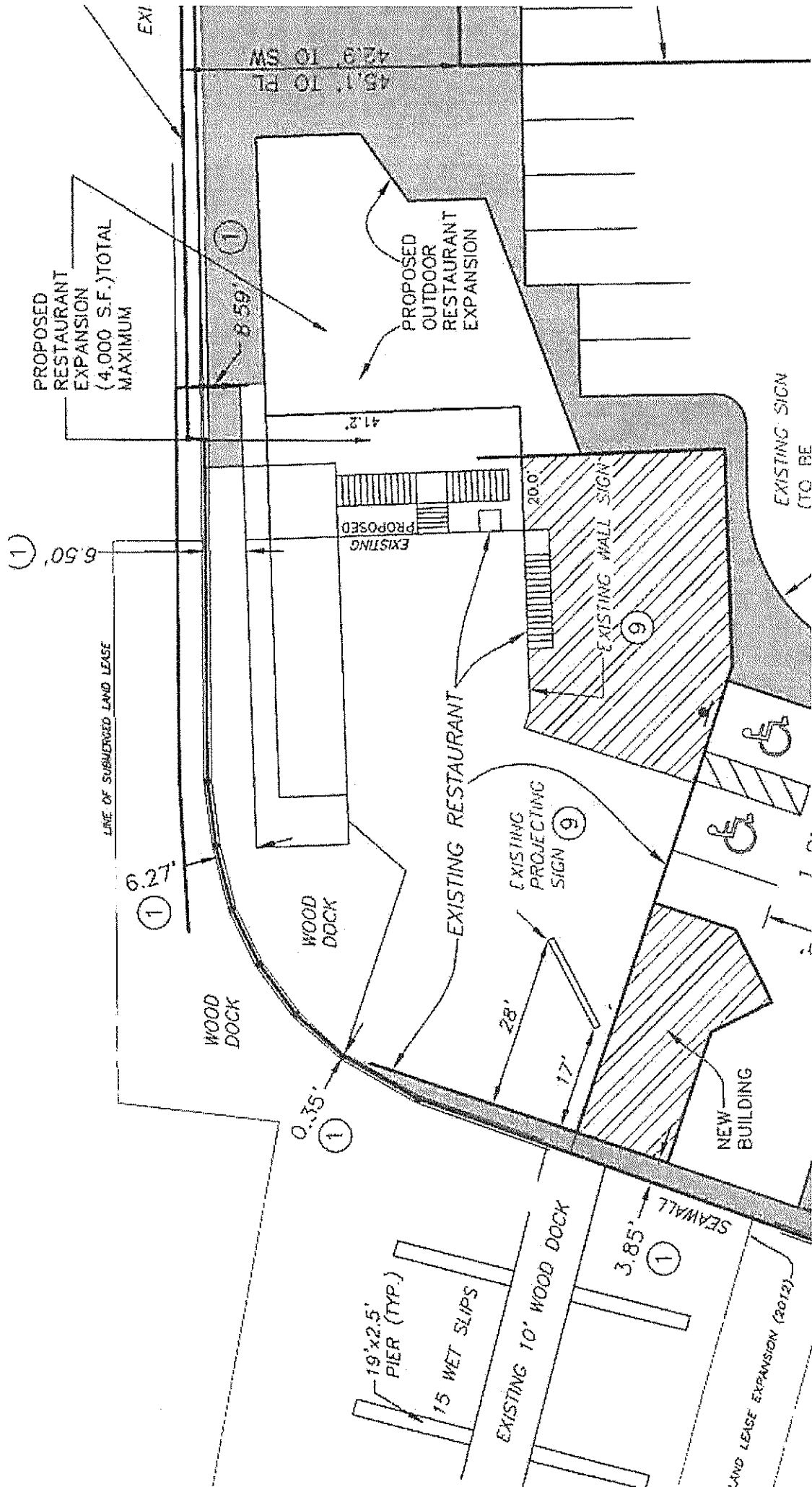
Town of Fort Myers Beach				5/20/2016		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
5/20/2016	Bill	DRV14-0029	5,158.85	5,158.85		5,158.85
					Check Amount	5,158.85

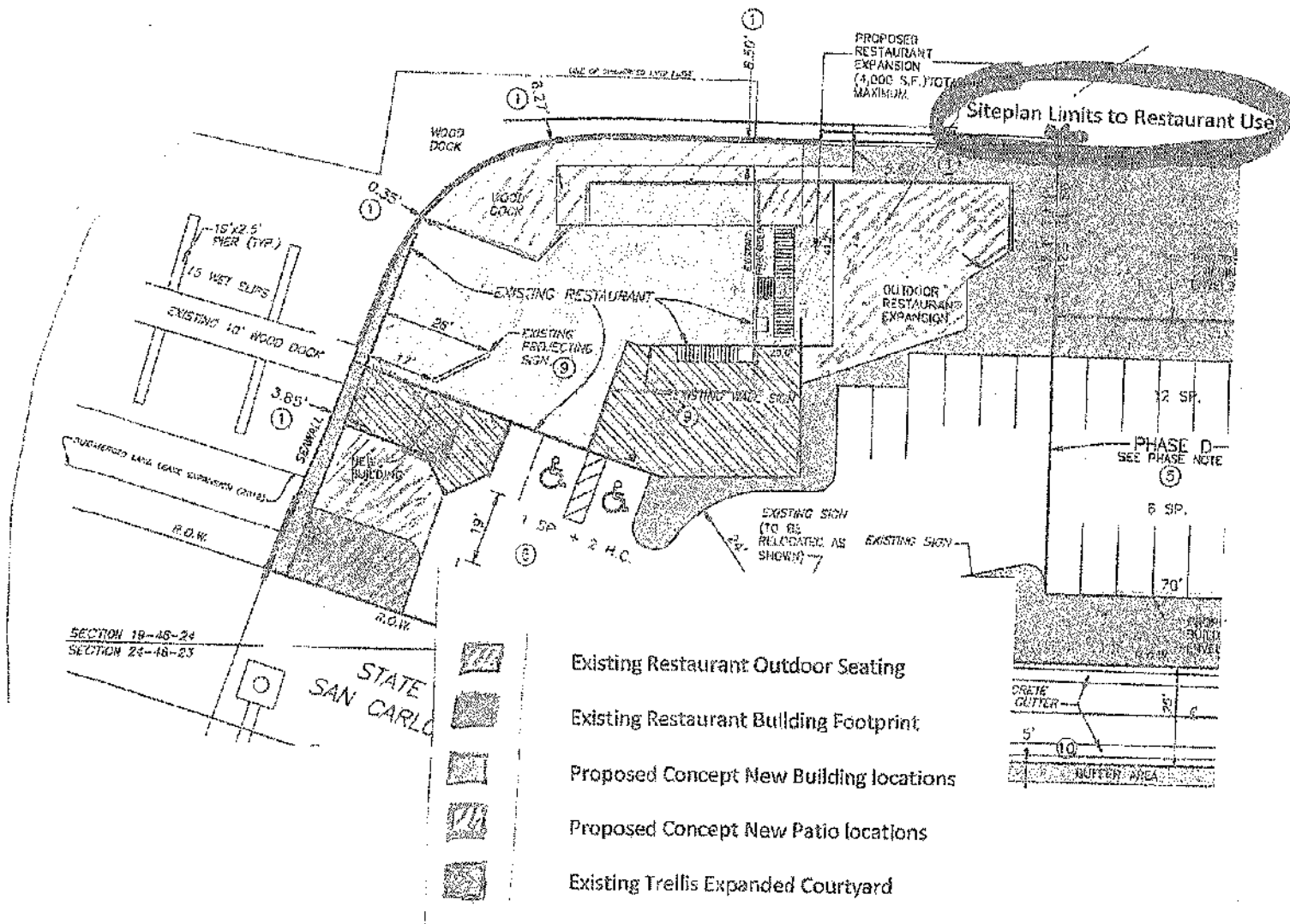
Wells Fargo-Restaura Estero Bay Hotel Co. 5,158.85

Town of Fort Myers Beach				5/20/2016		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
5/20/2016	Bill	DRV14-0029	5,158.85	5,158.85		5,158.85
					Check Amount	5,158.85

Wells Fargo-Restaura Estero Bay Hotel Co. 5,158.85

Exhibit E: Approved Expansion Options for Restaurant as Presented in CPD Process and shown in MCP including Phase One





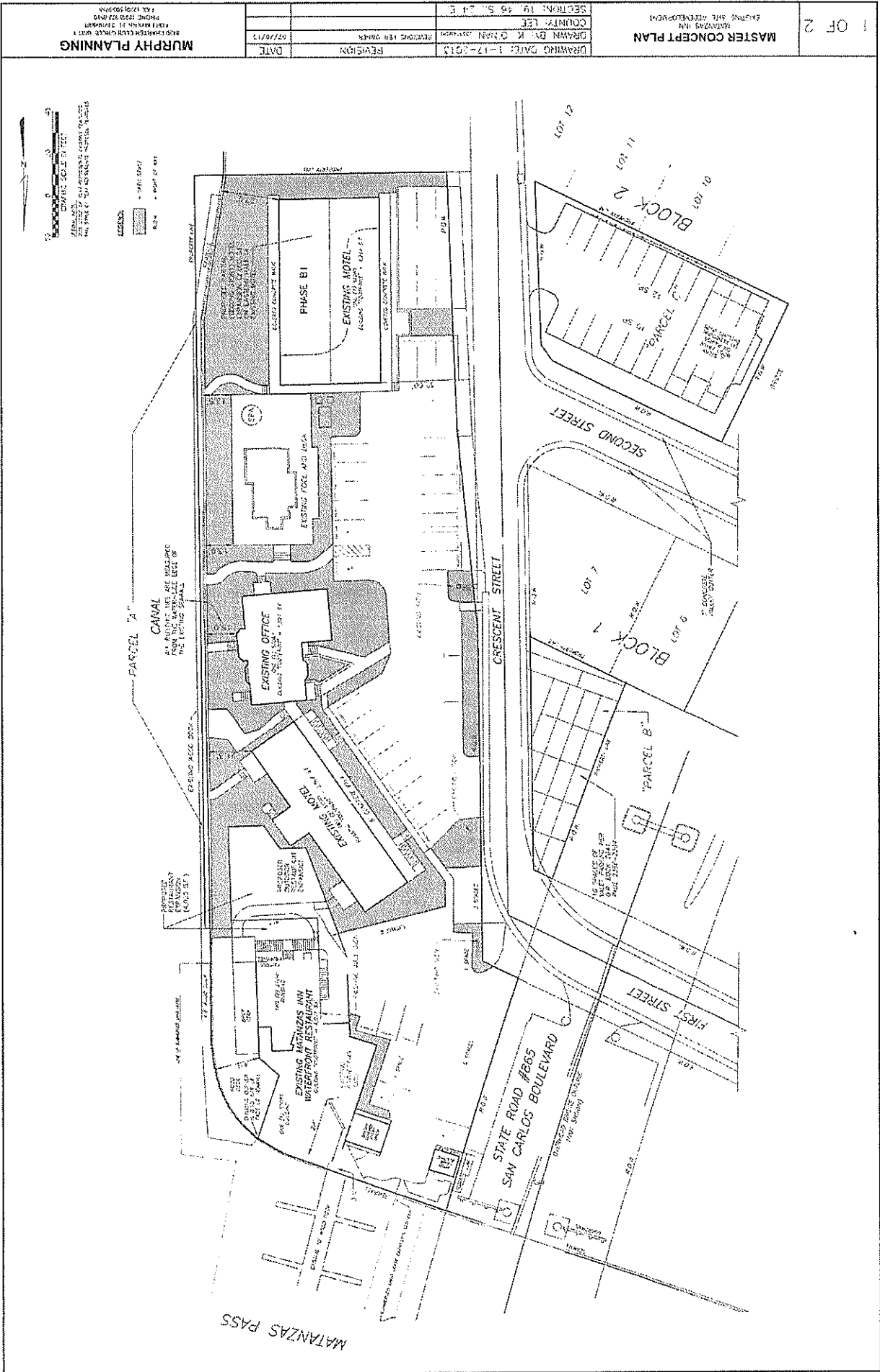


Exhibit F: Pending Permit Site plan



NDIGO architecture inc
4575 Via Royale #205
Fort Myers, FL 33919
1 239 245 7165
40955339 @ 120001443

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ARCHITECTURE INC
ALL RIGHTS RESERVED

Client
Mr. Doug Speirn Smith
Espero Bay Hotel Company
414-416 Crescent Street
Fort Myers Beach, FL 33931

Project
MATANZAS INN
414-416 Crescent Street
Fort Myers Beach, FL 33931

Revisions

Description	Date
Revised Set	05/18/20
Revised Set to EIR	05/22/20
Revised Set	05/26/20
Revised Set	05/26/20
Revised Set	07/23/20
Revised Set	04/12/20
Revised Set	04/18/20
Revised Set	04/18/20
Revised Set	07/01/20

Revisions

Description Date

Engineering

Dubally signed by Ricardo J. McCormack

DR - CAUS
G-10000 Architecture, Inc.
Oulevich, CA/Ricardo J. McCormack

Location: Fort Myers, FL 33919
Project: 2020-03-02 11:23:45-0500

Contact Info:
red@ndigoarchitecture.com
Date: 2020-03-02 11:23:45-0500



This item has been electronically signed and sealed by Ricardo J. McCormack. The seal is adjacent to the seal using a SHA authentication code.

Printed copies of this document must be signed and sealed and the SHA authentication code must be verified on any electronic copies.

HOTEL PACKAGE REVISION 3 FEBRUARY 28, 2020

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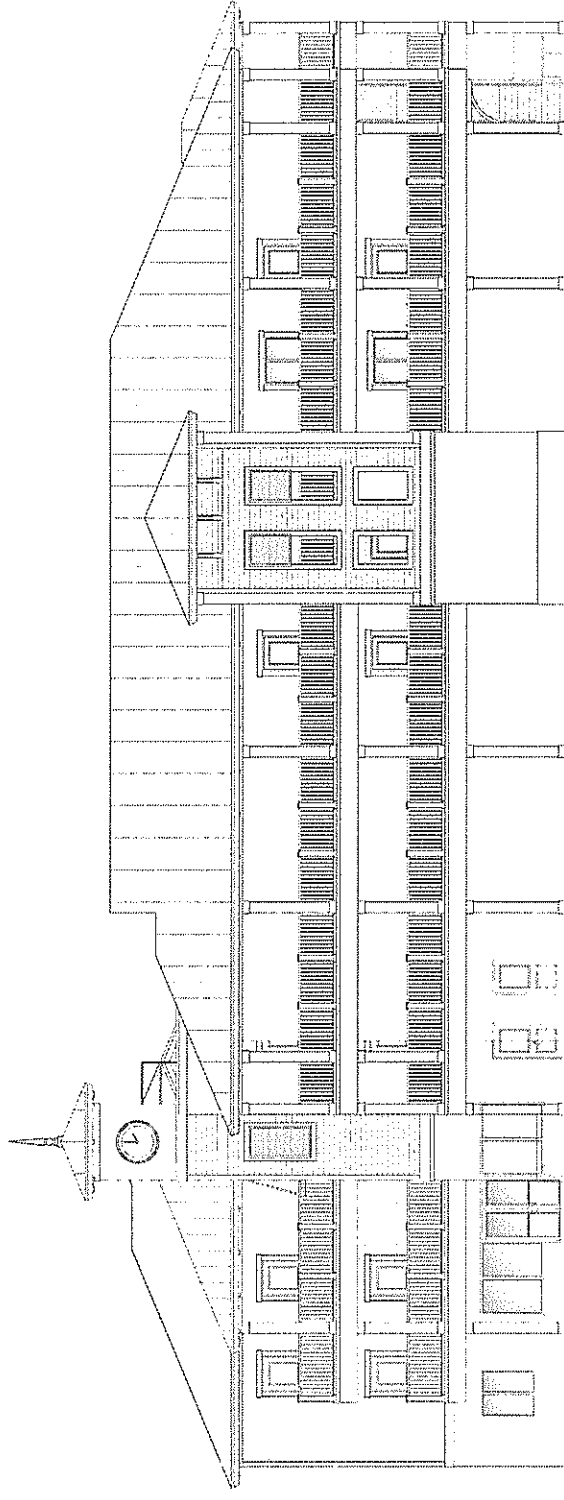


Project Number
14017

Sheet Title
PROJECT COVER SHEET

Sheet Number

G



MATANZAS INN for MR. DOUG SPEIRN SMITH 414-416 CRESCENT STREET FORT MYERS BEACH, FLORIDA 33931



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Mr. Doug Seaton Smith
Essex Bay Hotel Company
414-416 Crescent Street
Fort Myers Beach FL 33951

PROJECT
MATANZAS PASS
414-416 Crescent Street
Fort Myers Beach FL 33951

CONTRACT NO.
150701

DATE
02-18-17

REVISIONS
01-18-17

02-18-17

03-18-17

04-18-17

05-18-17

06-18-17

07-18-17

08-18-17

09-18-17

10-18-17

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11-19-18

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01-20-19

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06-20-19

07-20-19



Project Number
15017

Sheet Title
ARCHITECTURAL SITE
PLAN

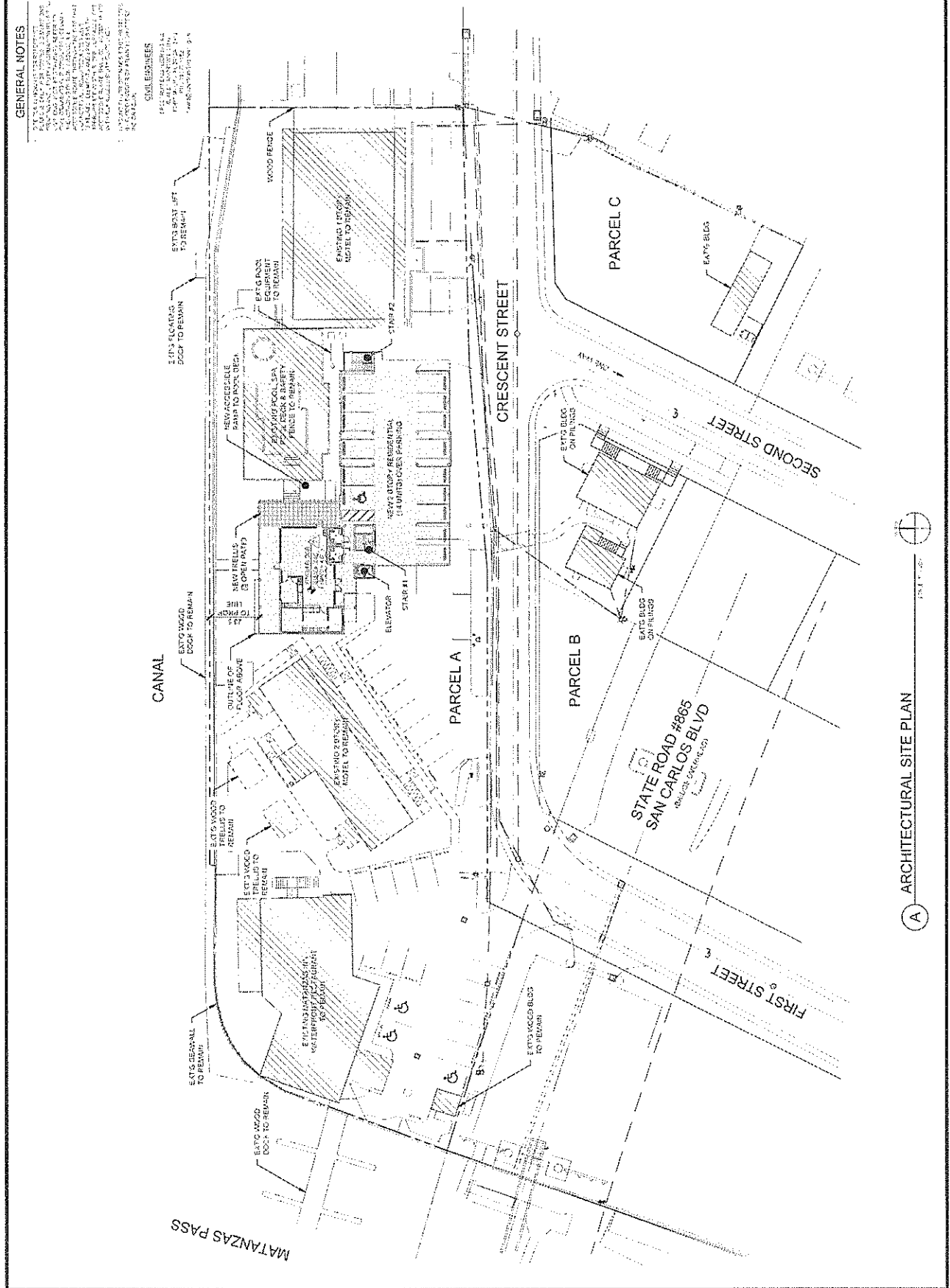
Sheet Number
A-004

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE F.L.A.C. CODES AND ALL APPLICABLE ORDINANCES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.
5. THE OWNER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS ASSOCIATED WITH THE PROJECT.
6. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.
8. THE OWNER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS ASSOCIATED WITH THE PROJECT.

SUBMITTALS

1. ALL SUBMITTALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE F.L.A.C. CODES AND ALL APPLICABLE ORDINANCES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.
5. THE OWNER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS ASSOCIATED WITH THE PROJECT.



A ARCHITECTURAL SITE PLAN

1/18/17

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1/18/17

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 15-05
DCI2013-0002 – Matanzas Inn CPD Amendment

WHEREAS, Jerry Murphy, authorized agent for the owner of property located at 414/416 Crescent Street and 1042/1044 Second Street Fort Myers Beach, Florida has requested to amend a Commercial Planned Development known as the Matanzas Inn CPD; and

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

WHEREAS, the STRAP numbers for the subject property are 19-46-24-W4-0150E.0210, 24-46-26-W3-00202.0130 and 24-46-23-W3-00202.0150 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on March 11, 2014; and

WHEREAS, at the March 11, 2014 LPA meeting, the LPA continued the case to a date certain of June 10, 2014; and

WHEREAS, at the June 10, 2014 hearing the LPA gave full and complete consideration of the request, recommendations by Staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-85; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 20, 2014, April 6, 2015, May 4, 2015 and September 9, 2015 at which time the Town Council gave full and complete consideration to the request of the Applicant, LPA Resolution 2014-004, the recommendation of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

The Town Council **APPROVES** the request to amend the Matanzas Inn CPD, subject to the deviations and conditions set forth with specificity below.

DEVIATIONS:

Deviation #1

Deviation (recast from previously approved deviations) from the requirements of LDC Section 34-953—that the building placement, size, design, and all other property

development regulations in the CPD zoning district must be the same as for the CR or CB zoning district—to allow the dimensions indicated on the MCP.

Deviation #2

Deviation from the LDC Section 34-632(3)c. limitation on combining three (3) or more lots into a development project to allow PARCEL A, PARCEL B, and PARCEL C to include one-half (1/2) of the width of the adjoining street and canals in lot area for the purposes of computing residential densities to allow a total of 36 guest units on PARCEL A.

Deviation #3

Deviation from LDC Section 34-632(4) from the limitation on acreage used primarily for commercial purposes being included in the computation of residential density to allow a total of 36 guest units on PARCEL A.

Deviation #4

Removed.

Deviation #5

Deviation (recast from previously approved deviations) from LDC Section 34-675(b)(2) from the limitation on Crescent Street to building heights no taller than two (2) stories and 30 feet above base flood elevation, to allow 25 percent of the ground floors of the hotel/motel buildings to be enclosed non-living space for office, retail sales, or hotel support services with a maximum building height of 30 feet above base flood elevation with a maximum of two (2) floors total living area over parking or enclosed non-living space.

Deviation #6

Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 34, Division 26, Parking: LDC Sections 34-2015 (location and design) and 34-2016 (dimensional requirements; delineation of parking spaces) to allow the parking plan delineated on the MCP, with dimensional regulations allowing 90° parking spaces 16' deep and 8.5' wide, and a 2-way drive aisle 19' wide.

Deviation #7

Deviation (recast from previously approved deviation) from the provisions of LDC Chapter 10, Article III, Division 2, Transportation, Roadways, Streets, and Sidewalks: LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated on the MCP.

Deviation #8

Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.

Deviation #9

Removed. The subject property consists of three (3) businesses, allowed a maximum of 16 square feet of sign area for each business, in addition to the existing 4' x 16', 2-sided projecting landmark rooftop sign previously approved by variance running with the land (all existing non-conforming signs must be removed).

Deviation #10

Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Section 10-416 (landscaping standards), subsection (d)(2) and Table 10-8, Buffer Requirements to allow a reduction from the Type D buffer requirements between ROW (rights-of-way) and PRKG (parking and vehicle use areas) to allow the buffer widths delineated on the MCP.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The development of this project must be consistent with the two page master concept plan (MCP) entitled 'Master Concept Plan Matanzas Inn, attached hereto as *Exhibit B*, except as modified by conditions below. This development must comply with all requirements of the Town of Fort Myers Beach Land Development Code (LDC) at time of Development Order amendment, except:
 - a. any additional restrictions provided in conditions of this approval; and
 - b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently sought, appropriate approvals will be required.

2. Allowable uses are limited to the approved Schedule of Uses –

PARCEL A

All principal and accessory uses permitted in the Downtown zoning district.

Plus these additional existing uses:

Bar or cocktail lounge – limited to two.

Consumption on-premises (COP) is limited by Condition #15.

Outdoor entertainment limited to the restaurant premises under roof and eastern rear only; outdoor entertainment at the southern restaurant patio is prohibited.

Restaurant outdoor seating areas as depicted on the MCP.

Boat slips available for public rental/leasing, 18 maximum slips.

Commercial party fishing boats (See Condition 16).

Parking lot, shared permanent.

Ground floor uses of the hotel/motel buildings below flood elevation are limited to office, retail sales, or hotel support services. Ground floor must be flood proofed.

PARCEL B and C

Essential Services.

Parking lots, shared, permanent with valet service.

3. All development, redevelopment, and substantial improvements approved and included in this CPD must meet or exceed the commercial design standards set forth in LDC Section 34-991 through 34-1010.

All outdoor entertainment must cease by 10:00 PM. All ground floor outside entertainment at the existing eastern rear deck must cease by 9:00 PM, outdoor entertainment at the southern restaurant patio is prohibited. All outdoor entertainment, including, but not limited to, vocals, musical instruments, and other equipment generating sound, must comply with the Town's Noise Ordinance and must have its sound regulated and emitted through a fixed internal speaker system managed and controlled by the property owner. Additionally, the property must utilize best management practices that include the following:

- a. all speakers must be pointed away from adjacent residential property owners,
 - b. adopt the mitigation measures identified in the music management plan, *Exhibit D* attached hereto,
 - c. adopt the Environmental Safety Associates March 30, 2004 sound study recommendations for noise mitigation attached as *Exhibit E* attached hereto.
4. All lot area associated with PARCEL B and PARCEL C (upon removal of existing non-conforming residential structure on Lot 15) for density purposes is attributed to PARCEL A as part of the MCP for this CPD district.
5. PARCEL A may be developed in phases in any order, but a certificate of compliance for the initial phase must be reasonably requested no more than 60 months following Town Council approval of this amended CPD. Certificates of compliance for the entire project must be reasonably requested not more than 120 months following Town Council approval of this amended CPD or the undeveloped portion of the MCP will expire and be deemed vacated.
6. Any reconfiguration of the swimming pool located on PARCEL A must not result in an increased elevation of the top surface of the pool deck or the top edge of the pool.
7. The uses listed for PARCEL A are limited to 75,300 square feet of floor area. Of this total floor area, guest units are limited to 36 units; guest unit size is not to exceed a maximum area of 1,200 square feet, not to exceed an average of 750-1000 square feet consistent with Section 34-1803 of the LDC, and not to exceed a total floor area for guest units of 36,000 square feet.
8. An amended Development Order(s) must be obtained to achieve the development that is contemplated by the MCP.

9. Stormwater retention plans and drainage calculations for the project will be required at the time of submission of the Development Order revision.
10. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. A Traffic Impact Statement (TIS) will be required at time of local development order revision and additional conditions may be required at that time.
11. Developer will construct sidewalks acceptable to the Town within or along the rights-of-way of Crescent Street, First Street, and Second Street along the boundary of the subject property. The precise locations, dimensions, and specifications for these sidewalks will be determined in cooperation with the Town Public Works Department, but will not exceed the requirements of LDC Section 10-289. The Developer will construct the sidewalks in conjunction with the Town's construction of other sidewalks along the aforementioned streets—or as part of the construction of Phases B2, C, or D—whichever occurs first.
12. Should the Developer and Town agree to construct all or a portion of the sidewalk on the property owned by the Developer, the elimination of any existing parking and/or buffer or landscaping or portion thereof necessary to complete the sidewalk improvement project will not cause the subject property's CPD/DO/Zoning to become non-compliant with the requirements as provided in the CPD/DO/Zoning.
13. Should it become necessary to utilize a portion of the Developer's property for the construction of the sidewalk, it will be constructed in accordance with the provisions of LDC Sections 2-313 and 10-289.
14. Removed.
15. Consumption on Premises is strictly limited to the existing restaurant, eastern rear deck only, and southern restaurant patio as depicted in the MCP.
16. Commercial boats are limited to utilizing the docks located in Matanzas Pass. The canal dock is limited to ancillary dockage and non-commercial dockage.

FINDINGS AND CONCLUSIONS

Based upon the presentations by the Applicant, Staff, and other interested parties at the hearing, and a review of the application and standards for the planned development zoning approval, the LPA recommends that Town Council reaches the following findings and conclusions:

- a. *Whether there exists an error or ambiguity which must be corrected.*
Staff does not find that any errors or ambiguity exist surrounding the subject property and its zoning category that require correction.

- b. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The changing condition that exists on the subject property which supports the applicant's request for amending the CPD is the addition and sale of property. The 'Old San Carlos Parcel' was sold to a separate owner in the spring of 2013 and has been rezoned to the "Downtown" zoning category. Additionally the property owner has acquired Lot 15, located immediately adjacent to the current PARCEL C, and is requesting to add that land area into the CPD.

- c. *The impact of a proposed change on the intent of this chapter.*

Amending the existing Matanzas Inn CPD with the specifics of this request will have no impact on the intent of Chapter 34.

- g. *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 discussed in the analysis section of the staff report, the requested amendment is consistent with the Comprehensive Plan, particularly with the provisions within the Pedestrian Commercial future land use category and the Pre-Disaster Buildback, Hazard Mitigation and Floodproofing policies.

- h. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

The request to amend the CPD for the Matanzas Inn meets and exceeds all performance and locational standards for the proposed uses. Removal and addition of parcels are requested, as well as density transfers with the subject property, revisions to the site plan and phasing plans. Furthermore, the proposed amendments are consistent with the Comprehensive Plan, and will be required to comply with the Commercial Design Standards, found in Chapter 34-99, and all applicable building code and FEMA requirements.

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

As the subject property is currently a functioning Inn and restaurant, urban services are available and adequate for the proposed changes.

- j. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

As existing commercially developed land, while located directly adjacent to Matanzas Pass, the subject property does not include any sensitive and/or environmentally critical lands. Nor do the proposed amendments to the existing CPD contemplate any land or use changes that would adversely affect critical or sensitive environmental area. However, all elements included on the revisions to the Development Order plans will be required to meet all applicable environmental codes.

- k. *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 requested CPD amendment will allow the property owner additional flexibility in phasing the project and the construction of new flood compliant buildings. The buildings will be required to meet the commercial design standards and all other applicable codes. The requested uses are those found in the DOWNTOWN zoning district and 'for rent' boat slips are compatible within the existing neighborhood. The property owner has met with Public Works Staff and incorporated Town plans for right-of-way improvements on Crescent Street into their redevelopment plans, allowing for public and private compatibility of enhancements for that section of roadway. Therefore the redevelopment of the subject property will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.

- l. *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 impact of the proposed amendments to the transportation network will be evaluated at the time of revision to the Development Order, due to the dynamic nature of roadway capacity.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Andre and seconded by Council Member Hosafros, and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor
Rexann Hosafros
Summer Stockton

NAY
AYE
NAY

Dan Andre, Vice Mayor
Alan Mandel

AYE
AYE

DULY PASSED AND ADOPTED ON THIS 9th day of September, 2015.

By: _____

Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: _____

Gray Robinson
Town Attorney

ATTEST:

By: _____

Michelle Mayher
Town Clerk

Exhibit A

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
AND
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
(PARCEL A)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF FORT MYERS BEACH, LYING ON ESTERO ISLAND, BEING A PART OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST AND SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 20, BLOCK E, CRESCENT PARK ADDITION AS RECORDED IN PLAT BOOK 4 AT PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N00°43'09"W ALONG THE WESTERLY LINE OF SAID LOT 20 FOR 30.00 FEET; THENCE N89°16'51"E FOR 11.60 FEET TO THE EASTERLY LINE OF A RIGHT-OF-WAY TAKING PARCEL PER SETTLEMENT CASE 93-203-CA-RWP (PARCEL NO. 19) AND THE POINT OF BEGINNING; THENCE N02°09'14"W ALONG SAID TAKING PARCEL FOR 124.21 FEET; THENCE N05°46'55"W ALONG SAID EASTERLY LINE FOR 96.21 FEET TO THE NORTHWEST CORNER OF LOT 24, BLOCK E OF SAID CRESCENT PARK ADDITION; THENCE N00°43'09"W ALONG THE EASTERLY LINE OF CRESCENT STREET (25 FEET WIDE) AND ALONG THE RANGE LINE BETWEEN SAID SECTIONS 24 AND 19 FOR 158.83 FEET TO AN INTERSECTION OF SAID EASTERLY LINE WITH THE NORTHEASTERLY LINE OF FIRST STREET (50.00 FEET WIDE); THENCE N64°00'09"W ALONG SAID NORTHEASTERLY LINE FOR 18.87 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2904.79 FEET AND TO WHICH POINT A RADIAL LINE BEARS S71°26'08"E; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE SOUTHEASTERLY LINE OF STATE ROAD #865 THROUGH A CENTRAL ANGLE OF 02°17'53.8" FOR 116.52 FEET TO A PK NAIL WITH BRASS DISK STAMPED LB4919 IN A CONCRETE SEAWALL ALONG THE WATERS OF MATANZAS PASS; THENCE S70°18'52"E ALONG SAID WATERS AND SEAWALL FOR 82.79 FEET TO THE BEGINNING OF A CURVE IN SAID SEAWALL, SAID CURVE BEING DESCRIBED WITH THE FOLLOWING CHORD BEARINGS AND DISTANCES; THENCE S59°52'04"E FOR 13.95 FEET; THENCE S47°54'41"E FOR 10.35 FEET; THENCE S36°30'10"E FOR 10.02 FEET; THENCE S25°39'44"E FOR 10.08 FEET; THENCE S14°17'28"E FOR 10.56 FEET; THENCE S07°08'02"E FOR 10.56 FEET TO THE END OF SAID CURVE; THENCE S00°20'42"E ALONG SAID WATERS AND SAID SEAWALL FOR 55.38 FEET TO A STEEL PIN IN SAID SEAWALL; THENCE S83°09'31"E FOR 2.71 FEET TO THE WEST LINE OF A CANAL (60 FOOT RIGHT-OF-WAY) AS SHOWN ON THE RECORD PLAT OF SAID CRESCENT PARK ADDITION; THENCE S00°43'09"E ALONG THE WESTERLY LINE OF SAID PLATTED CANAL FOR 361.22 FEET TO AN INTERSECTION WITH A LINE PERPENDICULAR TO SAID EAST LINE OF SAID CRESCENT STREET PASSING THROUGH THE POINT OF BEGINNING; THENCE DEFLECT 90° TO THE RIGHT AND RUN S89°16'51"W PERPENDICULAR TO SAID EAST LINE OF SAID CRESCENT STREET FOR 121.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.41 ACRES (61,404 SQUARE FEET), MORE OR LESS.

BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET AS BEARING N00°43'09"W RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS (SECTION 12530-2614).

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

Exhibit A

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
(PARCEL B)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF FORT MYERS BEACH, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 25, BLOCK E, CRESCENT PARK ADDITION, ACCORDING TO A PLAT OR MAP THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID POINT BEING ON THE EAST LINE OF SAID SECTION 24; THENCE RUN NORTHWESTERLY AT AN ANGLE OF 63°16'50" NORTH TO NORTHWEST WITH SAID SECTION LINE FOR 27.99 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN DEED BOOK 262 AT PAGE 191 OF THE PUBLIC RECORDS OF LEE COUNTY AND TO THE POINT OF BEGINNING; THENCE RUN N64°00'09"W ALONG THE NORTHWESTERLY LINE OF SAID LANDS DESCRIBED IN SAID DEED BOOK 262 AT PAGE 191 ALONG WITH THE SOUTHWESTERLY LINE OF FIRST STREET DESCRIBED IN DEED BOOK 191 AT PAGE 274 OF SAID PUBLIC RECORDS FOR 9.97 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE FOR MATANZAS PASS BRIDGE RECORDED IN OFFICIAL RECORD BOOK 1167, PAGE 1576, LEE COUNTY, PUBLIC RECORDS; THENCE RUN SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2904.79 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01°58'53", A CHORD AND CHORD BEARING OF S20°32'55"W, 100.45 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR 100.46 FEET TO THE NORTH LINE OF LOT 6, BLOCK 1, BUSINESS CENTER AS RECORDED IN PLAT BOOK 9 AT PAGES 9 AND 10, PUBLIC RECORDS; THENCE RUN S64°00'09"E FOR 50.76 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET; THENCE RUN N00°43'09"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 111.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.07 ACRES (3,007 SQUARE FEET), MORE OR LESS.

BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET AS BEARING N00°43'09"W RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS (SECTION 12530-2614).

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

Exhibit A

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
(PARCEL C)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF FORT MYERS BEACH, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, BEING ALL OF LOTS 14 AND 15 AND PART OF LOT 13, BLOCK 2, BUSINESS CENTER ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGES 9 AND 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

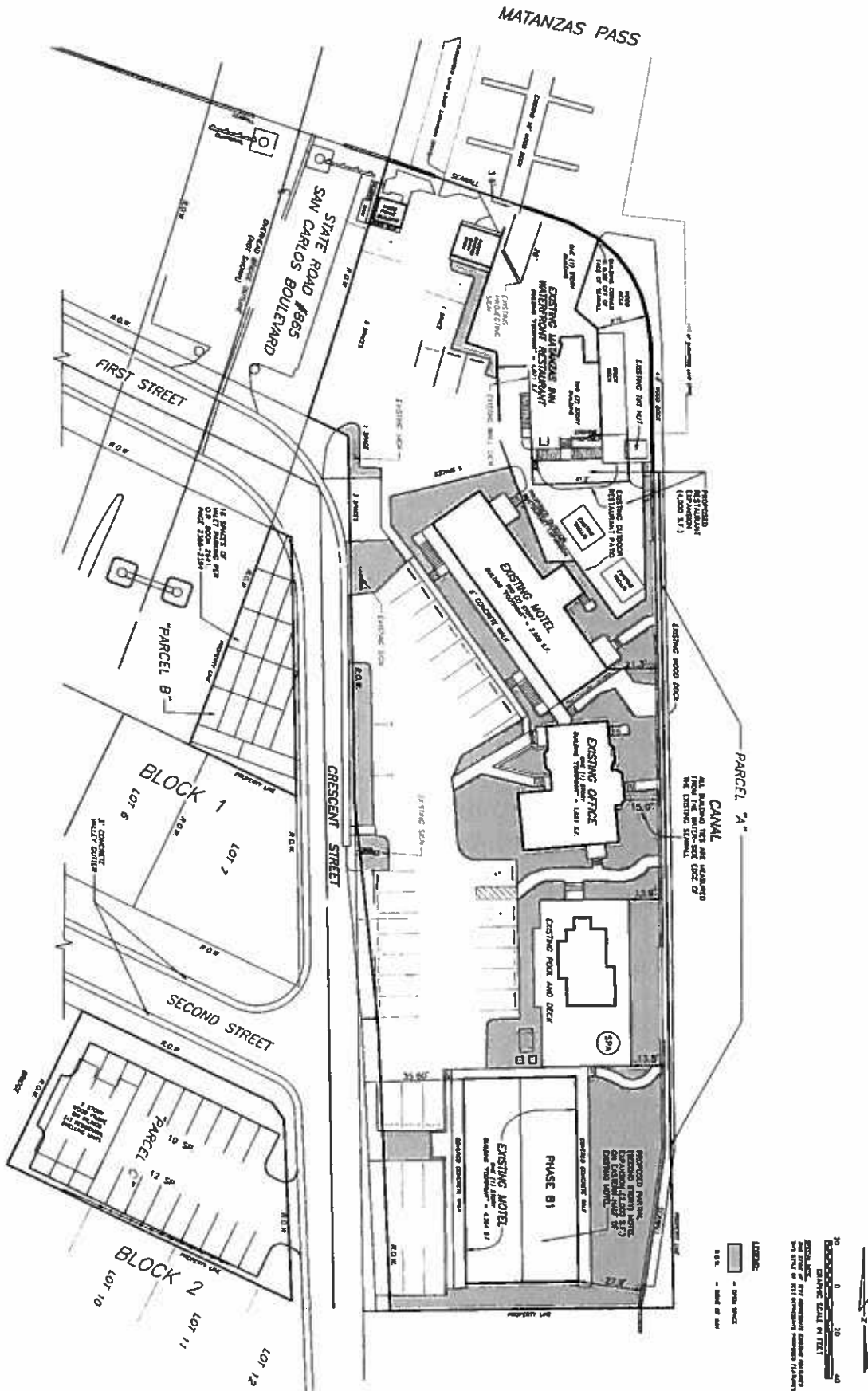
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE RUN S00°43'09"E ALONG THE EAST LINE OF SAID LOT 13 FOR 82.62 FEET (82.59 RECORD) TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE RUN N64°00'09"W ALONG THE SOUTH LINE OF SAID LOT 13 FOR 6.15 FEET TO THE SOUTHWEST CORNER OF A RIGHT-OF-WAY TAKING PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 2311 AT PAGE 2801 AND TO THE POINT OF BEGINNING; THENCE CONTINUE N64°00'09"W ALONG THE SOUTH LINE OF SAID LOTS 13, 14 AND 15 FOR 135.14 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE RUN N25°59'51"E ALONG THE WEST LINE OF SAID LOT 15 AND THE EASTERLY LINE OF STATE ROAD 865 FOR 73.80 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SECOND STREET (50 FEET WIDE), BEING THE NORTHWEST CORNER OF SAID LOT 15; THENCE RUN S64°00'09"E ALONG THE SOUTH RIGHT-OF-WAY OF SAID SECOND STREET AND THE NORTH LINE OF SAID LOTS 15, 14 AND 13 FOR 89.99 FEET; THENCE RUN S34°44'19"E FOR 9.27 FEET TO THE WEST LINE OF SAID RIGHT-OF-WAY TAKING; THENCE RUN S02°09'05"E ALONG SAID WEST RIGHT-OF-WAY TAKING FOR 78.56 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.20 ACRES (8,530 SQUARE FEET), MORE OR LESS.

BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF CRESCENT STREET AS BEARING S00°43'09"E RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS (SECTION 12530-2614).

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

Exhibit B



1 OF 2	MASTER CONCEPT PLAN MATANZAS INN EXISTING SITE REDEVELOPMENT	DRAWING DATE: 1-17-2013 DRAWN BY: K. O'NAN (2317-0001) COUNTY: LEE SECTION: 19, 46 S, 24 E	REVISION REVISIONS PER OWNER	DATE 07/26/13	MURPHY PLANNING 9175 CHARMER CLUB CIRCLE, UNIT 1 FORT MYERS, FL 33905-0001 PHONE: (239) 322-0510 FAX: (239) 322-0510
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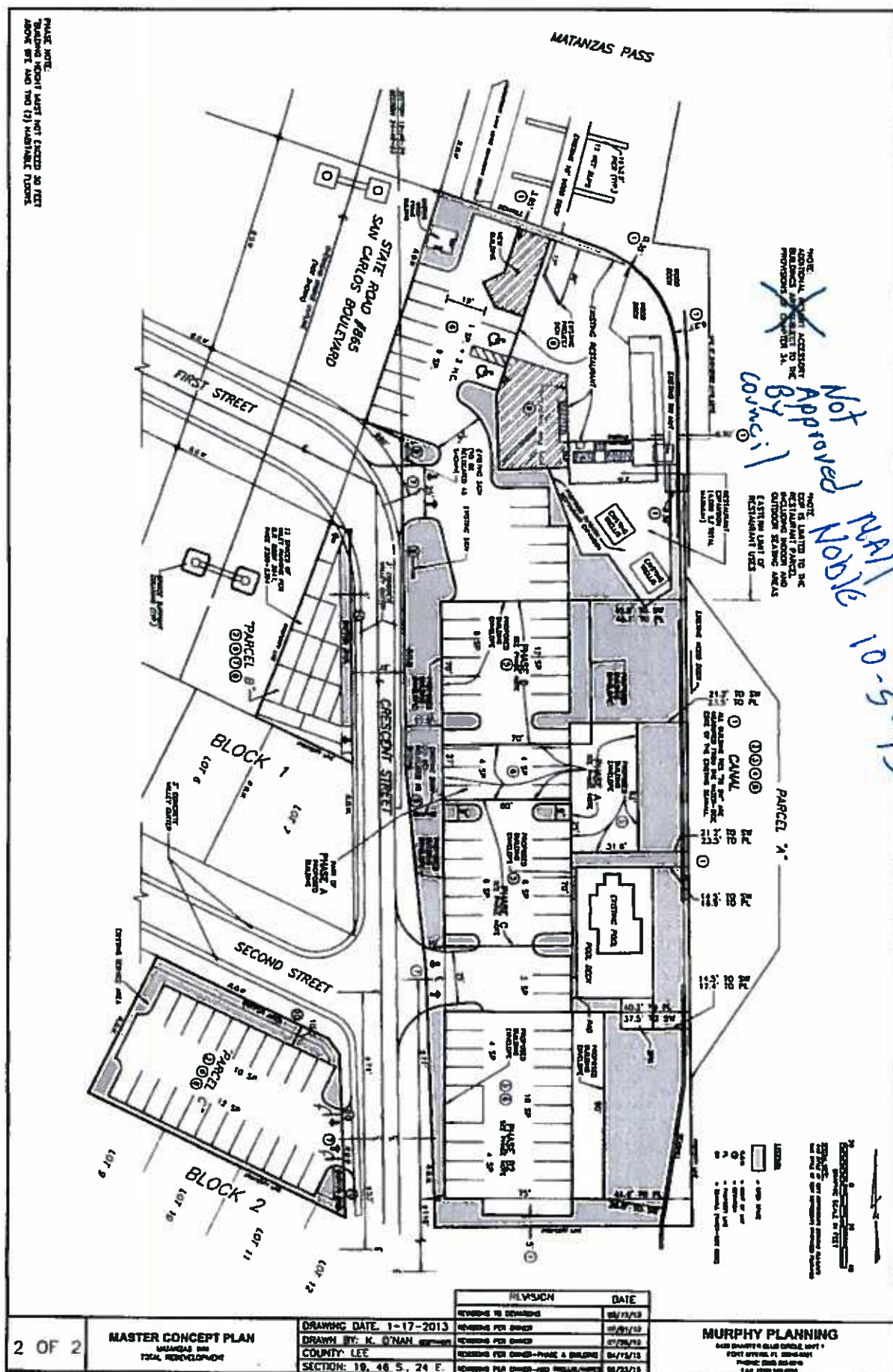


EXHIBIT D

Matanzas CPD Live Music Management Plan- 2015

Background

Several residents have always asked that Matanzas Balance the commercial uses with the nearby residential uses. The entire Crescent Street Downtown plan reflects less height and more modest commercial uses, however the Restaurant Parcel at Matanzas has always had extensive commercial uses including Marina/restaurant/historically a fish packing plant and Marine Industrial.

As the restaurant has evolved, the approvals have been modified a number of times. The current CPD tries to balance these interests by adopting a best sound management practices approach with physical systems designed to provide reasonable outside music at reasonable levels/times for nearby concerned persons. Matanzas has always tried to be supportive of this balance and particularly since further expansion of the restaurant is part of the Current CPD.

Proposed Music Management Plan.

Based on discussions, the previous plan, while well intended, can be improved. Both Matanzas and the residents can both be more pro-active and fact-based to manage this issue in a balanced way for all. Managing reasonable expectations is the goal and perhaps this approach can be useful as a blueprint for similar issues in different locations on the island.

Matanzas feels the downtown resort beach atmosphere for both locals and visitors is generally a strong supporter of live music at reasonable volumes. Realizing that not all residents may feel this way and in specific cases, some residents are concerned about too much and too loud, Matanzas proposes the following:

1. Outside music is permitted under the same provisions of the previous approval with the following changes:
 - i. All speakers pointed 90 degrees to the canal and towards the bay. (current practice with a few exceptions)
 - ii. Where possible all music shall be modest in sound including trying unamplified music when possible. All entertainers will use the Matanzas Sound system with controlled volume monitored by the On-site manager and amplified music will be at a minimum under the circumstances.
 - iii. All entertainers will be oriented 90 degrees to the canal and pointed toward the bay.
 - iv. Any area directly in back of all entertainers shall be enclosed /hardscape in a manner sufficient to help mitigate ambient transmission of entertainment noise. (See diagram of an example).
 - v. Full compliance with the island noise ordinance.

Page two: Matanzas Music Management Plan 2015

- vi. All Upper Deck music shall end by 10 pm. All music is limited only to the restaurant premises.
- vii. Any ground floor music shall end at 9pm and be limited to twelve days per month except for special events.
- viii. Matanzas will install a permanent professional decibel meter in the upper deck in clear view of the on duty staff and do daily monitoring of active noise levels.
- ix. Matanzas will create a new vegetation/sound dampening buffer on the border of the restaurant (see site plan).
- x. Neighborhood Complaints: Matanzas will establish a written log of all complaints. This log will include but not be limited to: time, entertainer playing, person complaining, manager observations on area wide music patterns at the time and recorded decibel readings that night. Where possible, adjustments will be made to solve the issue quickly as needed.
- xi. At any time, the neighborhood can ask for a meeting with Matanzas to specifically discuss music concerns /episodes of dissatisfaction and the parties agree to work in good faith to resolve differences. Whenever possible, all neighborhood complaints should also be emailed to the Matanzas Management team.
- xii. If the parties cannot resolve differences, Matanzas shall hire and independent consultant to monitor the music, verify the magnitude of the issue and to propose possible reasonable solutions. Matanzas agrees to work in good faith to comply with proposed solutions and will agree to mediation if required.
- xiii. Matanzas will share noise information with the town on at least an annual basis or as needed under the circumstances.



**ENVIRONMENTAL SAFETY ASSOCIATES
(ESA Consulting Services)**

P.O. Box 151, Baldwinsville, NY 13027-0151
2600 Kings Lake Blvd., Naples, FL 34112-5409

Tel/Fax: NY 315-636-1929 ~ FL 239-774-5194 ~ Toll-Free 1-888-667-3723 ~ E-Mail: bob@oshex.com

March 30, 2004

Chris Arnberg, Manager
Estero Bay Hotel Company
Matanzas Inn
416 Crescent Street
Fort Myers Beach, FL

Dear Chris:

In response to my earlier report of findings from noise measurements taken in and around your property on March 5, 2004, you asked a simple question: "As a result of actions taken to reduce the sound generated by our entertainment, are we in compliance with the Town of Fort Myers Beach noise ordinance?" The answer is far from simple.

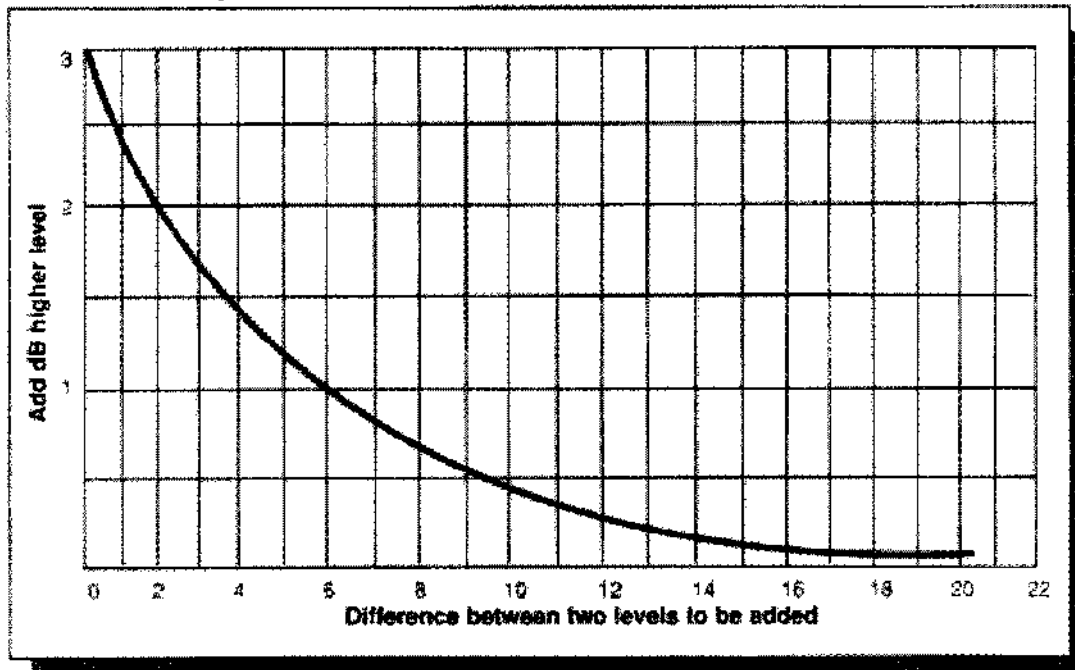
Ordinance 96-24 defines that measurements be taken using a *sound level meter* conforming to ANSI S1.4, Type 2, using slow response and "A" weighting. There is no mention of ANSI E1014-84, the Standard Guide for Measurement of Outdoor A-Weighted Sound Levels. This document provides instructions on how those measurements are to be taken. The ordinance does not.

In our measurements, we recorded RMS *maximum levels* (L_{max}) and *average levels* (L_{eq}) (that equate closely to an L_{10} exceedance level, or level that is exceeded only 10% of the time.) This is the measure typically used to describe environmental noise – because spurious sounds like passing cars or aircraft, people laughing, doors slamming, or an occasional dog bark could cause the sound measurement to easily "exceed" a stated maximum level – particularly one that is so close to the ambient sound level in an area.

The measurements taken during our most recent visit indicate that the changes that you have made have resulted in a decrease of about 3-5dBA in the carryover sound from your entertainment, compared to the previous readings taken in December and earlier this month. The average reading taken at the property directly across the canal, with the entertainment in session, dropped from 59dBA to 54dBA.

Prior and current measurements indicate that the ambient sound level in the area on a typical evening at the time of the measurements is about 53dBA. Correcting for this (see

the chart below), this indicates that the entertainment is contributing less than 50dBA to the total, and is certainly in compliance with the 66dBA allowable maximum for a residential receiving land use defined in Table I of the ordinance.



Going one step further, Section 5B of the ordinance states that, from 7AM until 10PM, the allowable level from impulsive sound is increased by 10dBA. During my observations, it was clear that the sound from your entertainment varied greatly as the singer sang and played. The rise and fall of the singers voice does not meet the criteria of "Continuous Noise" spelled out in Section 3C of the ordinance (as would sound from a running generator or air conditioning unit), but it is also not what we typically call "impulsive" sound (such as a gunshot or door slamming). This adds another element of ambiguity. Because of the way the definition is written, the entertainment may well be considered impulsive sound, thus providing a 10dBA "cushion."

A conflict appears in Section 5C, where the ordinance stipulates that amplified sound that exceeds 60dBA between the hours of 10AM and 10PM is prohibited. If we look at the L_{10} or L_{eq} (average) as the effective maximum, and correct for the background (ambient) in both the Primo Drive and Crescent Street locations, your entertainment is now compliant with the requirements of the ordinance.

If we look at the RMS maximum level, compliance is "borderline." It is clear that your contributed sound level at these property edge locations are *below* that of numerous other sites featuring outdoor entertainment in this commercially-zoned area, as noted in our report dated March 12, 2004.

It is my opinion that, with your current speaker configuration and amplifier settings, the sound from this entertainer complies with the ordinance, insomuch as our measurements

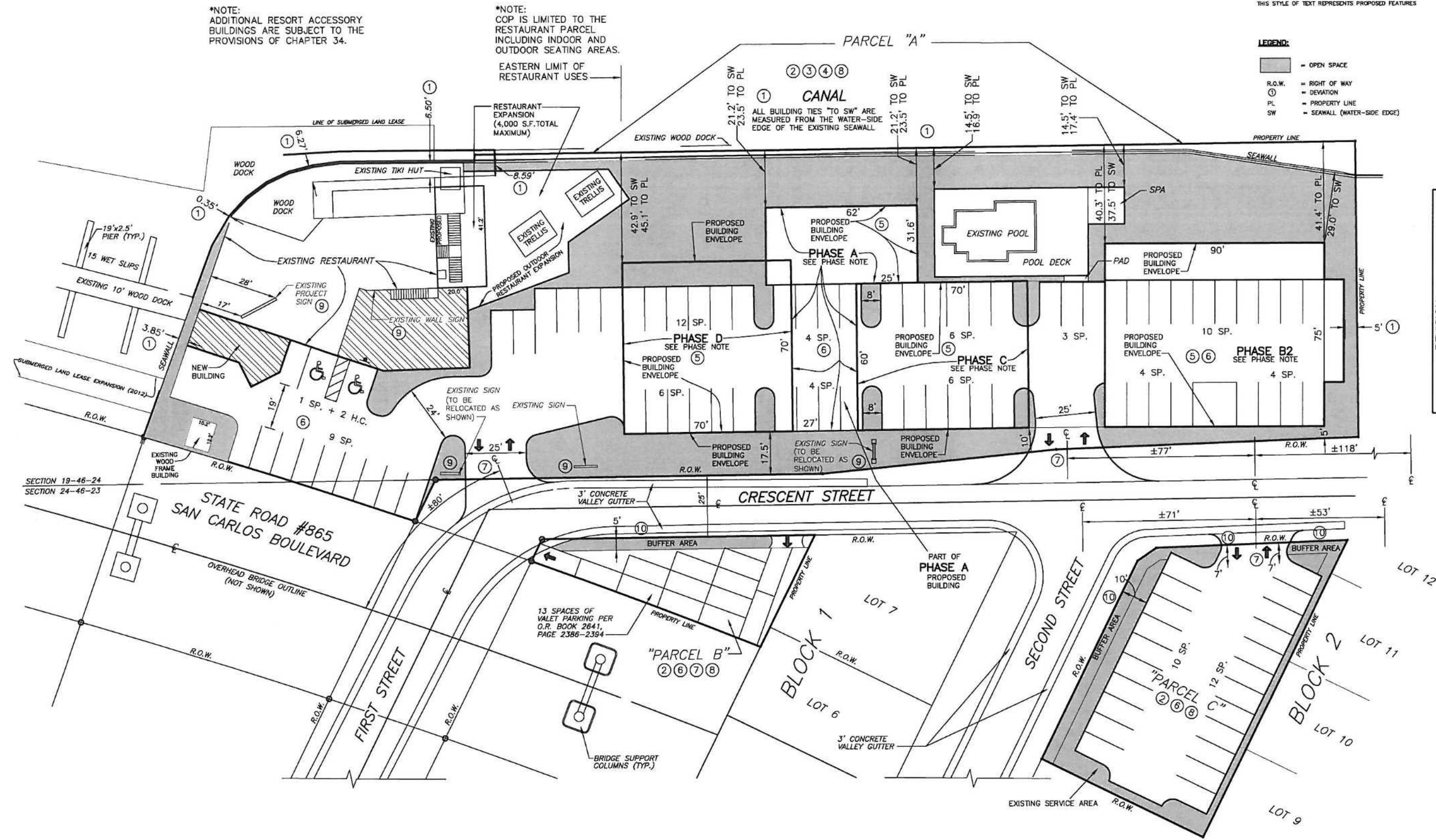
could determine¹, and that no further action is necessary at this time. Under the terms of the ordinance, you are permitted to extend the entertainment until 10PM, if you wish.

Respectfully submitted:
ENVIRONMENTAL SAFETY ASSOCIATES

Robert N. Andres, CSP, DABFE
Principal

¹ We did not have the equipment to measure at the center of the canal at the elevation of the entertainment, nor permission to take readings on the second floor of any residence along Primo Drive.

MATANZAS PASS



20 0 20 40
GRAPHIC SCALE IN FEET

SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

LEGEND:
= OPEN SPACE
R.O.W. = RIGHT OF WAY
① = DEVIATION
PL = PROPERTY LINE
SW = SEAWALL (WATER-SIDE EDGE)

*NOTE:
ADDITIONAL RESORT ACCESSORY
BUILDINGS ARE SUBJECT TO THE
PROVISIONS OF CHAPTER 34.

*NOTE:
COP IS LIMITED TO THE
RESTAURANT PARCEL
INCLUDING INDOOR AND
OUTDOOR SEATING AREAS.

PHASE NOTE:
"BUILDING HEIGHT MUST NOT EXCEED 30 FEET
ABOVE BFE AND TWO (2) HABITABLE FLOORS.

REVISION	DATE
REVISIONS TO DEVIATIONS	03/12/13
REVISIONS PER OWNER	07/01/13
REVISIONS PER OWNER	07/26/13
REVISIONS PER OWNER-PHASE A BUILDING	04/15/15
REVISIONS PER OWNER-ADD TRELLIS/NOTES	09/23/15

DRAWING DATE: 1-17-2013
DRAWN BY: K. O'NAN (33374462)
COUNTY: LEE
SECTION: 19, 46 S., 24 E.

MASTER CONCEPT PLAN
MATANZAS INN
TOTAL REDEVELOPMENT

MURPHY PLANNING
8420 CHARTER CLUB CIRCLE, UNIT 1
FORT MYERS, FL 33919-6881
PHONE: (239) 322-4510
FAX: (239) 690-9766

GENERAL NOTES

1. THE CONTRACTOR SHALL BE FAMILIAR WITH THE WORK TO BE DONE. ANY DISCREPANCY SHALL BE NOTIFIED TO THE DESIGNER.
2. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL REPORT ALL DISCREPANCIES BETWEEN THE DRAWINGS AND EXISTING CONDITIONS TO THE DESIGNER PRIOR TO COMMENCING THE WORK.
3. THE CONTRACTOR SHALL SUPPLY, LOCATE AND BUILD INTO THE WORK ALL INSERTS, ANCHORS, ANGLES, PLATES, OPENINGS, SLEEVES, HANGERS, SLAB, DEPRESSIONS AND PICHES AS MAY BE REQUIRED TO ATTACH AND ACCOMMODATE OTHER WORK.
4. DIMENSIONS ARE NOT SHOWN, CONTRACTOR SHALL FOLLOW EXISTING CONDITION WHERE WALL NEEDS TO BE ADD OR DELETED
5. NOMINAL SIZES ARE USED UNLESS NOTED OTHERWISE.
6. GENERAL CONTRACTOR SHALL RECEIVE FROM THE WINDOW ROUGH OPENING SIZES REQUIRED FOR ALL WINDOWS AND DOORS PRIOR TO INSTALLATION
7. ALL STORE FRONT AND DOORS TO BE 2xP.T. WOOD ANCHORED TO 2X4ROUGH OPENINGS WITH 1/2" DIA. x 3/4" LONG TAP CONS BY ELCO INC. (OR APPROVED EQUIV.) @ 16" O.C. & WITHIN 4" FROM ENDS.
8. BUILDING TO BE CONSTRUCTED AS OPEN STRUCTURE "B" ROOF FRAMING HAS BEEN DESIGNED IN ACCORDANCE WITH F.B.C.2001 CH. 15 &16 AS A 130 MPH OPEN STRUCTURE EXPOSURE "B"
9. INSTALLATION TO BE IN ACCORDANCE WITH MANUFACTURED RECOMMENDATIONS AND SPECIFICATIONS
10. THESE DRAWINGS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.007, FLORIDA ADMINISTRATIVE CODE
11. THE COMPONENTS AND CLADDING HAVE BEEN SELECTED AND THEIR USE INCORPORATED INTO THE DESIGN AND SPECIFICATIONS IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE/ AMERICAN SOCIETY OF CIVIL ENGINEERING 7-88 (JULY 1990) MINIMUM DESIGN LOADS FOR BUILDING AND OTHER STRUCTURES, SECTION 6, TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM BASIC WIND SPEED OF 130 MILES PER HOUR.
12. TO THE BEST OF OUR KNOWLEDGE THE DRAWINGS ARE IN COMPLIANCE WITH SECTION 1606. BUILDING/STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH 2001 EDITION OF THE FLORIDA BUILDING CODE, SECTION 1606 FOR DESIGN PRESSURES GENERATED BY A DESIGN WIND VELOCITY OF 130 M.P.H.
13. THE DESIGN WIND LOADS FOR STRUCTURAL SYSTEMS, MEMBERS, CLADDING AND FASTENERS ARE ACCORDING TO:
- LEE COUNTY REGULATIONS: APPLYING WIND PRESSURES GIVEN BY A MINIMUM BASIC WIND SPEED OF 130 MPH
- 2001 FLORIDA BUILDING CODE.
-MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, ASCE 7-95
14. CONTRACTOR NOTE: COORDINATE ELEVATIONS WITH FINISH GRADES.
15. INDICATIONS OF NEW CONSTRUCTION UNLESS NOTED AS EXISTING (E)
16. VERIFY ALL DIMENSIONS AND ANGLES NOTED AS EXISTING

LIST OF DRAWINGS

SHT. NO.	DESCRIPTION	REVISIONS					
		1	2	3	4	5	6
C-1	COVER SHEET, GENERAL BUILDING DATA						
A-1	DEMOLITION PLAN						
A-1.1	SITE PLAN						
A-2	FOUNDATION PLAN						
A-3	EXISTING GROUND FLOOR PLAN						
A-3.1	EXTERIOR ELEVATIONS						
A-4	ROOF PLAN						
A-5	EXTERIOR ELEVATIONS						
A-6	BUILDING SECTIONS						
A-6.1	BUILDING SECTIONS						
STRUCTURAL DRAWINGS							
S-1	STRUCTURAL DRAWINGS						
S-2	STRUCTURAL DRAWINGS						
S-3	STRUCTURAL DRAWINGS						

PROJECT TEAM

BUILDER:
BOB ROCKWELL CONSTRUCTION
671 ASTARIAS CIRCLE
FORT MYERS, FL 33919
Tel: (239) 466-8980
Fax: (239) 466-8980
Cell: (239) 565-9255

DESIGNER:
M.K.P.D.
9001 HIGHLAND WOODS BOULEVARD SUITE 4
BONITA SPRINGS, FL 34134
Tel: (239) 948-6688
Fax: (239) 948-6689
Email: mpd3@mcharris.com

STRUCTURAL CONSULTANT:
J.C. KOSINSKI ENGINEERING, INC
CONSULTING STRUCTURAL ENGINEER
JOSEPH C. KOSINSKI, P.E.
5536 PALMETTO STREET
FT. MYERS BEACH, FL 33931
Ph: (239) 872-2179 FAX (239) 463-1704

Matanzas
REMODEL

SLOPE OF WORK

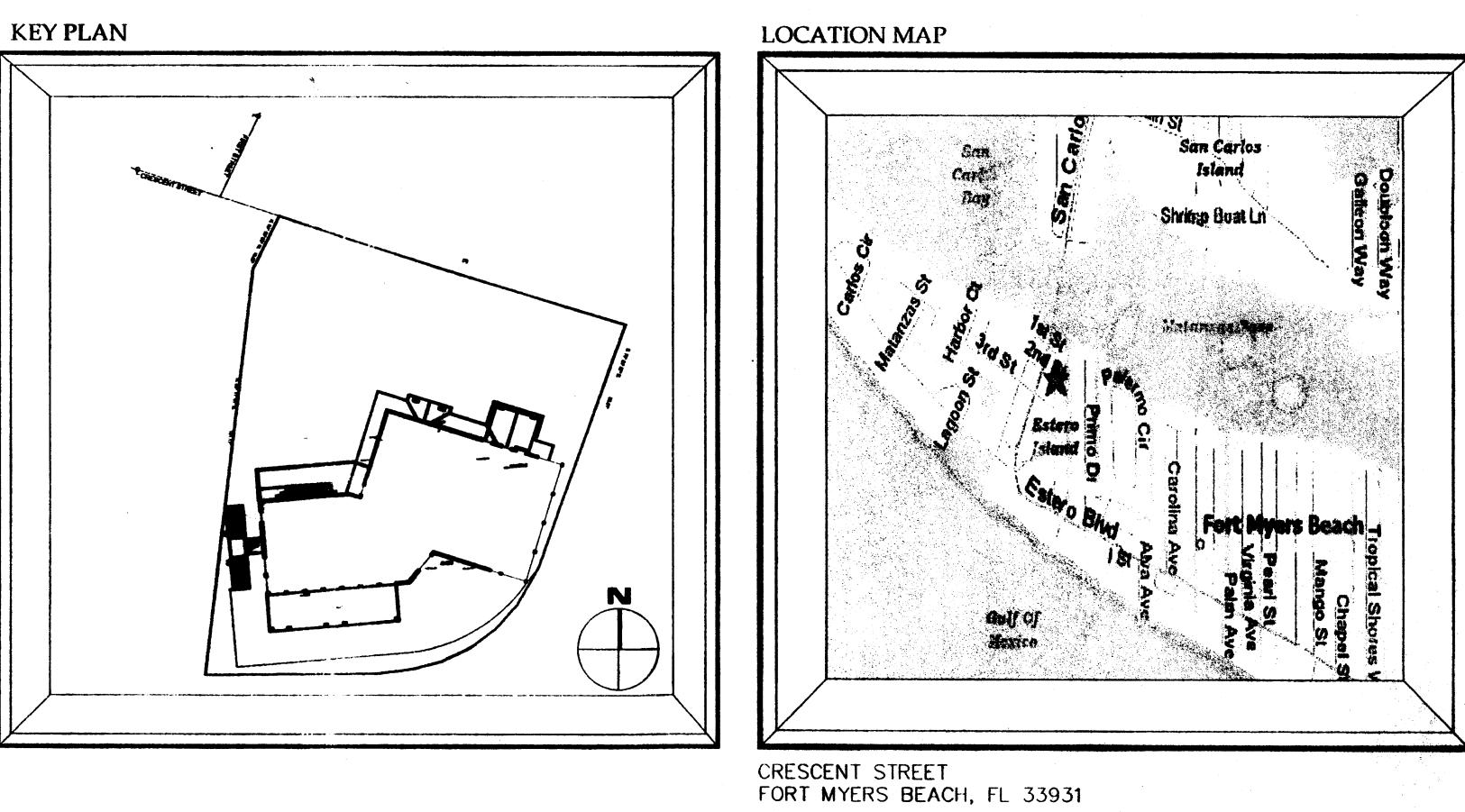
- FACADE IMPROVEMENTS
- NEW CANOPY ROOF
- SIDING & TRIM
- 2ND FLOOR DECK AT REAR
- NO INTERIOR WORK EXCEPT PATCHING TO MATCH ADJACENT EXITSING SURFACES
- NEW ROOF OVER 2ND FLOOR DECK

JURISDICTION:

TOWN OF FORT MYERS BEACH
APPLICABLE BUILDING CODES:
THE DRAWINGS FOR THIS PROJECT WERE PERFORMED ACCORDING TO THE FOLLOWING CODES RE BASIS IN THE FOLLOWING CODES:

- 2001 FLORIDA BUILDING CODE
- 2001 FLORIDA BUILDING CODE, CHAPTER 11 FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION
- 2000 CITY OF FORT MYERS BEACH LAND DEVELOPMENT CODE
- 2001 FLORIDA FIRE PREVENTION CODE
- 1999 N.E.C.
- FLORIDA STATUTES - INCLUDING ALL CODES AND ORDINANCES ADOPTED BY CITY OF LABELLE
- 2001 FLORIDA PLUMBING CODE (F.B.C.)
- 2001 FLORIDA MECHANICAL CODE (F.M.C.)
- NFPA 101 2001 EDITION

BUILDING DATA:
NET LEASABLE AREA: X,XXX SQUARE FEET



WINDOW SCHEDULE

SYMBOL	WIDTH x HEIGHT	HEAD HEIGHT	LOCATION	REMARKS
A	1'-6" x 6'-0"	6'-8"	FRONT ELEVATION NEAR MAIN ENTRY SEE A-5	CLEAR TEMPERED GLASS
B	3'-0" x 3'-6"	6'-8"	SHOWN AS	CLEAR TEMPERED GLASS
C	2'-0" DIAMETER	6'-8"	FRONT ELEVATION SEE A-5	OPAQUE BLACK GLASS NO OPENING IN WALL FRAME
D	2'-6" x 2'-8"	24'-6"	CUPOLAS	CLEAR TEMPERED GLASS



NEW FRONT ELEVATION
SCALE: 1/4"=1'

M.K.P.D. INC
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND ORDINANCES ADOPTED BY THE LOCAL AUTHORITY IN THE JURISDICTION OF THE PROJECT AND THE FLORIDA BUILDING CODE 2001.

J.C. KOSINSKI ENGINEERING, INC.
JOSEPH C. KOSINSKI, P.E.
5536 PALMETTO ST.
FT. MYERS BEACH, FL 33931
Ph: (239) 872-2179 FAX: (239) 282-0119

MATANZAS INN REMODEL
416 CRESCENT STREET
FORT MYERS BEACH, FL 33931

Check by: JMM
Drawn by: C.W.J.
Scale: AS NOTED
Project No. C3-0017
Sheet Name: GENERAL BLDG. DATA
NEW FRONT ELEVATION
Sheet No. C-1

5 4 3 2 1
No. Issue Date
6/29/04
Revision: By: Date

© M.K.P.D., 2004 Page 169 of 246



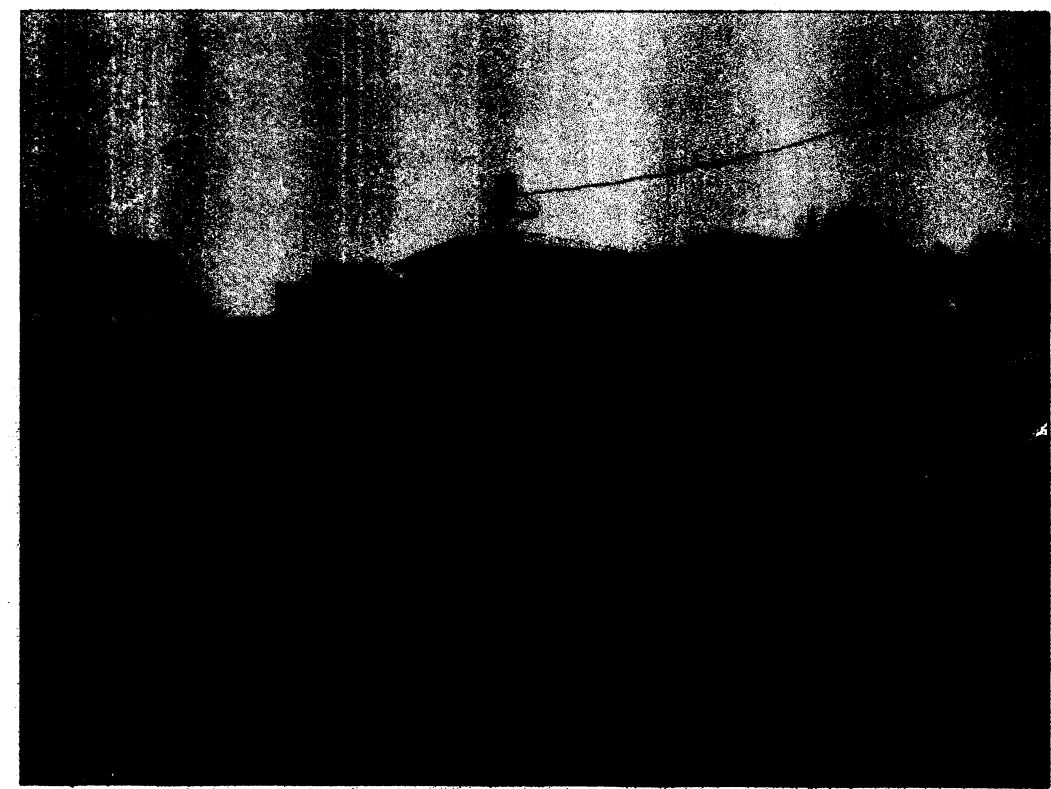
① REMOVE EXISTING ENTRY CANOPY
PATCH & REPAIR AS NEEDED



③ REMOVE EXISTING CANVAS SCREEN
& BAR. PATCH & REPAIR AS NEEDED



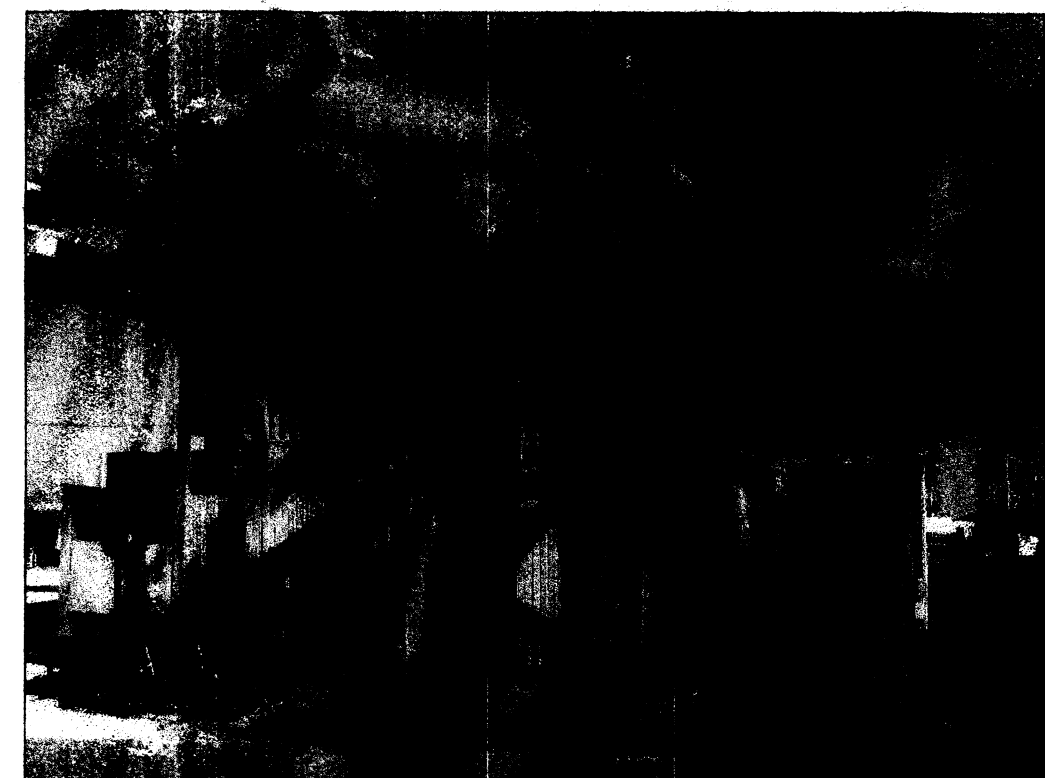
⑤ REMOVE ALL VEGETATION
& PREPARE AREA
FOR NEW DECK
& PAVING



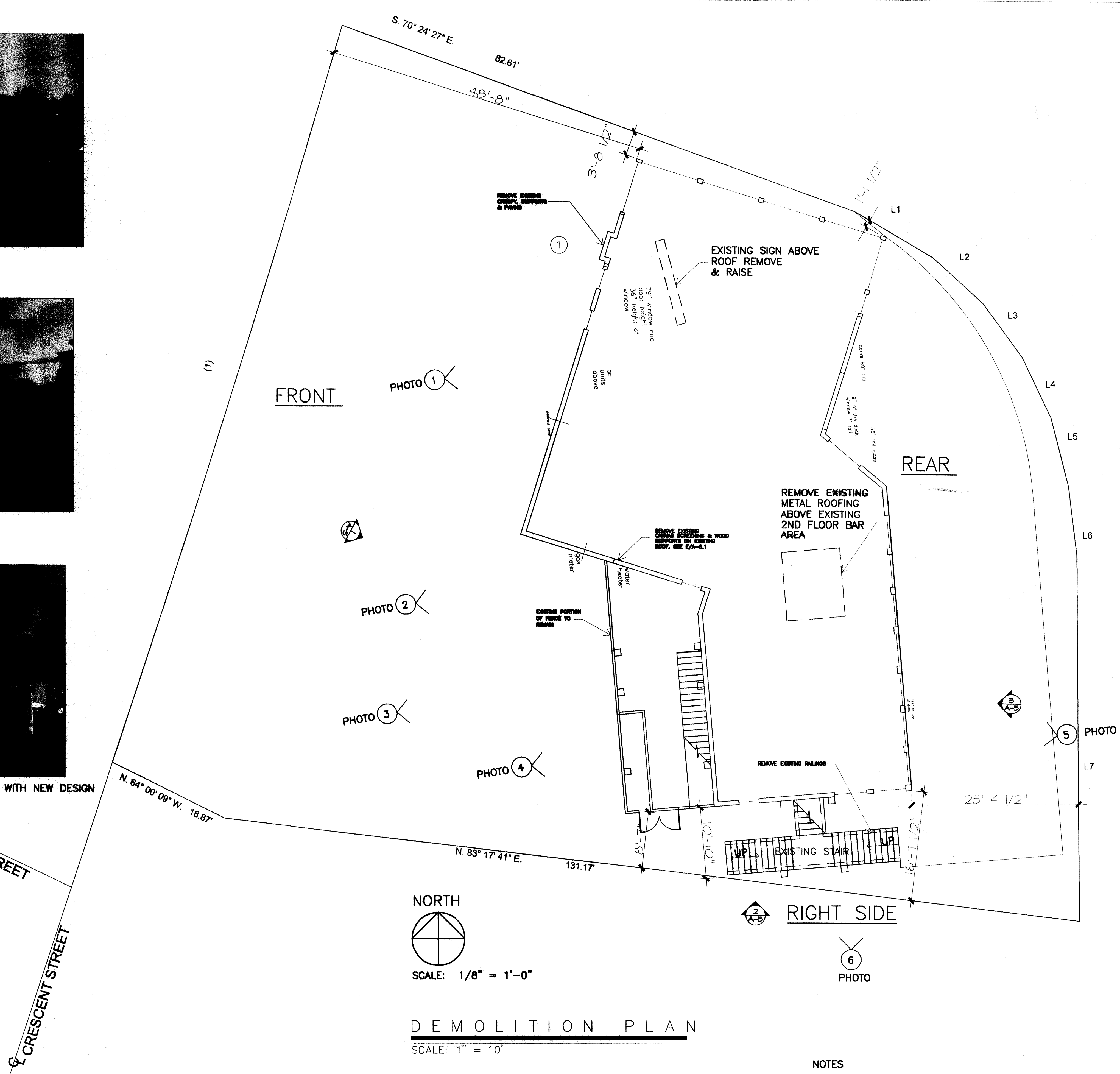
② LOCATE OVERHEAD POWER
UNDERGROUND— PATCH &
REPAIR AS NEEDED



④ REMOVE ROOF & REPLACE
WITH NEW DESIGN. PATCH
& REPAIR AS NEEDED



⑥ REMOVE EXISTING STAIR RAILING & REPLACE WITH NEW DESIGN



SCALE: 1/8" = 1'-0"

DEMOLITION PLAN

SCALE: 1" = 10'

NOTES

1. SEE 2ND FLOOR PLAN A-3.1 FOR
DEMOLITION OF EXISTING RAILING

M.K.P.D.
INC.

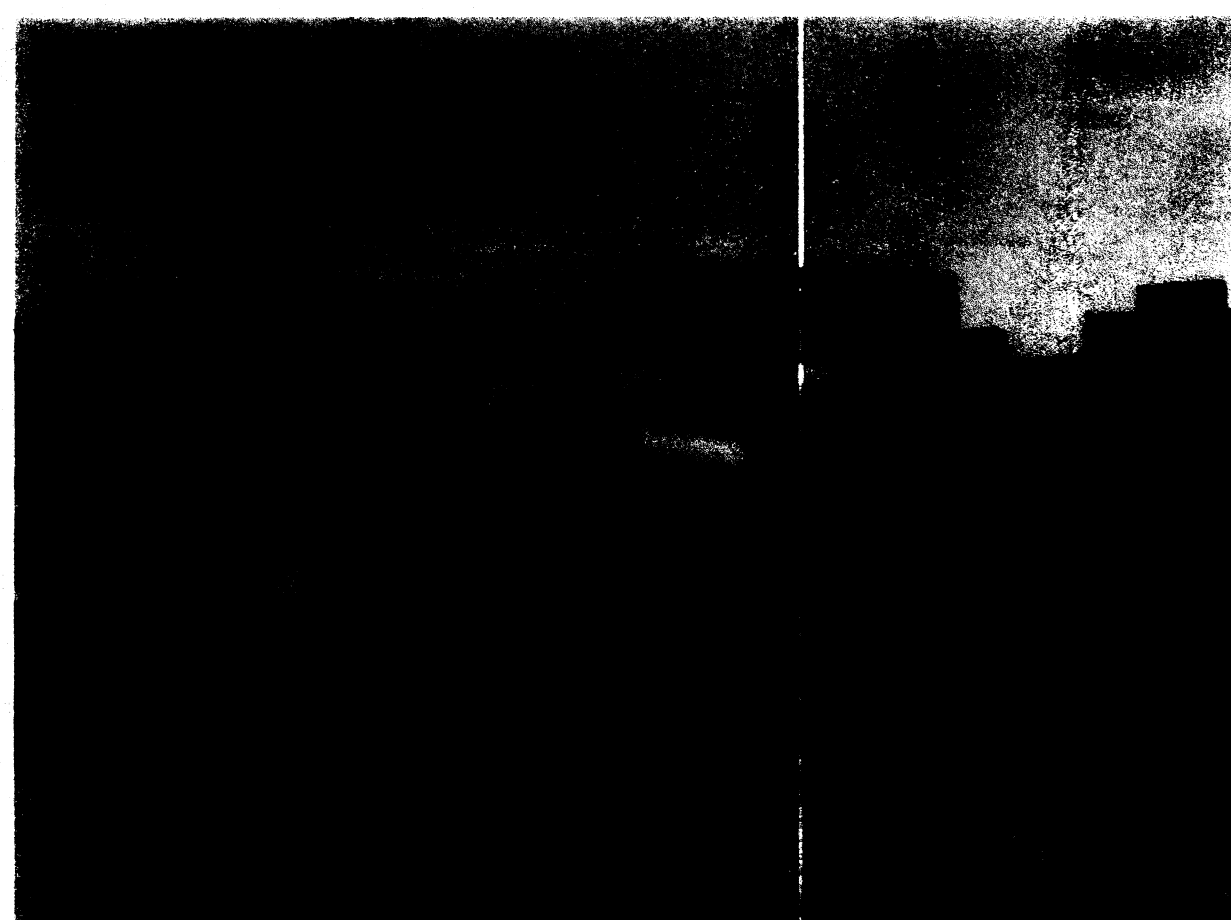
DEMOLITION PLAN

A	A	A
5	4	3

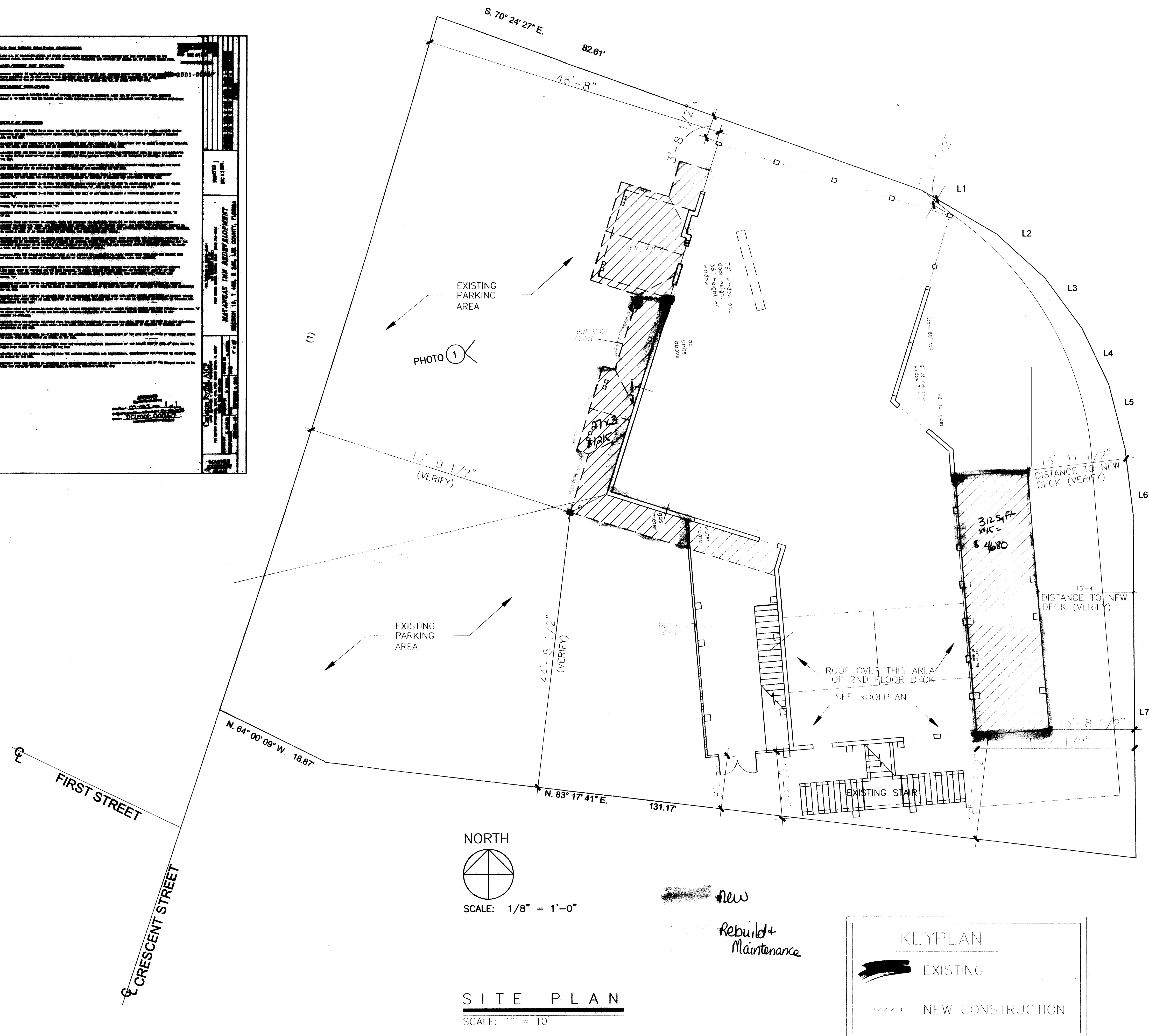
Project Name and Address
MATANZAS INN
REMODEL

Check by:
Drawn by:
Scale:
Project No.
Sheet Name:
DEMOLITION P
& PHOTOS
Sheet No.

A1



① CONTRACTOR TO RAISE SIGN
ABOVE NEW MANSAUD ROOF



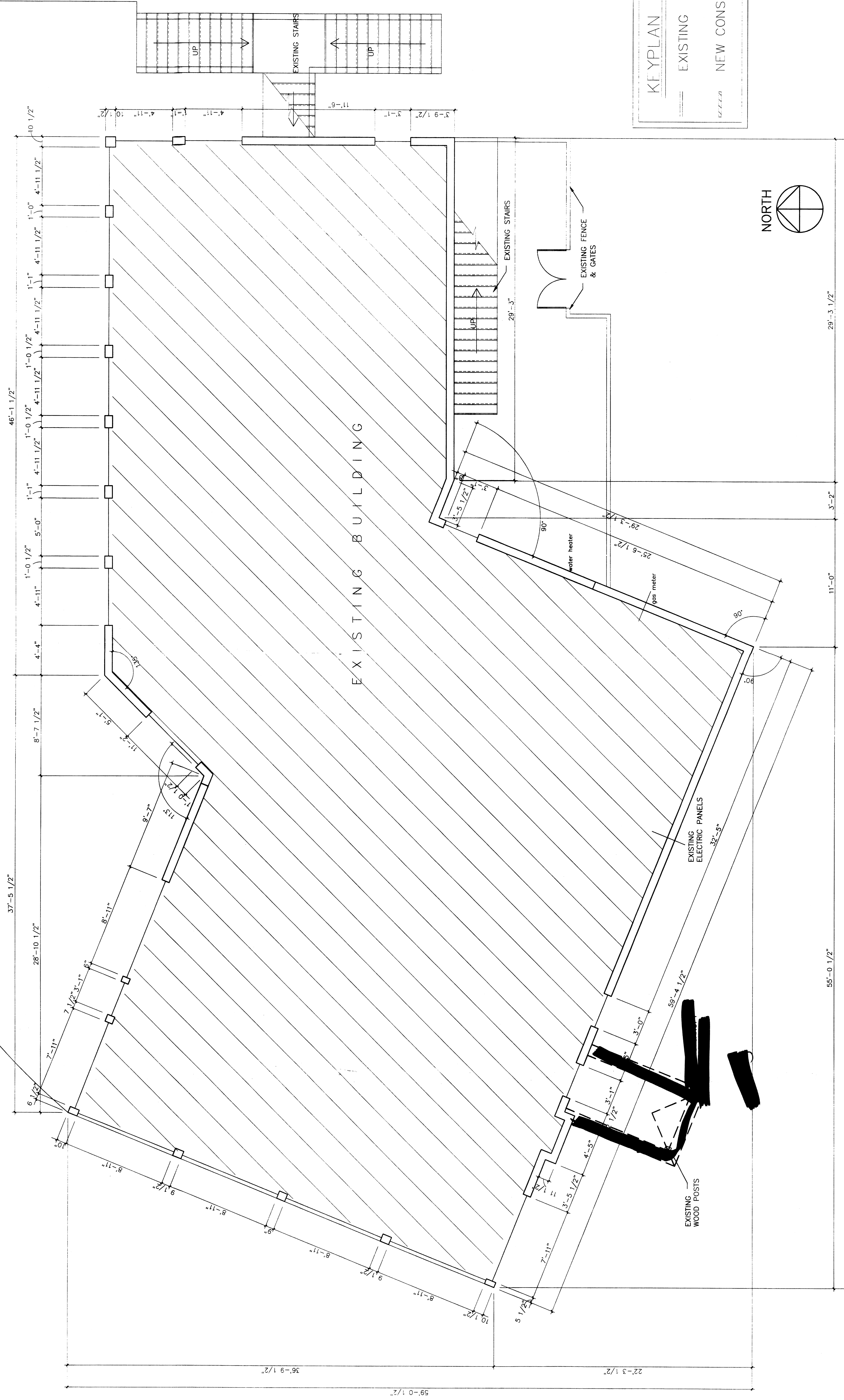
			A
5			A
4			A
3			A
2			A
PERMIT SET			A
	6/29/04		

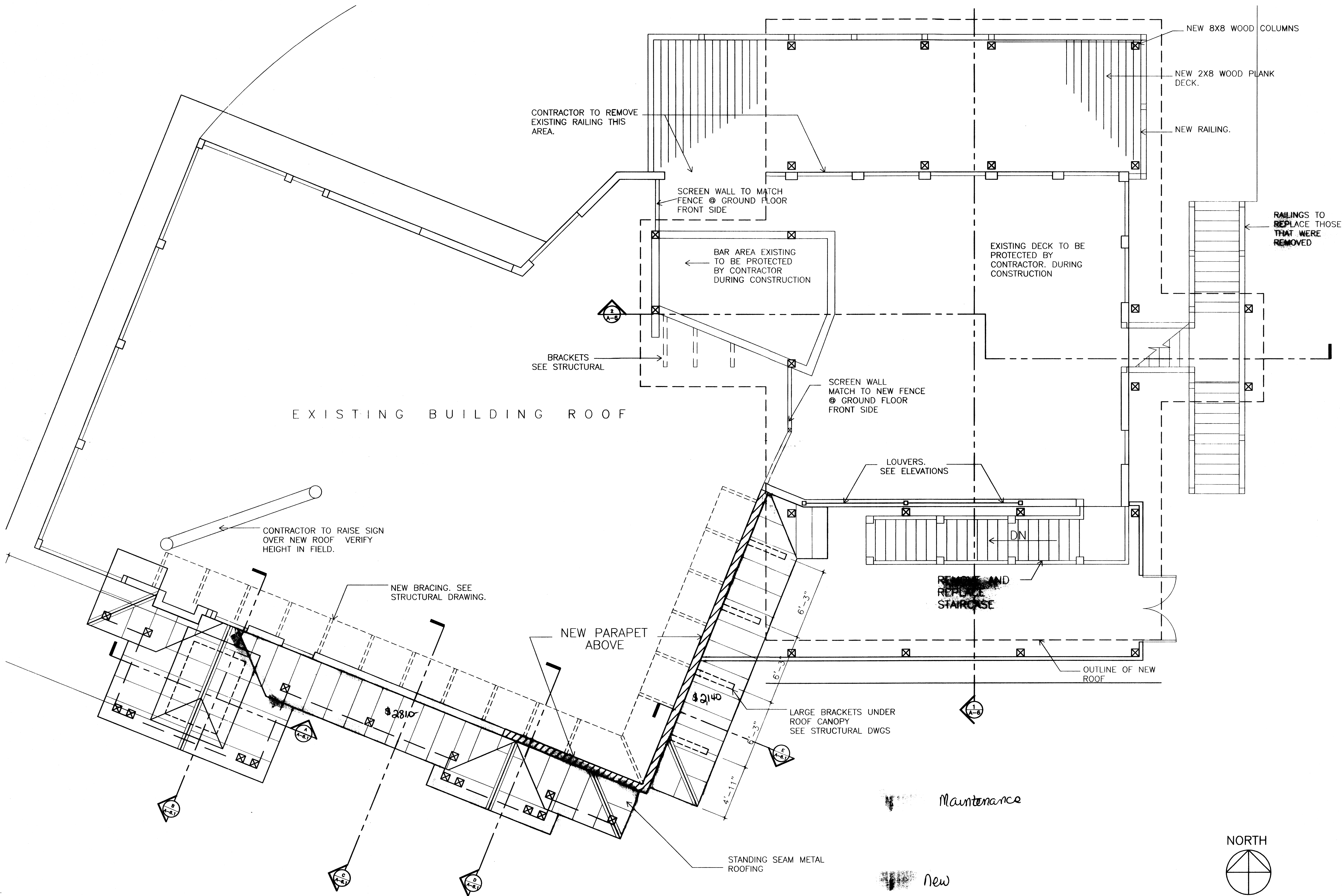
No.	Issue	Date	No.	Revision	By	Date
1	PROJECT SET	6/22/04	1			
2			2			
3			3			
4			4			
5			5			

KEY PLAN
EXISTING
NEW CONSTRUCTION

NORTH

EXISTING GROUND FLOOR PLAN
SCALE: 1/4"=1'





TO THE BEST OF MY KNOWLEDGE THESE PLANS
COMPLY WITH THE APPLICABLE MINIMUM BUILDING
CODES AND ORDINANCES AND I AM NOT PROVIDING
ANY GUARANTEE OR WARRANTY, EXPRESS OR
IMPLIED, FOR THE ACCURACY OR COMPLETENESS OF
THE INFORMATION CONTAINED HEREIN.

Project Name and Address

**MATANZAS INN
REMODEL**
416 CRESCENT STREET
FORT MYERS BEACH, FL
33931

Check by: JAM

Drawn by: C.W.J.

Scale: AS NOTED

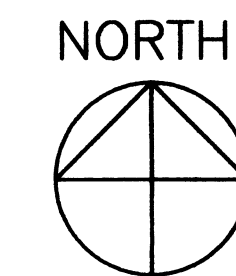
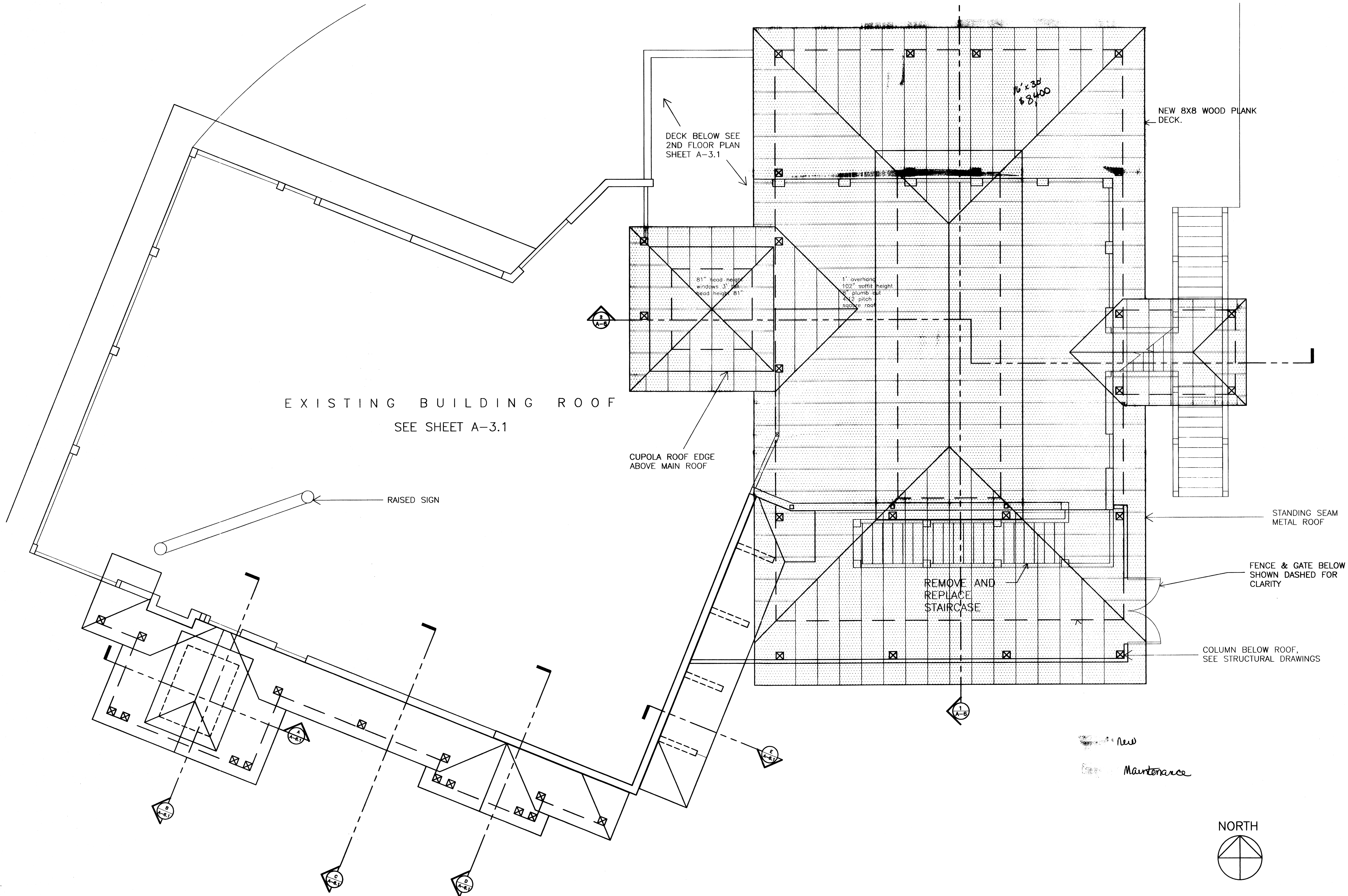
Project No: C3-0017

Sheet Name:
2ND FLOOR PLAN

Sheet No:
A-3.1

No.	Issue	Date	Revision	By	Date
5					
4					
3					
2	PERMIT SET	6/29/04			
1					

© MKPD, 2004



ROOF PLAN
SCALE: 1/4"=1'

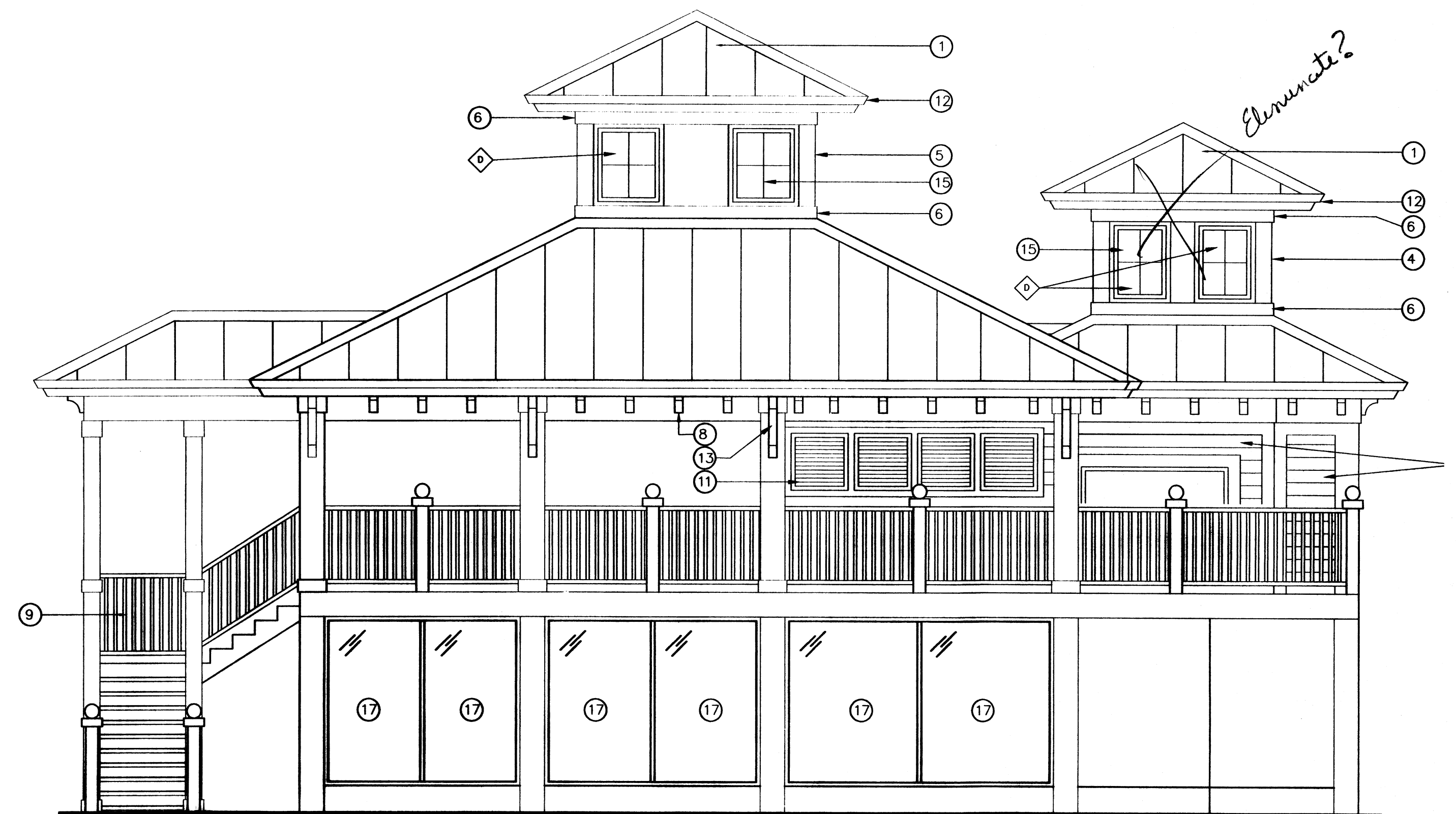
Project Name and Address	Revision	By	Date
MATANZAS INN REMODEL	1		
416 CRESCENT STREET	2		
FORT MYERS BEACH, FL	3		
33931	4		

Project Name and Address	Revision	By	Date
MATANZAS INN REMODEL	1		
416 CRESCENT STREET	2		
FORT MYERS BEACH, FL	3		
33931	4		

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MATANZAS INN REMODEL	1		
416 CRESCENT STREET	2		
FORT MYERS BEACH, FL	3		
33931	4		



SOUTH ELEVATION (RIGHT SIDE)



EAST ELEVATION (REAR)

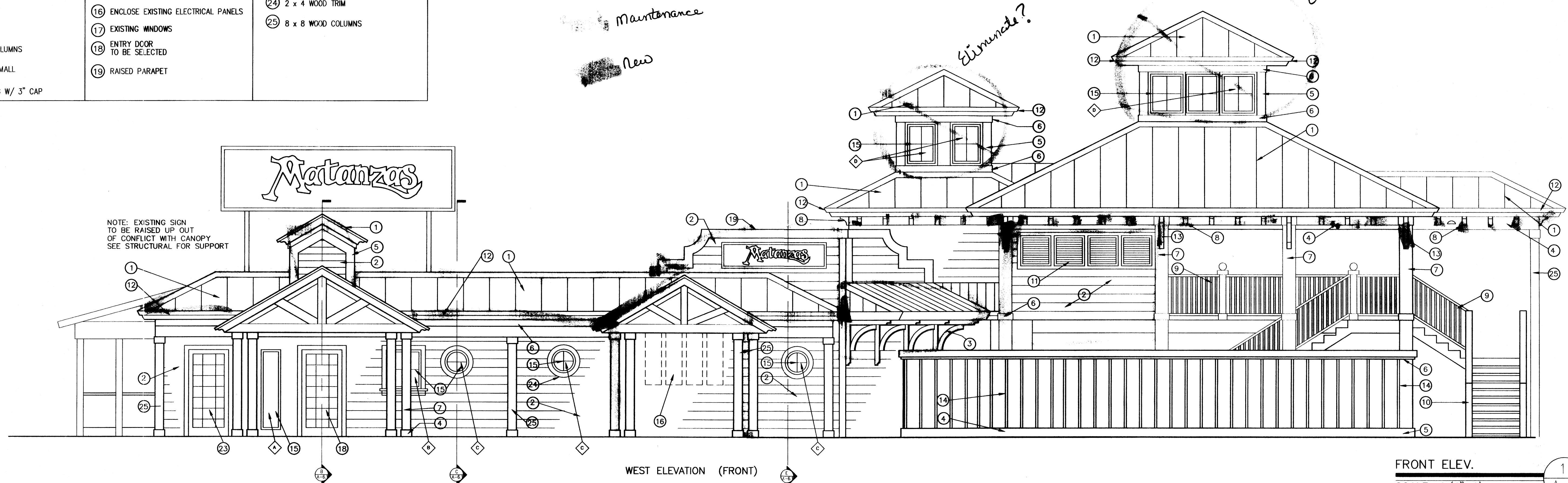
ELEVATION NOTES		
1 STANDING SEAM METAL ROOF	10 WOOD POST	20 FENCE & GATE
2 HARDEE BOARD	11 ALUMINUM SHUTTERS	21 EXTERIOR PLYWOOD INSTALLED VERTICALLY OVER EXISTING WOOD SIDING
3 WOOD BRACKET LARGE	12 WOOD FASCIA	22 3x WOOD CAP, SLOPE IN 1/2" FROM FRONT EDGE
4 2 x 12 WOOD TRIM	13 WOOD BRACKET MEDIUM	23 FALSE DOOR TO MATCH ADJACENT ENTRY DOOR. GLASS SHALL BE OPAQUE & BLACK
5 2 x 8 WOOD TRIM	14 1 x 2 P.T. STRIPS	24 2 x 4 WOOD TRIM
6 2 x 6 WOOD TRIM	15 WINDOWS (SEE WINDOW SCHEDULE)	25 8 x 8 WOOD COLUMNS
7 12 x 12 WOOD COLUMNS	16 ENCLOSE EXISTING ELECTRICAL PANELS	
8 WOOD BRACKET SMALL	17 EXISTING WINDOWS	
9 ALUMINUM RAILING W/ 3" CAP	18 ENTRY DOOR TO BE SELECTED	
	19 RAISED PARAPET	

RIGHT SIDE ELEV.
SCALE: 1/4"=1'

2
A-5

REAR ELEV.
SCALE: 1/4"=1'

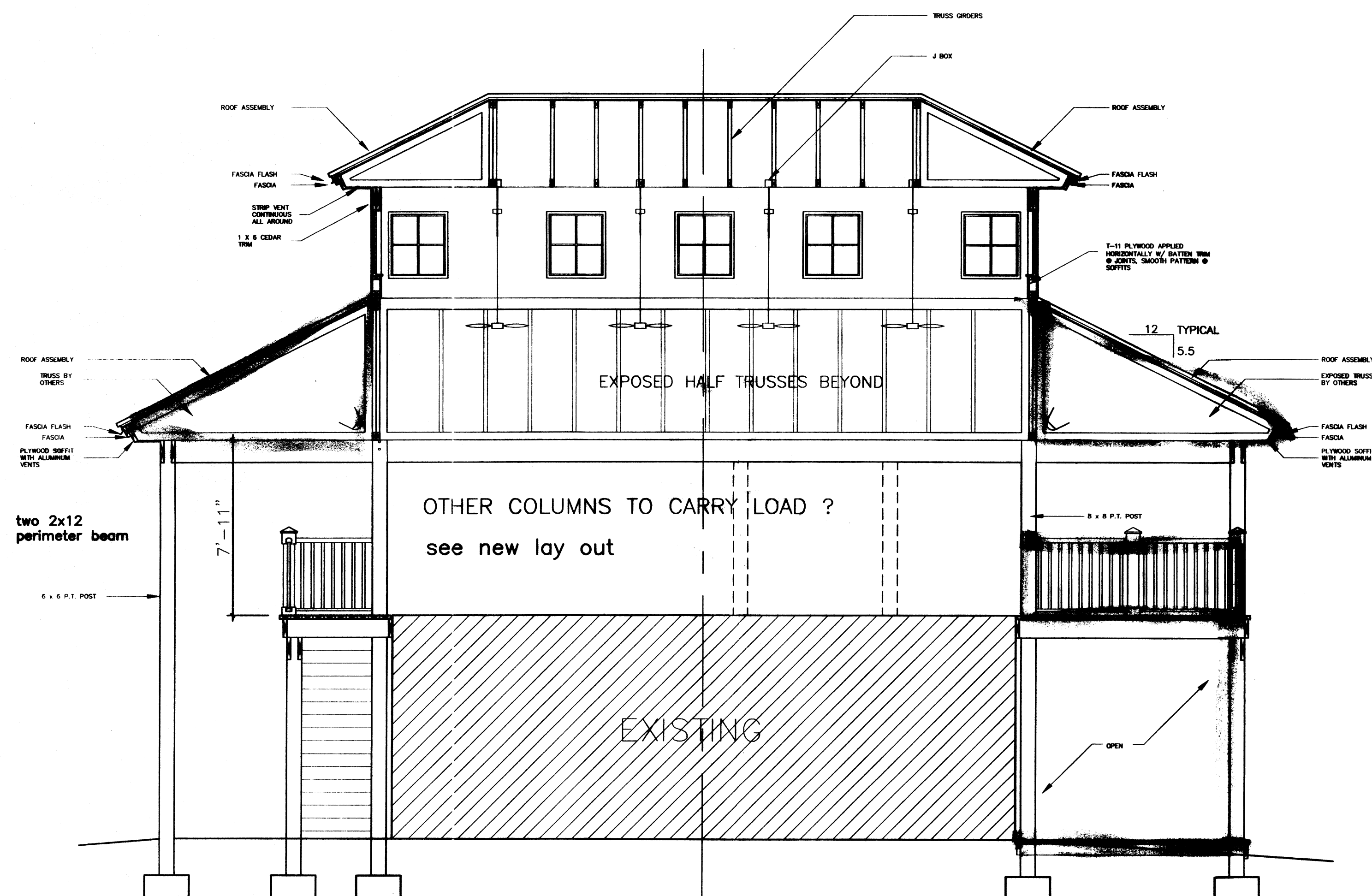
3
A-5



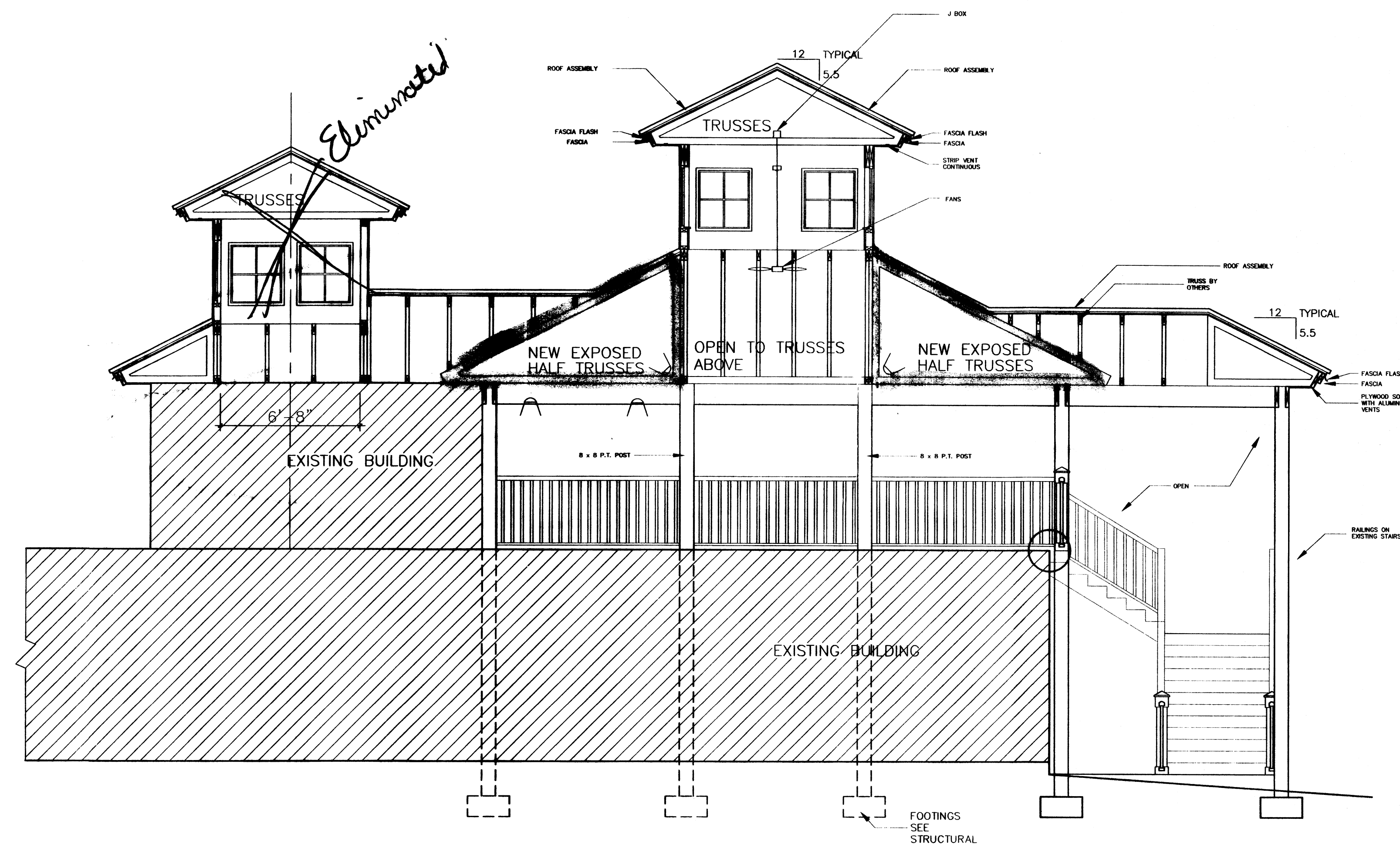
WEST ELEVATION (FRONT)

FRONT ELEV.
SCALE: 1/4"=1'

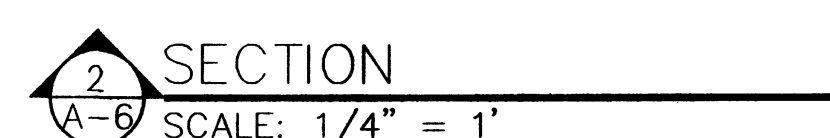
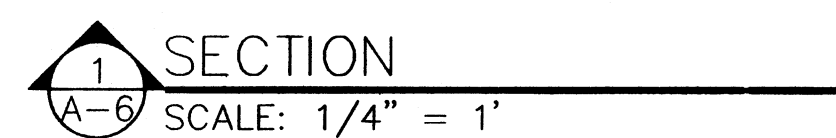
1
A-5



review: columns are at perimeter



review: columns are at perimeter



	5		A
	4		A
	3		A
	2		A
	1	PENALT SET	A
		6/29/04	

Home and Address

MATANZAS INN
REMODEL

416 CRESCENT STREET
FORT MYERS BEACH, FL
33931

Check by:	
Drawn by:	C.T.
Scale	AS NOTED
Project No.	C3-00
Sheet Name:	BUILDING SECTIONS

Sheet No. A-6

1. Requested Motion:

Meeting Date: January 11, 2021

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 6, 14, AND 34 OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE regarding Special Events, REVISING CHAPTER 22 OF THE FORT MYERS BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Town Council instructed staff to make edits to the proposed amendments. The garage sale permit section has been removed.

What the action accomplishes:

Approval of the Ordinance will amend Ch 6, 14, and 34 of the Land Development Code; along with Ch 22 of the Code of Ordinances.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance, 2nd Reading

4. Submitter of Information:

5. Background:

The Town Council has reviewed proposed language related to Special Events. Suggested edits to the Land Development Code were presented to the Local Planning Agency (LPA) and are focused on removing conflicting language from the LDC in order to develop a more consistent Code of Ordinances Ch 22 Special Events.

On December 1st, 2020, the LPA recommended approval (4-2) of the proposed edits to the Land Development Code Ch 6, 14, and 34, with the exception of the addition of Sec 34-3041 (b)(4) and (b)(5); and removal of Sec 34-3046 and Sec 34-3047. The dissenting members stated support for the proposed edits with the exception of the removal of Sec 34-3041 subsections.

The LPA also requested the Town Council consider alternative language to allow for flexibility in construction operations (Sec 34-3041 (b)(6)).

On December 7, 2020, the Town Council held the first reading of the Ordinance and instructed staff to remove the garage sale permit language from the Land Development Code edits. This edit has been incorporated into both the Ordinance and Summary.

Attachments:

1. 116888496_1_Ordinance No. 20-17 re Special Events - 2nd Reading_Final-C1
2. LDC and Code of Ord Special Event and Temp Use Changes Summary rev1-4-21

Financial Impact:

6. Alternative Action

7. Management Recommendations:

Approval

8. **Recommended Approval:**

Carl Bengé, Assistant Community Development Director
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/4/2021
Approved - 1/4/2021
Approved - 1/6/2021
Approved - 1/6/2021
Final Approval - 1/6/2021

ORDINANCE NO. 20-17

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 22 OF THE FORT MYERS BEACH CODE OF ORDINANCES ENTITLED “SPECIAL EVENTS”; AND AMENDING PROVISIONS OF CHAPTERS 6, 14, AND 34 OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, PERTAINING TO SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER’S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town Council desires to update the Chapters of the Town of Fort Myers Beach Code of Ordinances and Fort Myers Beach Land Development Code regulating special events to clarify, improve, simplify, and create consistency among sections of the Code of Ordinances and Land Development Code; and

WHEREAS, the Town also recognizes that both its economy and the quality of life of its residents are enriched by the proper regulation of special events and temporary uses; and

WHEREAS, on December 1, 2020 the Local Planning Agency, after giving consideration to the staff recommendation, public testimony, and consistency with the Comprehensive Plan, recommended approval of the proposed amendment ; and

WHEREAS, on December 7, 2020 the Town Council held a first reading of the proposed Ordinance; and.

WHEREAS, on January 11, 2020 the Town Council held a second reading of the proposed Ordinance; and.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:¹

Section 1. 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.

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Section 2. Chapter 22 of the Town of Fort Myers Beach Code of Ordinances entitled “Special Events” is hereby amended to read as follows:

Chapter 22 - Special Events

Sec. 22-1. - Definitions.

Political demonstration. A public gathering, procession or parade, the primary purpose of which is the exercise of the rights of assembly and free speech as guaranteed by the First Amendment to the Constitution of the United States.

Special event. ~~Any activity conducted on public or private property that will or has the potential to substantially affect the ordinary and customary use of beaches, public streets, rights-of-way, sidewalks, and other public forums, including any temporary activity conducted on private property that is not authorized by the certificate of use or certificate of occupancy issued for any business operating on the property where the activity is planned, or any temporary activity conducted on private property where the area of the activity coincides with parking spaces required for the operation of any business~~ An activity within the boundaries of the town of Fort Myers Beach which would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public or which deviates from the established use of said area of building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the city; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- (4) Any garage sale conducted in compliance with the requirements of this chapter.

Sec. 22-2. - Permit required.

No person or entity ~~can initiate, sponsor, organize, promote,~~ may conduct ~~or advertise~~ a special event unless a permit has been obtained from the town.

Sec. 22-3. - Exemptions from permit requirement.

The following do not require a special event permit:

- (1) Private events that will make no use of a public property other than for lawful parking.
- (2) Events conducted solely for the purpose of exercising a group's first amendment right of free speech and/or assembly. If an event has any commercial aspect, or is a political demonstration as defined in section 22-1, or requires the closure of roadways, sidewalks or the use of Town or County staff, then this exemption will not apply.

Sec. 22-4. - Fees.

All fees that relate to special events and special events permits will be as stated in the current Town of Fort Myers Beach Fee Schedule.

Sec. 22-5. - Permit fee exemption for special events conducted by the town.

The town is exempt from all permit fees relating to special events conducted by the town.

Sec. 22-6. – Types of events requiring a special event permit.

The following types of events will require a special event permit. Events, other than these specifically listed, may also require a special event permit.

- (1) Carnivals, Fairs, Festivals and Circuses;
- (2) Farmer's Markets and Flea Markets;
- (3) Art Shows;
- (4) Running, Walking or Bicycling Events;
- (5) Concerts;
- (6) Fireworks;
- (7) Parades;

- (8) Similar events requiring off-site parking, street or sidewalk closures, sound amplification or use of public property or Town staff.

Sec. 22-67. - General criteria and limitations.

The following general criteria and limitations apply to special event permits:

- (1) The activity proposed must be compatible with the surrounding land uses.
- (2) An individual applicant may not receive a special event permit more than six times within a calendar year, provided, however, that the town council may grant businesses or entities approval for a recurring event permit that is not subject to this limitation (see section 22-7) and provided further that the town council has the authority to permit an individual applicant to exceed the six event annual limitation in its discretion.
- (3) ~~For any special event that will include a temporary use regulated by LDC chapter 34 (see LDC sections 34-3041 through 34-3051) a temporary use permit may also be required.~~ For any special event that will take place all or in part upon the beach will be subject to all requirements contained in ~~LDC section 14-11~~ this chapter and any requirements of state or federal agencies relating to activities that take place on the beach.
- (4) For any special event where alcoholic beverages will be sold, the applicant ~~must~~ may need to obtain a temporary one-day permit as ~~prescribed~~ described in LDC section 34-1264, as applicable. Applicants must obtain any required permits from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.
- (5) The following types of special events must be approved by the town council:
 - a. Special events with a duration of four days or more where alcohol will be served;
 - b. Special events with an anticipated attendance of more than 500 people;

c. Recurring special events (see section 22-76);

d. Any special event that includes a waiver of the town's open container regulations (see Code chapter 4, article IV);

e. Special events held annually, once initially approved by town council, may be administratively approved by the town manager (i.e., without formal action by town council) for subsequent years, so long as they do not include a noise ordinance waiver request (~~see subsection (6)g~~) of this section, or a material change in the nature of the annual special event. Material changes include an anticipated increase in attendance of ten percent or more, an increase of the area of the special event of ten percent or more; changes or additions to the parking plan for the special event; or other changes as determined in the sole discretion of the town manager;

f. Special events for which a waiver of ~~parking or other town~~ fees is requested. If the waiver was previously approved by the town council in conjunction with approval of a recurring special event or annual event and special event is subject to administrative approval, then the related waiver may also be administratively approved; and

g. Special events for which a waiver of the ~~Fort Myers Beach Noise Ordinance~~ noise regulations is requested.

h. Special events, which require the closure of streets or sidewalks.

(6) Special events that occur on or near the beach or dune.

a. Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases, this is due to the type of activity where permit conditions alone cannot provide adequate protection. In other cases, the density of sea turtle nesting prevents certain activities from being conducted safely.

b. Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.

1. Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with §14-75 of the Fort Myers Beach Code of Ordinances.

2. Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.

3. Based upon the information contained in the application and the site inspection, the application shall be approved or denied.

4. Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:

i. During the sea turtle season (May 1 through October 31), special

event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.

ii. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.

iii. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the

individual responsible for the nest survey to verify any questionable areas.

5. A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.

6. The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.

Sec. 22-78. - Recurring special events.

To qualify as a recurring event, the event must be the same type of event and must be held in the same location. Examples of a recurring event include, but are not limited to, farmers' markets, "sunset celebrations," and music or art themed events. Recurring special events are subject to the following requirements:

- (1) Each event must be held at the same location at the same time of day.
- (2) All dates for the recurring event must be listed on the original application.
- (3) Each individual event must be of the same genre with similar anticipated attendance.
- (4) A recurring special event may not occur more often than weekly over a period of one year based upon a single application.

Sec. 22-89. - Application requirements.

- (a) Any person or entity seeking issuance of a special event permit must file a written application with the town manager on forms provided by the town.
- (b) If any town council actions are required in connection with a planned special event, the application for the permit must be filed at least 60 days prior to the date of the planned event.

(c) Applications for special event permits that do not require town council action must be filed at least 15 days prior to date of the planned event.

(d) Incomplete applications will not be processed for approval.

(e) Applications received less than the specified days before the date of the planned event, may be accepted at the discretion of the town manager. If the late application is accepted, the town manager has the discretion to impose additional permit fees, as per the Town of Fort Myers Beach Fee Schedule, to facilitate timely review and approval.

(f) A complete permit application must include, but may not be limited to, the following:

(1) The name of the special event and its purpose in general terms.

(2) The name(s) of the person(s) or organization(s) sponsoring the special event, together with the addresses and telephone numbers of all such persons or organizations.

(3) The proposed date or dates of the special event.

(4) The expected number of persons who will attend the event.

a. Events with an anticipated attendance exceeding 500 people requires approval by the Town Council.

(5) The specific location(s) within the town where the special event is to be held. The applicant must submit a general site plan that identifies the area(s) of the property used for the event activities, any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with the special event activity. A parking plan must be included as part of the special event permit application. The location of any parking and accessory structures may not obstruct traffic or violate any applicable town, county or state laws.

(6) In instances where a proposed special event will be held within 500 feet of residential property and will include any amplified sound, the applicant shall provide notice to

such owners and advise them of the nature of the event and the dates and times when the event will be held. The 500 feet shall be measured from the perimeter of the site where the event will take place and for condominium properties, a single written notification to the condominium association will be sufficient. The notification shall advise the owner of their right to submit a letter of objection to the town manager, and shall include the date by which any such letter of objection must be submitted.

(7) Whether any street closings are requested and, if so, which streets and the times when they will be closed.

a. A request to close any streets requires approval by the Town Council.

(8) Whether any alcoholic beverages will be sold or served. If alcoholic beverages will be sold the applicant must obtain all necessary permits as described in section 22-67.

a. A request to waive the Town's open container regulations requires approval by the Town Council.

b. Any event four days or longer and where alcohol will be served requires approval by the Town Council.

(9) If any entertainment will be included, details as to the type of entertainment, times and location must be provided.

(10) Whether utility services such as electrical power or water will be required.

~~(11) Whether the applicant is requesting have a banner hung in association with the event, see section 22-15. A proof of the proposed banner is required~~ All proposed signage shall be in compliance with Chapter 30 Signs of the Land Development Code. The applicant shall provide application for signs or shall propose signs exempt from the ordinance per LDC Sec 30-6.

(12) Proof indicating approval of the event from all applicable outside state and local agencies.

(13) In instances when the sound emanating from a proposed special event is anticipated to exceed the limits

established in ~~Code~~ Section 14-23 of the Fort Myers Beach Code of Ordinances, the applicant must provide proof of application for a waiver for relief from the maximum allowable noise levels in accordance with section 14-25 of the Fort Myers Beach Code of Ordinances. As part of the waiver application process, the applicant is required to provide notice to all property owners within 500 feet of the location of the proposed special event, advising them of the nature of the event and the dates and times when the event will be held. The 500 feet is measured from the perimeter of the site where the special event will take place; and for condominium properties, a single written notification to the condominium association is sufficient.

a. A request to waive the noise regulations requires approval by the Town Council.

~~(14) Proof of application for approval of any temporary use permits required in conjunction with the special event, see sections 34-3041—34-3051 of the Fort Myers Beach Land Development Code.~~

~~(15)~~ An affidavit, signed by the applicant, that all the information provided in the application is a complete and accurate description of the proposed event and that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.

~~(16) An affidavit, signed by the applicant, that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.~~

~~(17)~~ The town manager has the authority to require any reasonable additional information from the applicant that the town manager deems necessary.

Sec. 22-~~9~~10. - Review of application.

Upon receipt of an application that contains all of the items listed in section 22-~~8~~9 and required application fees, the town manager will forward copies of the application to all affected town departments for their review.

(1) If the special event permit can be approved by the town manager administratively, the town manager will grant or deny an application for a special event permit within ten days of receipt of a complete application.

(2) Special event permits requiring town council action will be scheduled for consideration at the next regularly scheduled town council meeting.

(3) The town manager and town council have the right to place conditions on a special event permit to mitigate any anticipated adverse effects on nearby properties.

Sec. 22-1011. - Grounds for denial.

(a) The town manager or town council may deny an application for a special event permit if the applicant, or the person on whose behalf the application for a permit was made, has on a prior occasion made a material misrepresentation regarding the nature or scope of an event or activity previously permitted by a special event permit, or, who has previously violated the terms of a prior special event permit, issued to or on behalf of the applicant. An application for a special event permit may also be denied for any of the following reasons:

(1) The application for a special event permit (including any required attachments and submissions) is not fully completed and properly executed;

(2) The applicant has not tendered the required application fee, if any, with the application or has not tendered any other required fees, indemnification agreement, insurance certificate, or security deposit, if any, within the times prescribed by the town manager;

(3) The application contains a material falsehood or misrepresentation;

(4) The applicant or the person on whose behalf the application for the special event permit has been made has on prior occasions damaged town property and has not paid in full for such damage, or has other outstanding and unpaid debts to the town;

(5) A fully executed prior application for a special event permit for the same time and place has been received, and a

special event permit has or will be granted to the prior applicant, authorizing uses or activities which do not reasonably permit multiple occupancy of the area where the event is proposed to be held;

(6) The use or activity intended by the applicant will conflict with previously planned programs organized or conducted by a governmental agency and previously scheduled for the same time and place;

(7) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the public;

(8) The applicant has not complied or cannot comply with applicable licensure requirements, laws, ordinances or regulation of the state, the county or the town concerning the sale or offering for sale of any goods or services; or

(9) The use or activity intended by the applicant is prohibited by state or federal law or by ordinances or regulations of the county or the town.

(b) If the special event application is denied, the applicant is not be entitled to receive any reimbursement from the town for any costs incurred during the application process, including the application fee.

Sec. 22-~~11~~12. - Notification of denial and right of appeal.

(a) Any applicant who is denied a special event permit by the town manager will be notified in writing. Said notification will state the reasons for the denial and the right of appeal to the town council, and will be sent by registered mail to the applicant.

(b) The applicant will have ten days from receipt of the written notification of permit denial to request an appeal hearing before the town council. If the appeal cannot be heard by the town council prior to the date when the event is scheduled to be held, the filing of an appeal will not entitle the applicant to conduct the event on that date but, if the appeal is successful, the applicant may hold the event on a rescheduled date that is after the town council meeting at which the appeal was heard.

(c) An appeal of the decision of the town council may be made to the circuit court by filing a petition for writ of certiorari as

provided for under the Florida Rules of Appellate Procedure. A decision of the town council will be deemed to have been rendered on the date the town council votes to either grant or deny the appeal.

Sec. 22-~~12~~13. - Litter.

(a) Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. Events that span more than a 24-hour period are responsible for removing all garbage and litter at the end of each day.

(b) In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit (~~see section 22-14~~).

Sec. 22-~~13~~14. - Security for unpaid expenses.

The town manager may require the posting of a security deposit, or other form of security acceptable to the town, to ensure that any unpaid expenses or damages incurred as a result of the event are satisfied.

Sec. 22-~~14~~15. - Indemnification and liability insurance.

(a) Prior to the issuance of the special event permit, the applicant is required to execute an indemnification and hold harmless agreement in a form acceptable to the town attorney.

(b) Prior to the issuance of the special event permit, the applicant is required to obtain, at its sole expense, public liability insurance, with minimum limits as required by the town, that includes coverage for any town property utilized and naming the town as an additional insured.

~~Sec. 22-15. - Signage.~~

~~(a) All signage relating to special events must comply with LDC chapter 30.~~

~~(b) Banners across Town of Fort Myers Beach rights-of-way. Special event permit applicants may request to hang a banner advertising the special event across the Town of Fort Myers Beach right-of-way at the base of the Sky Bridge. All banners must be~~

~~approved by town manager. Banners may not contain any commercial information for the purpose of advertising anything other than the special event. Banners will not be approved until approval has been obtained for the associated special event. Banners are hung on a on a first come first served basis. Banners may hang for a period of two weeks prior to the event; provided, however, that the town manager may permit a banner to be hung for a period of up to four weeks if availability allows. All banners must have grommets that are no less than two feet apart on the top and bottom. Banners can be no larger than 16 feet in width and three feet high.~~

~~(c) For any special event where a requested road closure has the potential to affect a sizeable segment of the community, notice of such closure must be provided to the public at least five days prior to event if variable message signs are utilized or 14 days prior to an event if static signs are utilized. Type and placement of signs will be determined by public works director. The applicant is responsible for any fees associated with the static signs or variable message boards.~~

Sec. 22-16. - Revocation.

The town manager has the authority to revoke a special event permit issued pursuant to this chapter upon violation of any of the requirements contained in the permit or in this Code or the LDC.

Section 3. Section 6-366 of Chapter 6 of the Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 6-366. - Location of construction near beaches.

(a) Except for beach renourishment and for minor structures such as lifeguard support stands and beach access ramps, all construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 coastal construction control line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 coastal construction control line is depicted on the Future Land Use Map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district.

(b) Occasional minor structures are permitted by right in the EC zoning district if they are placed on private property and do not alter

the natural landscape or obstruct pedestrian traffic (examples are mono-post shade structures, movable picnic tables, beach volleyball courts, and similar recreational equipment, see § 34-652 of this LDC). Artificial lighting and signs may not be installed in the EC zoning district unless approved by special exception or as a deviation in the planned development rezoning process or unless explicitly permitted by §§ 14-5 or 27-51 of this LDC.

(1) Other provisions of this code provide for certain other minor structures in the EC zoning district:

a. Perpendicular dune walkovers are permitted by right in accordance with § 10-415(b) and subsection (d), below.

b. Some temporary structures such as tents may be permitted through a ~~temporary use permit~~ for special events ~~permit held on the beach~~, in accordance with ~~§ 14-11 of this LDC Ch. 22 of the Code~~.

c. Licensed beach vendors may place rental equipment and/or a temporary movable structure in accordance with § 14-5, Ch. 27, and § 34-3151 of this code.

Section 4. Section 14-11 of Chapter 14 of the Town of Fort Myers Beach Land Development Code is hereby repealed:

~~Sec. 14-11. Special events on the beach.~~

~~(a) Special events on the beach are any social, commercial, or fraternal gathering for the purpose of being entertained, instructed, viewing a competition, or any other reason that would bring them together in one location that normally would not include such a concentration of people on or near the beach.~~

~~(b) Special events on the beach are temporary, short-term activities, which may include the construction of temporary structures; temporary excavation, operation, transportation, or storage of equipment or materials; and/or nighttime lighting that is visible seaward of the coastal construction control line (CCCL). Generally, activities within this category include, but are not limited to: sporting events (e.g., volleyball, personal watercraft races, offshore powerboat races), festivals, competitions, organized parties (e.g., weddings), promotional activities, concerts, film events, balloon releases, and gatherings under tents.~~

~~(c) Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases this is due to the type of activity where permit conditions alone cannot provide adequate protection. In other cases the density of sea turtle nesting prevents certain activities from being conducted safely.~~

~~(d) Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.~~

~~(1) Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with § 14-75.~~

~~(2) Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.~~

~~(3) Based upon the information contained in the application and the site inspection, the application shall be approved or denied. approve or deny the application.~~

~~(4) Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:~~

~~a. During the sea turtle season (May 1 through October 31), special event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion~~

~~of daily monitoring for turtle nesting activity by a FWC authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.~~

~~b. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.~~

~~c. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the individual responsible for the nest survey to verify any questionable areas.~~

~~(5) A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.~~

~~(6) The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.~~

Section 5. Section 34-2 of Chapter 34 of the Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-2. - Definitions

Garage sale or *yard sale* mean an informal sale of used household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises, or conducted by several people on one of the sellers' own premises. ~~Garage and yard sales are limited to not more than one week in duration, with sales limited to two garage or yard sales per year.~~ See *Residential accessory use*.

Use, temporary means a use or activity ~~which~~ that is permitted only for a limited time, which will not inhibit the usual flow of pedestrian or vehicular travel on public rights-of-way, subject to specific regulations and permitting procedures. See article IV, division 37 of this chapter.

Section 6. Section 34-2441 of Chapter 34 of the Town of Fort Myers Beach Land Development Code is hereby repealed:

Sec. 34-2441. – Special events defined.

~~A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location. Specifically excluded from this definition are any gatherings formed and/or sponsored by any recognized religion or religious society. Sec. 34-2442. – Permits for special events.~~

~~(a) The Town of Fort Myers has established a permitting process for special events through Ordinances Nos. 98-01 and 00-16 and any future amendments.~~

~~(b) No person, corporation, partnership, or other entity shall advertise or sell or furnish tickets for a special event within the boundaries of the town, and no such event shall be conducted or maintained, unless and until that person or entity has obtained a permit from the town to conduct such event.~~

~~(c) Special events on the beach shall also comply with § 14-11 of this code.~~

Section 7. Section 34-3041 of Chapter 34 of the Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-3041. - Generally.

(a) *Purpose.* The purpose of this subdivision is to specify regulations applicable to certain temporary uses which, because of their impact on surrounding land uses, require a temporary use permit.

(b) *Permit required.* No temporary use shall be established until a temporary use permit has been obtained from the director in accordance with the requirements of ~~§ 34-3050~~ this chapter. ~~Some temporary uses may qualify as special events that are regulated by Ordinance No. 98-01 as amended, or may qualify as special events on or near the beach, which are further regulated by § 14-11 of this code. Ch. 22.~~ A temporary use permit must be obtained for the following uses in compliance with these requirements:

(1) Christmas tree sales lots for up to 45 days prior to the holiday;

(2) Holiday, seasonal or annual sales lots for up to 30 days;

(3) Temporary promotional activities involving the sale and promotion of goods and services available at a business on the premises, subject to the following:

a. Activities that obstruct private parking or are held on the adjacent public sidewalk may be held for up to three consecutive days up to three times per calendar year.

b. Activities that do not obstruct parking and are held on private property may be held for up to ten consecutive days up to three times per calendar year.

c. Outdoor display of merchandise, not associated with a temporary promotional activity shall be in compliance with LDC Sec 34-678 Outdoor display and sales of merchandise and food.

~~(4) — Garage sales or yard sales, with a maximum of two permits per parcel per year for a maximum of three consecutive days. Garage sale permits will be free of charge.~~

(5) Construction projects which require storage, parking areas, construction trailers, site screening and/or any other temporary activities during construction of the project and which terminate upon completion of the project.

(6) Temporary wireless communications facilities, as are necessary to meet demand, for up to six (6) months.

(7) One-day permits for consumption of alcohol on-premises associated with a temporary event.

(8) Other similar uses of a temporary nature.

(c) *Lighting.* No permanent or temporary lighting shall be installed without an electrical permit and inspection.

(d) *Time limit.*

(1) All temporary uses shall be confined to the dates specified by the director, on the temporary use permit; provided, however, that:

a. ~~Except as provided for seasonal parking lots in §§ 34-2022 of this chapter and for other uses where specifically provided in §§ 34-3043 through 34-3048 of this chapter, the director may not authorize a temporary use for more than 30 days; and If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use must be abated within 30 days from the date of issuance.~~

b. ~~If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use must be abated within 30 days from the date of issuance.~~

(2) A temporary use permit may not be renewed or reissued to the same applicant or on the same premises for a similar use more than three (3) times per year. ~~for a period of six months from the date of expiration of the previous temporary use permit.~~

(e) *Hours of operation.* Hours of operation shall be confined to those specified in the permit.

(f) *Cleanup.* The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within 48 hours after termination of the use. A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 or a signed contract with a disposal firm may be required as a part of the application for a temporary use permit to ensure that the premises will be cleared of all debris during and after the event.

(g) ~~*Traffic control.* Traffic control as may be required by the county sheriff's department and the county department of transportation shall be arranged and paid for by the applicant.~~ *Signs.* A sign permit may be required for any proposed signs.

(h) ~~*Damage to public right-of-way.* A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 may be required to ensure the repair of any damage resulting to any public right-of-way as a result of the event.~~ *In lieu of.* Any proposed use, which exceeds the criteria or regulations of this code subdivision, may apply for a Special Event permit.

Section 8. Sections 34-3042, 34-3043, 34-3044, 34-3045, 34-3046, 34-3047, 34-3048, and 34-3055 of Chapter 34 of the Town of Fort Myers Beach Land Development Code are hereby repealed:

~~Sec. 34-3042. -- Carnivals, fairs, circuses and amusement devices.~~

(a) ~~Location of amusement devices and other structures. Refer to §§ 34-2142(a) and (b) above, for setback requirements.~~

(b) ~~Off-street parking. Refer to § 34-2020(d)(3)g. of this chapter for off-street parking requirements.~~

(c) ~~Hours of operation. The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., unless otherwise extended by the director in writing.~~

(d) ~~Special event permit. In addition to a temporary use permit, a carnival, fair, circus, or amusement device, or other event may be subject to the provisions of the town's Special Events Ordinance No. 98-01, as amended (see also division 34 of this article). Ch. 22.~~

~~Sec. 34-3043. -- Christmas tree sales.~~

(a) ~~Christmas tree sales may be permitted in any commercial district, provided that:~~

(1) No parking lot required for another use shall be used for display of trees; and

(2) Temporary off-street parking for at least five vehicles shall be provided utilizing an existing or approved parking lot entrance or driveway.

(b) The maximum length of time for display and open lot sales shall be 45 days.

~~Sec. 34-3044. -- Temporary contractor's office and equipment storage shed.~~

~~A contractor's office or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active building permit or development order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within 30 days of the date of final inspection for the project.~~

~~Sec. 34-3045. -- Alcoholic beverages.~~

~~Temporary one-day permits for the service of alcoholic beverages may be permitted in accordance with § 34-1264(d) of this chapter.~~

~~Sec. 34-3046. -- Temporary use of mobile home.~~

(a) ~~Rehabilitation or construction of residence following disaster.~~

(1) ~~When fire or disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.~~

(2) ~~The maximum duration of the use shall be 18 months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(b) Rehabilitation or construction of damaged business or commercial uses following disaster.~~

~~(1) Business or commercial uses damaged by a major or catastrophic disaster that are necessary for the public health and safety or that will aid in restoring the community's economic base may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure(s) is rebuilt or replaced according to applicable development or redevelopment regulations.~~

~~(2) The maximum duration of the temporary use is nine months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(c) Conditions for use.~~

~~(1) Required water and sanitary facilities must be provided.~~

~~(2) The mobile home or recreational vehicle shall be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, or commercial use, or upon expiration of the temporary use permit, whichever occurs first.~~

~~Sec. 34-3047. -- Temporary telephone distribution equipment.~~

~~Telephone distribution equipment may be granted a temporary use permit during planning and construction of permanent facilities, provided that:~~

~~(1) The equipment is less than six feet in height and 300 cubic feet in volume; and~~

~~(2) The maximum length of the use shall be six months, but the director may extend the permit once for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company.~~

~~Application for an extension shall be made at least 15 days prior to expiration of the original permit.~~

~~Sec. 34-3048. -- Ancillary temporary uses in parking lots.~~

~~(a) The following ancillary temporary uses may be permitted in parking lots upon application and issuance of a temporary use permit (see § 34-3050 of this chapter):~~

- ~~(1) Seasonal promotions.~~
- ~~(2) Sidewalk or parking lot sales.~~
- ~~(3) Fairs and carnivals (see § 34-3042 of this chapter).~~
- ~~(4) Tent sales.~~
- ~~(5) Flea markets by nonprofit organizations.~~
- ~~(6) Welcome stations in accordance with § 34-3051 of this chapter.~~

~~(b) In approving a temporary use permit, the director shall require that the area of the lot to be used is clearly defined and that the use will not obstruct pedestrian and vehicular movements to portions of the lot not so used.~~

~~Sec. 34-3055. -- Special events.~~

~~(a) A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location.~~

~~(b) See division 34 of this chapter for a summary of permitting rules for special events.~~

Section 9. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, 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 10. Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 11. 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 12. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember _____ and seconded by _____ and upon being put to a roll call vote, the result was as follows:

Raymond P. Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Council Member	_____
Jim Atterholt, Council Member	_____
Bill Veach, Council Member	_____

ADOPTED this ____ day of _____, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

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 SOLELY:**

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of _____, 2021.

Land Development Code Amendments

Sec. 6-366. - Location of construction near beaches.

- (a) Except for beach renourishment and for minor structures such as lifeguard support stands and beach access ramps, all construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 coastal construction control line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 coastal construction control line is depicted on the Future Land Use Map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district.
- (b) Occasional minor structures are permitted by right in the EC zoning district if they are placed on private property and do not alter the natural landscape or obstruct pedestrian traffic (examples are mono-post shade structures, movable picnic tables, beach volleyball courts, and similar recreational equipment, see § 34-652 of this LDC). Artificial lighting and signs may not be installed in the EC zoning district unless approved by special exception or as a deviation in the planned development rezoning process or unless explicitly permitted by §§ 14-5 or 27-51 of this LDC.
 - (1) Other provisions of this code provide for certain other minor structures in the EC zoning district:
 - a. Perpendicular dune walkovers are permitted by right in accordance with § 10-415(b) and subsection (d), below.
 - b. Some temporary structures such as tents may be permitted through a ~~temporary use permit~~ for special events permit held on the beach, in accordance with ~~§ 14-11 of this LDC~~ Ch. 22.
- c. Licensed beach vendors may place rental equipment and/or a temporary movable structure in accordance with § 14-5, ch. 27, and § 34-3151 of this code.

Explanation- We are consolidating all info regarding special events into one place.

~~Sec. 14-11. - Special events on the beach.~~

- ~~(a) Special events on the beach are any social, commercial, or fraternal gathering for the purpose of being entertained, instructed, viewing a competition, or any other reason that would bring them together in one location that normally would not include such a concentration of people on or near the beach.~~
- ~~(b) Special events on the beach are temporary, short-term activities, which may include the construction of temporary structures; temporary excavation, operation, transportation, or storage of equipment or materials; and/or nighttime lighting that is visible seaward of the coastal construction control line (CCCL). Generally, activities within this category include, but are not limited to: sporting events (e.g., volleyball, personal watercraft races, offshore powerboat races), festivals, competitions, organized parties (e.g., weddings), promotional activities, concerts, film events, balloon releases, and gatherings under tents.~~
- ~~(c) Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases this is due to the type of activity where permit conditions alone~~

~~cannot provide adequate protection. In other cases the density of sea turtle nesting prevents certain activities from being conducted safely.~~

- ~~(d) Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.~~
 - ~~(1) Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with § 14-75.~~
 - ~~(2) Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.~~
 - ~~(3) Based upon the information contained in the application and the site inspection, the application shall be approved or denied. approve or deny the application.~~
 - ~~(4) Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:
 - ~~a. During the sea turtle season (May 1 through October 31), special event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.~~
 - ~~b. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.~~
 - ~~c. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the individual responsible for the nest survey to verify any questionable areas.~~~~
- ~~(5) A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.~~
- ~~(6) The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.~~

~~(Ord. No. 15-12, § 1, 1-19-2016)~~

Explanation – The above section will be added to Ch 22

~~Sec. 34-2441. Special events defined.~~

~~A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location. Specifically excluded from this definition are any gatherings formed and/or sponsored by any recognized religion or religious society. Sec. 34-2442. Permits for special events.~~

- ~~(a) The Town of Fort Myers has established a permitting process for special events through Ordinances Nos. 98-01 and 00-16 and any future amendments.~~
- ~~(b) No person, corporation, partnership, or other entity shall advertise or sell or furnish tickets for a special event within the boundaries of the town, and no such event shall be conducted or maintained, unless and until that person or entity has obtained a permit from the town to conduct such event.~~
- ~~(c) Special events on the beach shall also comply with § 14-11 of this code.~~

Explanation – deleting and consolidating

Definition Sec. 34-2: *Use, temporary* means a use or activity which is permitted only for a limited time, which will not inhibit the usual flow of pedestrian or vehicular travel on public rights-of-way, subject to specific regulations and permitting procedures. See article IV, division 37 of this chapter. In Sec 30-3041(b)

Sec. 34-3041. - Generally.

- (a) *Purpose.* The purpose of this subdivision is to specify regulations applicable to certain temporary uses which, because of their impact on surrounding land uses, require a temporary use permit.
- (b) *Permit required.* No temporary use shall be established until a temporary use permit has been obtained from the director in accordance with the requirements of § 34-3050 of this chapter. Some temporary uses may qualify as special events that are regulated by Ordinance No. 98-01 as amended, or may qualify as special events on or near the beach, which are further regulated by § 14-11 of this code. Ch. 22: A temporary use permit must be obtained for the following uses in compliance with these requirements:
 - (1) Christmas tree sales lots for up to 45 days prior to the holiday;
 - (2) Holiday, seasonal or annual sales lots for up to 30 days;
 - (3) Temporary promotional activities involving the sale and promotion of goods and services available at a business on the premises, subject to the following:
 - a. Activities that obstruct private parking or are held on the adjacent public sidewalk may be held for up to three consecutive days up to three times per calendar year.
 - b. Activities that do not obstruct parking and are held on private property may be held for up to ten consecutive days up to three times per calendar year.
 - c. Outdoor display of merchandise, not associated with a temporary promotional activity shall be in compliance with LDC Sec 34-678 Outdoor display and sales of merchandise and food.
 - (4) Garage sales or yard sales, with a maximum of two permits per parcel per year for a maximum of three consecutive days. Garage sale permits will be free of charge.
 - (5) Other similar uses of a temporary nature.

(65) Construction projects which require storage, parking areas, construction trailers, site screening and/or any other temporary activities during construction of the project and which terminate upon completion of the project.

(76) Temporary wireless communications facilities, as are necessary to meet demand, up to six (6) months.

(87) One-day permits for consumption on-premises associated with a temporary event.

(c) *Lighting.* No permanent or temporary lighting shall be installed without an electrical permit and inspection.

(d) *Time limit.*

(1) All uses shall be confined to the dates specified by the director, on the temporary use permit; provided, however, that:

a. ~~Except as provided for seasonal parking lots in §§ 34-2022 of this chapter and for other uses where specifically provided in §§ 34-3043 through 34-3048 of this chapter, the director may not authorize a temporary use for more than 30 days; and~~

b. If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use must be abated within 30 days from the date of issuance.

(2) A temporary use permit may not be renewed or reissued to the same applicant or on the same premises for a similar use more than three (3) times per year. ~~for a period of six months from the date of expiration of the previous temporary use permit.~~

(e) *Hours of operation.* Hours of operation shall be confined to those specified in the permit.

(f) *Cleanup.* The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within 48 hours after termination of the use. A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 or a signed contract with a disposal firm may be required as a part of the application for a temporary use permit to ensure that the premises will be cleared of all debris during and after the event.

~~(g) *Traffic control.* Traffic control as may be required by the county sheriff's department and the county department of transportation shall be arranged and paid for by the applicant.~~

(g) *Signs.* A sign permit may be required for any proposed signs.

~~(h) *Damage to public right-of-way.* A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 may be required to ensure the repair of any damage resulting to any public right-of-way as a result of the event.~~

(g) Any proposed use which exceeds the criteria or regulations of this code subdivision may apply for a Special Event permit.

~~Sec. 34-3042. Carnivals, fairs, circuses and amusement devices.~~

~~(a) *Location of amusement devices and other structures.* Refer to §§ 34-2142(a) and (b) above, for setback requirements.~~

~~(b) *Off-street parking.* Refer to § 34-2020(d)(3)g. of this chapter for off-street parking requirements.~~

~~(c) *Hours of operation.* The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., unless otherwise extended by the director in writing.~~

~~(d) *Special event permit.* In addition to a temporary use permit, a carnival, fair, circus, or amusement device, or other event may be subject to the provisions of the town's Special Events Ordinance No. 98-01, as amended (see also division 34 of this article). Ch. 22.~~

~~Sec. 34-3043.— Christmas tree sales.~~

~~(a) Christmas tree sales may be permitted in any commercial district, provided that:~~

- ~~(1) No parking lot required for another use shall be used for display of trees; and~~
- ~~(2) Temporary off-street parking for at least five vehicles shall be provided utilizing an existing or approved parking lot entrance or driveway.~~

~~(b) The maximum length of time for display and open-lot sales shall be 45 days.~~

~~Sec. 34-3044.— Temporary contractor's office and equipment storage shed.~~

~~A contractor's office or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active building permit or development order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within 30 days of the date of final inspection for the project.~~

~~Sec. 34-3045.— Alcoholic beverages.~~

~~Temporary one-day permits for the service of alcoholic beverages may be permitted in accordance with § 34-1264(d) of this chapter.~~

~~Sec. 34-3046.— Temporary use of mobile home.~~

~~(a) *Rehabilitation or construction of residence following disaster.*~~

- ~~(1) When fire or disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.~~
- ~~(2) The maximum duration of the use shall be 18 months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(b) *Rehabilitation or construction of damaged business or commercial uses following disaster.*~~

- ~~(1) Business or commercial uses damaged by a major or catastrophic disaster that are necessary for the public health and safety or that will aid in restoring the community's economic base may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure(s) is rebuilt or replaced according to applicable development or redevelopment regulations.~~
- ~~(2) The maximum duration of the temporary use is nine months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(c) *Conditions for use.*~~

- ~~(1) Required water and sanitary facilities must be provided.~~
- ~~(2) The mobile home or recreational vehicle shall be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, or commercial use, or upon expiration of the temporary use permit, whichever occurs first.~~

~~Sec. 34-3047.—Temporary telephone distribution equipment.~~

~~Telephone distribution equipment may be granted a temporary use permit during planning and construction of permanent facilities, provided that:~~

- ~~(1) The equipment is less than six feet in height and 300 cubic feet in volume; and~~
- ~~(2) The maximum length of the use shall be six months, but the director may extend the permit once for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company. Application for an extension shall be made at least 15 days prior to expiration of the original permit.~~

~~Sec. 34-3048.—Ancillary temporary uses in parking lots.~~

~~(a) The following ancillary temporary uses may be permitted in parking lots upon application and issuance of a temporary use permit (see § 34-3050 of this chapter):~~

- ~~(1) Seasonal promotions.~~
- ~~(2) Sidewalk or parking lot sales.~~
- ~~(3) Fairs and carnivals (see § 34-3042 of this chapter).~~
- ~~(4) Tent sales.~~
- ~~(5) Flea markets by nonprofit organizations.~~
- ~~(6) Welcome stations in accordance with § 34-3051 of this chapter.~~

~~(b) In approving a temporary use permit, the director shall require that the area of the lot to be used is clearly defined and that the use will not obstruct pedestrian and vehicular movements to portions of the lot not so used.~~

~~Subdivision III.—Special Events~~

~~Sec. 34-3055.—Special events.~~

- ~~(a) A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location.~~
- ~~(b) See division 34 of this chapter for a summary of permitting rules for special events.~~

Explanation – deleting and consolidating

Non-LDC Code of Ordinances

Chapter 22 - SPECIAL EVENTS⁽¹⁾

Sec. 22-1. - Definitions.

Political demonstration. A public gathering, procession or parade, the primary purpose of which is the exercise of the rights of assembly and free speech as guaranteed by the First Amendment to the Constitution of the United States.

Special event. ~~Any activity conducted on public or private property that will or has the potential to substantially affect the ordinary and customary use of beaches, public streets, rights-of-way, sidewalks, and other public forums, including any temporary activity conducted on private property that is not authorized by the certificate of use or certificate of occupancy issued for any business operating on the property where the activity is planned, or any temporary activity conducted on private property where the area of the activity coincides with parking spaces required for the operation of any business.~~

An activity within the boundaries of the town of Fort Myers Beach which would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public or which deviates from the established use of said area of building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the city; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- ~~(4) Any garage sale conducted in compliance with the requirements of this chapter.~~

Sec. 22-2. - Permit required.

No person or entity ~~can initiate, sponsor, organize, promote,~~ **may** conduct or advertise a special event unless a permit has been obtained from the town.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-3. - Exemptions from permit requirement.

The following do not require a special event permit:

- (1) Private events that will make no use of a public property other than for lawful parking.
- (2) Events conducted solely for the purpose of exercising a group's first amendment right of free speech and/or assembly. If an event has any commercial aspect, ~~or~~ is a political demonstration as defined in section 22-1, or requires the closure of roadways, sidewalks or the use of Town or County staff then this exemption will not apply.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-4. - Fees.

All fees that relate to special events and special events permits will be as stated in the current Town of Fort Myers Beach Fee Schedule.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-5. - Permit fee exemption for special events conducted by the town.

The town is exempt from all permit fees relating to special events conducted by the town.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-6. – Types of events requiring a special event permit.

The following types of events will require a special event permit. Events, other than these specifically listed, may also require a special event permit.

- (1) Carnivals, Fairs, Festivals and Circuses;
- (2) Farmer's Markets and Flea Markets;
- (3) Art Shows;
- (4) Running, Walking or Bicycling Events;
- (5) Concerts;
- (6) Fireworks;
- (7) Parades;
- (8) Similar events requiring off-site parking, street or sidewalk closures, sound amplification or use of public property or Town staff.

Sec. 22-6.7. - General criteria and limitations.

The following general criteria and limitations apply to special event permits:

- (1) The activity proposed must be compatible with the surrounding land uses.
- (2) An individual applicant may not receive a special event permit more than six times within a calendar year, provided, however, that the town council may grant businesses or entities approval for a recurring event permit that is not subject to this limitation (see section 22-7) and provided further that the town council has the authority to permit an individual applicant to exceed the six event annual limitation in its discretion.
- ~~(3) For any special event that will include a temporary use regulated by LDC chapter 34 (see LDC sections 34-3041 through 34-3051) a temporary use permit may also be required.~~
- ~~(43)~~ For any special event that will take place all or in part upon the beach will be subject to all requirements contained in ~~LDC section 14-11~~ this chapter and any requirements of state or federal agencies relating to activities that take place on the beach.
- ~~(54)~~ For any special event where alcoholic beverages will be sold, the applicant ~~must~~ **may need to** obtain a temporary one-day permit as ~~proscribed~~ **described** in LDC section 34-1264, as applicable. Applicants must obtain any required permits from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.
- ~~(65)~~ The following types of special events must be approved by the town council:
 - a. Special events with a duration of four days or more where alcohol will be served;
 - b. Special events with an anticipated attendance of more than 500 people;
 - c. Recurring special events (see section 22-7);

- d. Any special event that includes a waiver of the town's open container regulations (see Code chapter 4, article IV);
- e. Special events held annually, once initially approved by town council, may be administratively approved by the town manager (i.e., without formal action by town council) for subsequent years, so long as they do not include a noise ordinance waiver request (see subsection (6)g). of this section, or a material change in the nature of the annual special event. Material changes include an anticipated increase in attendance of ten percent or more, an increase of the area of the special event of ten percent or more; changes or additions to the parking plan for the special event; or other changes as determined in the sole discretion of the town manager;
- f. Special events for which a waiver of parking or other town fees is requested. If the waiver was previously approved by the town council in conjunction with approval of a recurring special event or annual event and special event is subject to administrative approval, then the related waiver may also be administratively approved; and
- g. Special events for which a waiver of the Fort Myers Beach Noise Ordinance is requested.

h. Special events which require the closure of streets or sidewalks.

(76) Special events that occur on or near the beach or dune

- a. Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases this is due to the type of activity where permit conditions alone cannot provide adequate protection. In other cases the density of sea turtle nesting prevents certain activities from being conducted safely.
- b. Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.
 - 1. Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with §-section 14-75 of the Fort Myers Beach Code of Ordinances.
 - 2. Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.
 - 3. Based upon the information contained in the application and the site inspection, the application shall be approved or denied. approve or deny the application.
 - 4. Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:
 - i. During the sea turtle season (May 1 through October 31), special event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.

ii. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.

iii. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the individual responsible for the nest survey to verify any questionable areas.

5. A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.

6. The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~7~~.8. - Recurring special events.

To qualify as a recurring event, the event must be the same type of event and must be held in the same location. Examples of a recurring event include, but are not limited to, farmers' markets, "sunset celebrations," and music or art themed events. Recurring special events are subject to the following requirements:

- (1) Each event must be held at the same location at the same time of day.
- (2) All dates for the recurring event must be listed on the original application.
- (3) Each individual event must be of the same genre with similar anticipated attendance.
- (4) A recurring special event may not occur more often than weekly over a period of one year based upon a single application.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~8~~.9. - Application requirements.

- (a) Any person or entity seeking issuance of a special event permit must file a written application with the town manager on forms provided by the town.
- (b) If any town council actions are required in connection with a planned special event, the application for the permit must be filed at least 60 days prior to the date of the planned event.
- (c) Applications for special event permits that do not require town council action must be filed at least 15 days prior to date of the planned event.
- (d) Incomplete applications will not be processed for approval.

(e) Applications received less than the specified days before the date of the planned event, may be accepted at the discretion of the town manager. If the late application is accepted, the town manager has the discretion to impose additional permit fees, as per the Town of Fort Myers Beach Fee Schedule, to facilitate timely review and approval.

(f) A complete permit application must include, but may not be limited to, the following:

- (1) The name of the special event and its purpose in general terms.
- (2) The name(s) of the person(s) or organization(s) sponsoring the special event, together with the addresses and telephone numbers of all such persons or organizations.
- (3) The proposed date or dates of the special event.
- (4) The expected number of persons who will attend the event.

[a. Events with an anticipated attendance exceeding 500 people requires approval by the Town Council.](#)

(5) The specific location(s) within the town where the special event is to be held. The applicant must submit a general site plan that identifies the area(s) of the property used for the event activities, any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with the special event activity. A parking plan must be included as part of the special event permit application. The location of any parking and accessory structures may not obstruct traffic or violate any applicable town, county or state laws.

(6) In instances where a proposed special event will be held within 500 feet of residential property and will include any amplified sound, the applicant shall provide notice to such owners and advise them of the nature of the event and the dates and times when the event will be held. The 500 feet shall be measured from the perimeter of the site where the event will take place and for condominium properties, a single written notification to the condominium association will be sufficient. The notification shall advise the owner of their right to submit a letter of objection to the town manager, and shall include the date by which any such letter of objection must be submitted.

(7) Whether any street closings are requested and, if so, which streets and the times when they will be closed.

[a. A request to close any streets requires approval by the Town Council.](#)

(8) Whether any alcoholic beverages will be sold or served. If alcoholic beverages will be sold the applicant must obtain all necessary permits as described in section 22-6.

[a. A request to waive the Town's open container regulations requires approval by the Town Council.](#)

[b. Any event which is four days or longer and where alcohol will be served, requires approval by the Town Council.](#)

(9) If any entertainment will be included, details as to the type of entertainment, times and location must be provided.

(10) Whether utility services such as electrical power or water will be required.

(11) ~~Whether the applicant is requesting have a banner hung in association with the event, see section 22-15. A proof of the proposed banner is required. All proposed signage shall be in compliance with Chapter 30 Signs of the Land Development Code. The applicant shall provide application for signs or shall propose signs exempt from the ordinance per LDC Sec 30-6.~~

(12) Proof indicating approval of the event from all applicable outside state and local agencies.

- (13) In instances when the sound emanating from a proposed special event is anticipated to exceed the limits established in Code section 14-23 of the Fort Myers Beach Code of Ordinances, the applicant must provide proof of application for a waiver for relief from the maximum allowable noise levels in accordance with section 14-25 of the Fort Myers Beach Code of Ordinances. As part of the waiver application process, the applicant is required to provide notice to all property owners within 500 feet of the location of the proposed special event, advising them of the nature of the event and the dates and times when the event will be held. The 500 feet is measured from the perimeter of the site where the special event will take place; and for condominium properties, a single written notification to the condominium association is sufficient.

a. A request to waive the noise ordinance requires approval by the Town Council.

- ~~(14) — Proof of application for approval of any temporary use permits required in conjunction with the special event, see sections 34-3041—34-3051 of the Fort Myers Beach Land Development Code.~~
- (15) An affidavit, signed by the applicant, that all the information provided in the application is a complete and accurate description of the proposed event **and that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.**
- ~~(16) An affidavit, signed by the applicant, that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.~~
- (17~~6~~) The town manager has the authority to require any **reasonable** additional information from the applicant that the town manager deems necessary.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~9~~.10. - Review of application.

Upon receipt of an application that contains all of the items listed in section 22-8 and required application fees, the town manager will forward copies of the application to all affected town departments for their review.

- (1) If the special event permit can be approved by the town manager administratively, the town manager will grant or deny an application for a special event permit within ten days of receipt of a complete application.
- (2) Special event permits requiring town council action will be scheduled for consideration at the next regularly scheduled town council meeting.
- (3) The town manager and town council have the right to place conditions on a special event permit to mitigate any anticipated adverse effects on nearby properties.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~10~~.11. - Grounds for denial.

- (a) The town manager or town council may deny an application for a special event permit if the applicant, or the person on whose behalf the application for a permit was made, has on a prior occasion made a material misrepresentation regarding the nature or scope of an event or activity previously permitted by a special event permit, or, who has previously violated the terms of a prior special event permit, issued to or on behalf of the applicant. An application for a special event permit may also be denied for any of the following reasons:
- (1) The application for a special event permit (including any required attachments and submissions) is not fully completed and properly executed;

- (2) The applicant has not tendered the required application fee, if any, with the application or has not tendered any other required fees, indemnification agreement, insurance certificate, or security deposit, if any, within the times prescribed by the town manager;
 - (3) The application contains a material falsehood or misrepresentation;
 - (4) The applicant or the person on whose behalf the application for the special event permit has been made has on prior occasions damaged town property and has not paid in full for such damage, or has other outstanding and unpaid debts to the town;
 - (5) A fully executed prior application for a special event permit for the same time and place has been received, and a special event permit has or will be granted to the prior applicant, authorizing uses or activities which do not reasonably permit multiple occupancy of the area where the event is proposed to be held;
 - (6) The use or activity intended by the applicant will conflict with previously planned programs organized or conducted by a governmental agency and previously scheduled for the same time and place;
 - (7) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the public;
 - (8) The applicant has not complied or cannot comply with applicable licensure requirements, laws, ordinances or regulation of the state, the county or the town concerning the sale or offering for sale of any goods or services; or
 - (9) The use or activity intended by the applicant is prohibited by state or federal law or by ordinances or regulations of the county or the town.
- (b) If the special event application is denied, the applicant is not be entitled to receive any reimbursement from the town for any costs incurred during the application process, including the application fee.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~11~~.12. - Notification of denial and right of appeal.

- (a) Any applicant who is denied a special event permit by the town manager will be notified in writing. Said notification will state the reasons for the denial and the right of appeal to the town council, and will be sent by registered mail to the applicant.
- (b) The applicant will have ten days from receipt of the written notification of permit denial to request an appeal hearing before the town council. If the appeal cannot be heard by the town council prior to the date when the event is scheduled to be held, the filing of an appeal will not entitle the applicant to conduct the event on that date but, if the appeal is successful, the applicant may hold the event on a rescheduled date that is after the town council meeting at which the appeal was heard.
- (c) An appeal of the decision of the town council may be made to the circuit court by filing a petition for writ of certiorari as provided for under the Florida Rules of Appellate Procedure. A decision of the town council will be deemed to have been rendered on the date the town council votes to either grant or deny the appeal.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~12~~.13. - Litter.

- (a) Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. Events that span more than a 24-hour period are responsible for removing all garbage and litter at the end of each day.

- (b) In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit (see section 22-14).

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~13~~.14. - Security for unpaid expenses.

The town manager may require the posting of a security deposit, or other form of security acceptable to the town, to ensure that any unpaid expenses or damages incurred as a result of the event are satisfied.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~14~~.15. - Indemnification and liability insurance.

- (a) Prior to the issuance of the special event permit, the applicant is required to execute an indemnification and hold harmless agreement in a form acceptable to the town attorney.
- (b) Prior to the issuance of the special event permit, the applicant is required to obtain, at its sole expense, public liability insurance, with minimum limits as required by the town, that includes coverage for any town property utilized and naming the town as an additional insured.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~15~~. - ~~Signage.~~

- ~~(a) All signage relating to special events must comply with LDC chapter 30.~~
- ~~(b) *Banners across Town of Fort Myers Beach rights-of-way.* Special event permit applicants may request to hang a banner advertising the special event across the Town of Fort Myers Beach right-of-way at the base of the Sky Bridge. All banners must be approved by town manager. Banners may not contain any commercial information for the purpose of advertising anything other than the special event. Banners will not be approved until approval has been obtained for the associated special event. Banners are hung on a on a first-come first-served basis. Banners may hang for a period of two weeks prior to the event; provided, however, that the town manager may permit a banner to be hung for a period of up to four weeks if availability allows. All banners must have grommets that are no less than two feet apart on the top and bottom. Banners can be no larger than 16 feet in width and three feet high.~~
- ~~(c) For any special event where a requested road closure has the potential to affect a sizeable segment of the community, notice of such closure must be provided to the public at least five days prior to event if variable message signs are utilized or 14 days prior to an event if static signs are utilized. Type and placement of signs will be determined by public works director. The applicant is responsible for any fees associated with the static signs or variable message boards.~~

~~(Ord. No. 16-03, § 1, 8-22-2016)~~

Sec. 22-16. - Revocation.

The town manager has the authority to revoke a special event permit issued pursuant to this chapter upon violation of any of the requirements contained in the permit or in this Code.

(Ord. No. 16-03, § 1, 8-22-2016)

Explanation – Sec. 22 now becomes the place to go for most info regarding special events. It contains a new definition and other additions which we agree are beneficial. Necessary portions of Sec. 14-11 Special events on the beach, (which was deleted in its entirety) are added to Sec. 22-6 as item 7

1. Requested Motion:

Meeting Date: January 11, 2021

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE DEFINITIONS IN THE FORT MYERS BEACH LAND DEVELOPMENT CODE AND AMENDING DIVISION 3 OF ARTICLE III OF CHAPTER 34, OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, ENTITLED "EXPLANATION OF PROPERTY DEVELOPMENT REGULATIONS FOR ALL ZONING DISTRICTS" REVISING HEIGHT AND SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE. Second reading and final adoption.

Why the action is necessary:

Town Council has directed staff to complete the draft of the Ordinance. Updates per Council's discussion on December 7, 2020 were incorporated.

What the action accomplishes:

The proposed edits incorporates the Town Council's direction on how to address height and setback related issues with new development. It provides options for property owners to gain flexibility in design with height and setbacks.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance to amend the Land
Development Code

4. Submitter of Information:

5. Background:

The Town Council has discussed options to address height and setback issues with new development since September of 2019. In February and March of 2020, the Town Council directed staff to make edits to staff prepared and proposed language for various sections addressing height and setbacks. The updated Staff Report provides a summary of the changes incorporated per the Council's direction. The Council's direction included providing a "carrot and stick" method to encourage greater setbacks for new development.

Some minor edits were completed for the 2nd reading. A reduced impervious surface percentage was added as part of the "carrot" method as an additional option to property owners.

Attachments:

1. 20-19, LDC Amendment Ch 34 Height and Setbacks - Second Reading_revised 1-4-21
2. 20-19 Height and Setbacks Exhibit A - Second Reading
3. Height and Setbacks LDC Memo Town Council Jan 11 Second Reading

Financial Impact:

N/A

6. Alternative Action

Direct staff to make changes and set an additional final reading.

7. Management Recommendations:

8. Recommended Approval:

Carl Benge, Assistant Community Development Director
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/4/2021
Approved - 1/4/2021
Approved - 1/6/2021
Approved - 1/6/2021
Final Approval - 1/6/2021

ORDINANCE NO. 20-19

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE DEFINITIONS IN THE FORT MYERS BEACH LAND DEVELOPMENT CODE AND AMENDING DIVISION 3 OF ARTICLE III OF CHAPTER 34, OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, ENTITLED “EXPLANATION OF PROPERTY DEVELOPMENT REGULATIONS FOR ALL ZONING DISTRICTS” REVISING HEIGHT AND SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER’S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town Council desires to update the Fort Myers Beach Land Development Code to clarify, improve, and create consistency among sections regarding building heights and setbacks; and

WHEREAS, on December 1, 2020 the Local Planning Agency, after giving consideration to the staff recommendation, public testimony, and consistency with the Comprehensive Plan, recommended approval of the proposed amendments; and

WHEREAS, on December 7, 2020 the Town Council held a first reading of the proposed Ordinance; and.

WHEREAS, on January 11, 2020 the Town Council held a second reading of the proposed Ordinance; and.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:¹

Section 1. 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. Section 34-2 of the Fort Myers Beach Land Development Code is hereby amended to read as follows:

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Sec. 34-2. - Definitions

Balcony means a cantilevered, open, unroofed portion of an upper floor extending beyond (or indented into) a building's exterior wall.

Porch is a single-story wooden or concrete structure that is elevated off of the ground and has a railing at least 42 inches tall. A porch must be covered with an awning or roof ~~or umbrellas~~. ~~Wood must be painted or stained.~~

Section 3. Section 34-933 of the Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-933 – Definitions

Balcony means ~~an~~ cantilevered, open, unroofed portion of an upper floor extending beyond (or indented into) a building's exterior wall.

Section 4. Division 3, of Article III, of Chapter 34 of the Town of Fort Myers Beach Land Development Code entitled “Explanation of Property Development Regulations for All Zoning Districts” is hereby amended to read as follows (edits to Table 34-3 “Dimensional Regulations in Conventional Zoning Districts” are included as Exhibit “A” attached hereto and incorporated herein):

Sec. 34-631 – Building Height

(a) *Methods of measurement.* Maximum building heights specified in this code are measured in two ways, as shown in Figure 34-1-a. Both measurement methods apply to each building.

(1) *Measured in stories,* the height includes enclosed or unenclosed space at ground level as the first story, provided it is six feet or more in height.

a. Space within a roofline that is entirely non-habitable shall not be considered to be a separate story, for example overhead space enclosed by a cathedral ceiling, cupola, or similar roof enclosure.

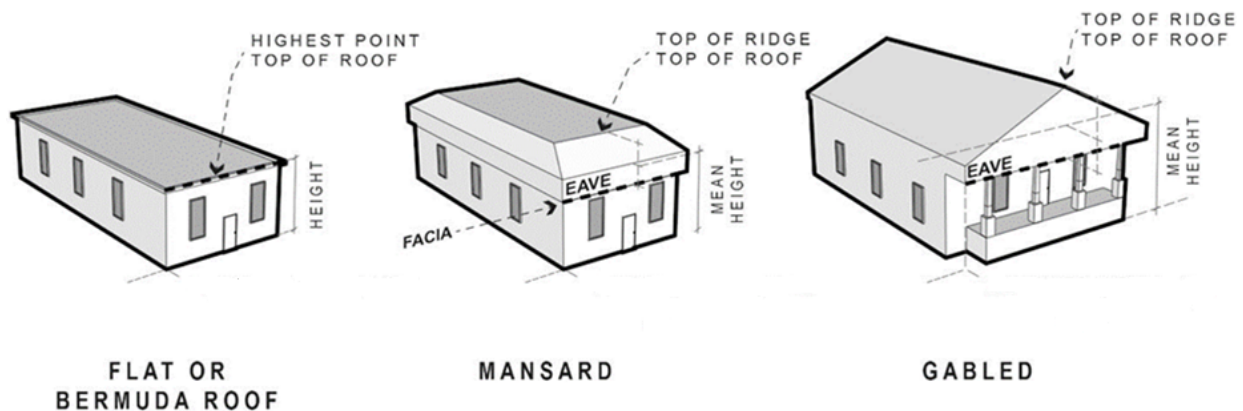
b. ~~Any single story cannot exceed 16 feet in height, including structural members, except that the first story may be taller if required to comply with any regulation in this code.~~

(2) Measured in feet, the height of a building shall be the vertical distance measured from ~~is the vertical distance between one foot above the base flood elevation (BFE), (up to three feet above the BFE if the developer chooses to elevate the first living level more than the required minimum)~~ to the following point on each roof type:

a. Flat or Bermuda Roof, the high point is the highest point on the roof, the roof itself or parapet walls;

b. Mansard Roof, the high point is the mean height between the eave and highest part of the roof;

c. Gable, Hip and Gambrel Roof, the high point is the mean height between eaves and ridge and the top of the structural members that serve as the ceiling for the highest habitable story of the building.



a. ~~Where ceilings are sloped, height is measured to the highest vertical point on a wall of the highest habitable story of the building.~~

b. ~~For parking garages, height is measured to the top of the structural members of the highest ceiling, or if parking is allowed on the roof level, to the highest point on the rooftop parking level.~~

~~e. When determining maximum building heights only, base flood elevation (BFE) means the minimum required elevation for a property as established by the floodplain maps described in § 6-408 of this chapter, or the minimum 100-year storm elevation as established by the Florida Department of Environmental Protection for structures seaward of the 1991 coastal construction control line, whichever is higher for a particular property.~~

~~d. On July 31, 2006, FEMA released maps showing preliminary BFE increases that could become mandatory in 2007. Landowners who voluntarily meet the higher elevations shown on the preliminary FEMA maps may measure their building's height in feet from the higher elevation.~~

~~e. Landowners who to choose to elevate up to three feet above the heights in subsections c. or d. above, may increase their maximum building height by the same number of feet.~~

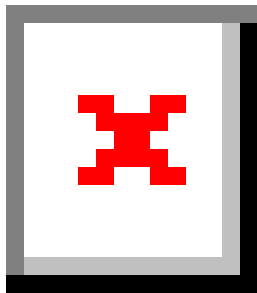
(3) *Specific height regulations* are provided for each zoning district.

a. For conventional zoning districts, see Table 34-3 in division 4 of this chapter.

b. For redevelopment zoning districts, see individual districts in division 5 of this chapter.

c. For planned development zoning districts, see division 6 of this chapter.

(b) *Exceptions to height regulations.*



Roofed towers, Figure 34-1-b

(1) ~~Roof structures and parapet walls may exceed the height limit defined in any zoning district provided there is no habitable space inside the roof structure~~ For structures to receive an additional 5 feet of height above the current building height regulations:

a. The third story (second story above BFE) must be set back an additional 5 feet from the required property line setback; and

b. The third story must not begin more than 15 feet above base flood elevation; and

c. Roof overhangs may not protrude more than 3 feet into the additional required setback. Balconies may not encroach the additional setback; and

d. Vegetation in side yards will be limited to trees and low shrubs, which will not block the view corridor above six feet along beach and bay front properties.

(2) ~~Non-habitable architectural appurtenances such as cupolas, clerestories, and steeples may also extend above the height limit if they do not exceed an area of 250 square feet. A habitable roofed tower up to 150 square feet, whether open-sided or enclosed, may also qualify as an acceptable architectural appurtenance and extend above the height limit provided it is roofed in a manner consistent with the design of the building. Decks do not qualify as architectural~~

appurtenances for the purposes of this subsection. Any proposed appurtenance taller than an additional 15 feet or larger than the specified sizes would require a variance from this code. For structures to receive an additional story. The overall height shall not exceed 5 feet of height above the current building height regulations and the following requirements shall apply:

a. The primary structure setbacks for the building shall be increased by 5 feet on all sides or the first floor; and one or more of the following:

1. Below flood must be unenclosed other than a maximum 300 square feet enclosure for parking, storage, or upper level access;

i. Including a signed Declaration of Restrictive Covenant in a form acceptable to the Town shall be recorded in the Lee County Public Records prior to issuance of the Certificate of Occupancy stating the ground floor, below flood, may never be enclosed.

2. All requirements for the 5-foot increase in height shall apply.

4. The fourth story (third story above BFE) must be set back 10 feet from all of the required property line setbacks.

5. Roof overhangs may not protrude into the additional required setback.

6. Vegetation in side yards will be limited to trees and low shrubs, which will not block the view corridor above six feet along beach and bay front property.

7. Limit to the impervious surface area to no more than 60% of the site by signed Declaration of Restrictive Covenant in a form

acceptable to the Town shall be recorded in the Lee County Public Records prior to issuance of the Certificate of Occupancy.

Sec 34-638 – Minimum Setbacks

(d) *Exceptions to setback dimensions.* In addition to the following general exceptions to minimum setbacks, commercial buildings that are subject to the commercial design standards may encroach into certain setbacks as provided in §§ 34-991—34-1010 of this chapter.

(2.) *Exceptions to street setbacks.* Certain structures are exempt from the street setback requirements as follows. See also § 34-1174 of this chapter.

a. *Build-to lines.* Some zoning districts do not have any street setback requirements but instead have build-to lines, as described in § 34-662 of this chapter. Awnings, canopies, balconies, bay windows, porches, stoops, arcades, and colonnades may extend forward of the build-to line provided that they comply with the commercial design standards (see § 34-995(e) of this chapter).

b. *Porches, balconies and stoops.* Porches, balconies and stoops may extend up to ten feet into the 25-foot street setback on the first living level ~~zone~~ of residential buildings, provided that:

1. Any walls, screened areas, or railings in the setback zone extend no higher than 42 inches above the floor of the porch, balcony or stoop; and
2. No portion of a porch or balcony and no walls or screened areas may be closer than ten feet to the edge of any street right-of-way or street easement.

(4) *Exceptions for certain nonconforming lots.*

~~a. Certain nonconforming residential lots are subject to the modified side and rear setback requirements that are found in § 34-3273 of this chapter.~~

~~ab.~~ Certain nonconforming mobile home lots in the village zoning district are subject to the modified side and rear setback requirements that are found in § 34-694 of this chapter.

~~be.~~ Certain nonconforming commercial lots are subject to the modified side and rear setback requirements that are found in § 34-3277 of this chapter.

Section 5. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, 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 6. Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 7. 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 8. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember _____ and seconded by _____ and upon being put to a roll call vote, the result was as follows:

Raymond P. Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Council Member	_____
Jim Atterholt, Council Member	_____
Bill Veach, Council Member	_____

ADOPTED this ____ day of _____, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

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 SOLELY:**

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this __ day of _____, 2021.

Secs. 34-653—34-660. - Reserved.

Table 34-3— Dimensional Regulations in Conventional Zoning Districts

	street	side - waterfront lot	side - non- waterfront	rear	water body (1)	Gulf of Mexico (2)	area	width	depth	ratio	percentage		feet	stories
ZONING DISTRICT	Setbacks (see § 34-638 for explanation and exceptions)						Lot size (see § 34-637 for explanations and exceptions)			F.A.R. §34- 633	Building Coverage § 34-634	Density § 34- 632	Height (see § 34- 631)	
<i>RS Residential Single-family</i>	25	7.5 (8)(9)/ 10 (9)	7.5 (8)(9)/ 10 (9)	20	25	50	7,500	75	100	-	40%	(3), (4)	2530	3
<i>RC Residential Conservation</i>	25	7.5 (8)(9)/ 10 (9)	7.5 (9)/ 10 (9)	20	25	50	4,000	45	80	-	40%	(3), (4), (5)	2530	3
<i>RM Residential Multifamily</i>	25	20 (6)	20 (6)	20	25	50	7,500	75	100	1.2	-	(3), (4), (5)	3035	3
<i>CR Commercial Resort</i>	10	20	15	20	25	50	20,000	100	100	1.2	-	(3)	30	3
<i>CM Commercial Marina</i>	20	20	20	20	0	50	20,000	100	100	1.0	-	-	35	3
<i>CO Commercial</i>	10	10	7	20	25	50	7,500	75	100	1.2	-	(3), (4),	30	3

<i>Office</i>												(5)		
<i>Santos</i>	10	7	5	20	25	50	5,000	50	100	0.6	-	(3), (4), (5)	25	3
<i>IN Institutional</i>	20	10	7	20	25	50	7,500	75	100	0.8	-	(3)	35	3
<i>CF Community Facilities</i>	20	15	10	20	25	50	N/A	N/A	N/A	0.1	-	(3)	35	3
<i>BB Bay Beach</i>	— see § 34-651(b) —													
<i>EC Environmentally Critical</i>	20	25	-	25	20	50	(7)	N/A	N/A	.01	-	(3), (7)	25	2

Note (1): An additional wetland buffer is required for new development; see § 34-638(c).

Note (2): See § 34-638(d)(3)a.

Note (3): Maximum densities are established by the Fort Myers Beach Comprehensive Plan; see § 34-632.

Note (4): Accessory apartments are allowed in owner-occupied homes under certain conditions; see §34-1178.

Note (5): A second dwelling unit or accessory apartment may be allowed on larger lots; for details, see §§ 34-632, 34-1177, and 34-1178.

Note (6): Single-family and two-family homes on waterfront lots in the RM zoning district must maintain only a 7.5-foot side setback for lots less than 70 feet in width and 10 feet for lots 70 feet or greater in width.

Note (7): See § 34-652(e)(3).

Note (8): For all RS lots fronting on Matanzas Street and Matanzas Court, all side setbacks shall be at least 10 feet.

Note (9): Side yard setbacks for all RS and RC lots less than 70 feet in width shall be 7.5 feet; lots 70 feet or greater in width shall be 10 feet.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Text Amendment to Chapter 34 Land Development Code, Including but not limited to Table 34-3; LDC Section 34-638 Minimum Setbacks; LDC Sect 34-631 Building Height; Figure 34-1-a.

STAFF RECOMMENDATION: Requesting approval of recommended edits to staff proposed changes

SUBMITTED BY: Carl Bengé
Jason W. Green, AICP, CFM

BACKGROUND

Staff has been directed to propose options that may resolve or improve some of the negative impacts from new development which is currently occurring on Ft. Myers Beach. Very tall homes are being constructed with little change in wall planes or articulation to break up the massing. In some cases this leads to flat walls up to 40 feet above grade only 7.5 feet from the property line. These structures cause adjacent properties to be overshadowed. The following are requested as amendments to LDC Sections as applicable.

The following alternative options have been provided based on feedback from multiple meetings with the LPA.

RECOMMENDATION

Original Discussion Item 1: Side Setbacks and Porch Setbacks

Side Yard:

At the LPA hearings the discussion centered around increasing side yard setbacks from 7.5 ft. to 10 ft. for lots that are 55 feet wide or more. This lot width cutoff may not be correct, staff has gotten feedback from some architects regarding this provision that a more appropriate lot width may be 65 feet.

Revision:

Revise Table 34-3 to remove RS and RC zoning district specific setbacks and add note **<5570 ft lot: 7.5 ft setback; ≥5570 ft lot or any lots on water: 10 ft setback.**

Original Discussion Porch:

Currently the code allows porches to extend up to 10 feet into the right-of-way setback. This has led to double decker porches that create a front façade only 15 feet from the right-of-way. Several

photos which opted for the two story porches are attached as exhibit A.

The LPA members voiced support for allowing a porch to encroach into the right-of-way setback up to 10 feet only on the first living level. Staff proposes the following changes to definitions, in the strikethrough/underline format, to accomplish the goal of clarifying which types of structures are permitted to encroach.

Revisions

Porch Definition: Porch is a single-story wooden or concrete structure that is elevated off of the ground and has a railing at least 42 inches tall. A porch must be covered with an awning or roof ~~or umbrellas~~. ~~Wood must be painted or stained.~~

Balcony Definition: Balcony means an cantilevered, open, unroofed portion of an upper floor extending beyond (or indented into) a building's exterior wall.

Stoop Definition: Stoop means a small elevated entrance platform or staircase leading to the entrance of a building.

Below is the strikethrough/underlined edits that implement the side setback and porch option recommended by the LPA at the December 10th 2019 hearing for LDC 34-638 Minimum Setbacks. *No changes since discussion.*

(d) *Exceptions to setback dimensions.* In addition to the following general exceptions to minimum setbacks, commercial buildings that are subject to the commercial design standards may encroach into certain setbacks as provided in §§ 34-991—34-1010 of this chapter.

(1) *Exceptions to all setbacks.*

a. *Administrative setback variances.* Under certain limited circumstances, administrative variances can be granted to minimum setbacks as provided in § 34-268 of this chapter.

b. *Overhangs.* An overhang which is part of a building may be permitted to encroach into any setback as long as the overhang does not extend more than three feet into the setback and does not permit any balcony, porch, or living space located above the overhang to extend into the setback.

c. *Shutters.* A shutter which is attached to a building may be permitted to encroach one foot into the setbacks.

d. *Awnings and canopies.*

1. Awnings and canopies which are attached to a building may be permitted to encroach three feet into the setbacks, as long as their location does not interfere with traffic, ingress and egress, or life safety equipment.

2. For purposes of this section, awnings and canopies may be attached to a nonconforming building and shall not be considered an extension or enlargement of a nonconformity, as long as the building is properly zoned for its use and the conditions as set forth in this section are met.

e. *Essential services.* Essential services and essential service equipment shall not be required to meet the minimum setbacks for the district wherein located (see § 34-1617 of this chapter).

f. *Two-family dwelling units.* If a two-family dwelling unit is on a lot of sufficient size to allow it to be subdivided into a separate lot under each dwelling unit (see Table 34-3), the side setback regulations in this section shall not be interpreted to forbid such subdivision. Existing two-family

buildings that are being subdivided must be separated by not less than one-hour fire resistance.

g. *Mechanical equipment.* Mechanical equipment such as air conditioners may encroach up to three feet into rear and waterbody setbacks but must meet the same street and side setbacks as the building it serves. These requirements apply to new buildings and to new mechanical equipment but will not apply to replacement of mechanical equipment on existing buildings if the equipment was installed in conformance with prior regulations.

(2) *Exceptions to street setbacks.* Certain structures are exempt from the street setback requirements as follows. See also § 34-1174 of this chapter.

a. *Build-to lines.* ~~Some~~ zoning districts do not have any street setback requirements but instead have build-to lines, as described in § 34-662 of this chapter. Awnings, canopies, balconies, bay windows, porches, stoops, arcades, and colonnades may extend forward of the build-to line provided that they comply with the commercial design standards (see § 34-995(e) of this chapter).

b. *Porches, balconies and stoops.* Porches, balconies and stoops may extend up to ten feet into the 25-foot street setback on the first living level zone of residential buildings, provided that:

1. Any walls, screened areas, or railings in the setback zone extend no higher than 42 inches above the floor of the porch, balcony or stoop; and
2. No portion of a porch or balcony and no walls or screened areas may be closer than ten feet to the edge of any street right-of-way or street easement.

(4) *Exceptions for certain nonconforming lots.*

a. ~~Certain nonconforming residential lots are subject to the modified side and rear setback requirements that are found in § 34-3273 of this chapter.~~

ab. Certain nonconforming mobile home lots in the village zoning district are subject to the modified side and rear setback requirements that are found in § 34-694 of this chapter.

be. Certain nonconforming commercial lots are subject to the modified side and rear setback requirements that are found in § 34-3277 of this chapter.

Discussion Item 2: Height

Proposed “Sticks and Carrots” Option:

This option was selected by the LPA as the preferred method of accomplishing a change to the height of buildings. This option includes additional regulations which permit opportunities to exceed current requirements for height and number of stories if additional setbacks are provided. The recommended trade-offs would include limitations on vegetation, increases in setbacks for the ground floor and additional stories, keeping area below flood unenclosed in exchange for additional height and additional stories.

One way this could be structured is as follows:

Revisions to be added to 34-631:

1. *For structures to receive an additional 5 feet of height above the current building height regulations:*

- a. *The third story (second story above BFE) must be set back an additional 5 feet from the required property line setback; and*
- b. *The third story must not begin more than 15 feet above base flood elevation; and*
- c. *Roof overhangs may not protrude more than 3 feet into the additional required setback. Balconies may not encroach the additional setback; and*

d. *Vegetation in side yards will be limited to trees and low shrubs which will not block the view corridor above six feet along beach and bay front properties.*

2. *For structures to receive an additional story. The overall height shall not exceed 5 feet of height above the current building height regulations and the following requirements shall apply:*

a. *The primary structure setbacks for the building shall be increased by 5 feet on all sides or the first floor; and one or more of the following:*

b. *below flood must be unenclosed other than a maximum 300 square feet enclosure for upper level access;*

i. *A signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy. This agreement shall state that the ground floor, below flood, may never be enclosed.*

c. *All requirements for the 5-foot increase in height shall apply ((d)(2)a. b. and c.);*

d. *The fourth story (third story above BFE) must be set back 10 feet from all of the required property line setbacks;*

e. *Roof overhangs may not protrude into the additional required setback;*

f. *Vegetation in side yards will be limited to trees and low shrubs which will not block the view corridor above six feet along beach and bay front property.*

Discussion Item 3: How Height is Measured

Staff is proposing a new way of measuring height. Height is currently measured to the highest vertical point on a wall of the highest habitable story of the building. Staff proposes that building height be measured to the mean height of the roof, between the eve and the peak. This change will require that architects consider the height of the overall roof when complying with the building height requirements. This will result in roofs that are thoughtful in size, rather than as large and spacious as some are currently be constructed.

This change could be coupled with an increase in allowable height in RS and RC districts, from 25 ft. to 30 ft. This would allow substantially similar height structures as are currently permitted with the roof height considered as part of that measurement. This is similar to many surrounding communities. The LPA recommended increasing the height from 25 ft. to 30 ft.

Below is the ~~strikethrough~~/underlined edits that implement the recommended change to implement the proposed way of measuring building height and if an increase to buildable height is desirable, this change would be implemented through changes in Table 34-3 and Sec 34-631:

Sec. 34-631. - Building heights.

(a) *Methods of measurement.* Maximum building heights specified in this code are measured in two ways, as shown in Figure 34-1-a. Both measurement methods apply to each building.

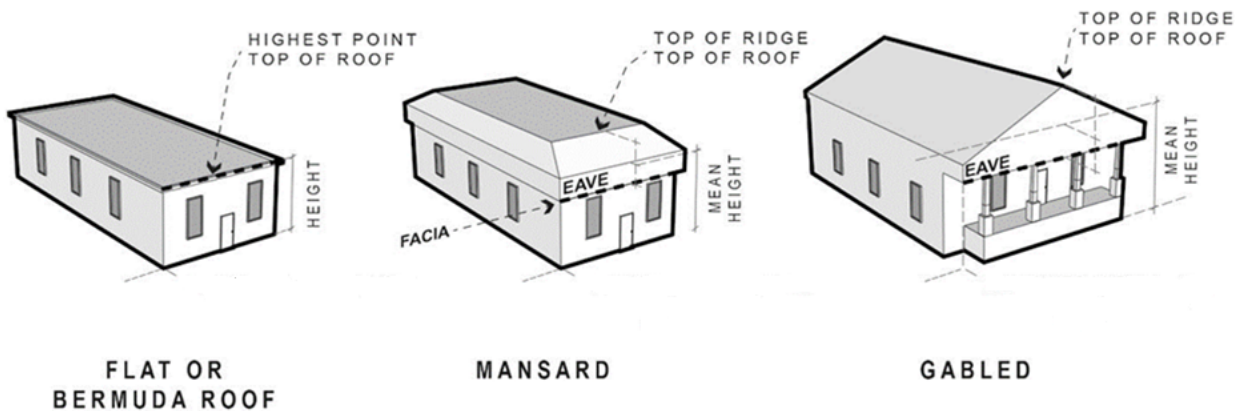
(1) *Measured in stories,* the height includes enclosed or unenclosed space at ground level as the first story, provided it is six feet or more in height.

a. Space within a roofline that is entirely non-habitable shall not be considered to be a separate story, for example overhead space enclosed by a cathedral ceiling, cupola, or similar roof enclosure.

b. ~~Any single story cannot exceed 16 feet in height, including structural members, except that the first story may be taller if required to comply with any regulation in this code.~~

(2) Measured in feet, the height of a building shall be the vertical distance measured from is the vertical distance between one foot above the base flood elevation (BFE), (up to three feet above the BFE if the developer chooses to elevate the first living level more than the required minimum) to the following point on each roof type:

- Flat or Bermuda Roof, the high point is the highest point on the roof, the roof itself or parapet walls;
- Mansard Roof, the high point is the mean height between the eave and highest part of the roof;
- Gable, Hip and Gambrel Roof, the high point is the mean height between eaves and ridge.



and the top of the structural members that serve as the ceiling for the highest habitable story of the building.

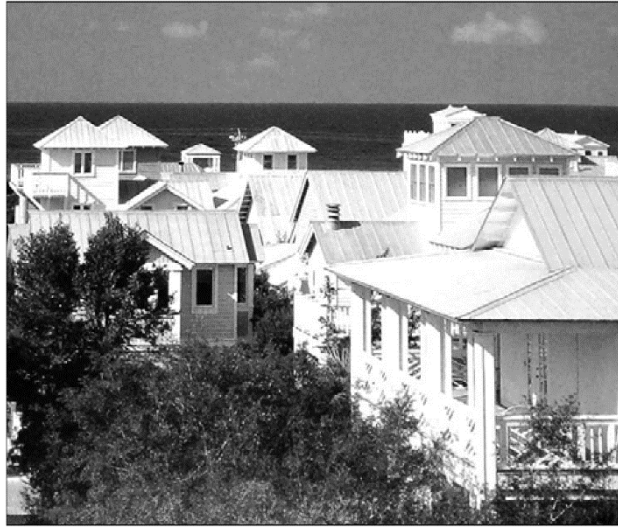
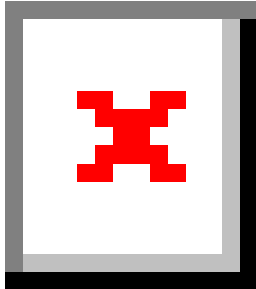
- a. ~~Where ceilings are sloped, height is measured to the highest vertical point on a wall of the highest habitable story of the building.~~
- b. ~~For parking garages, height is measured to the top of the structural members of the highest ceiling, or if parking is allowed on the roof level, to the highest point on the rooftop parking level.~~
- c. ~~When determining maximum building heights only, base flood elevation (BFE). means the minimum required elevation for a property as established by the floodplain maps described in § 6-408 of this chapter, or the minimum 100-year storm elevation as established by the Florida Department of Environmental Protection for structures seaward of the 1991 coastal construction control line, whichever is higher for a particular property.~~
- d. ~~On July 31, 2006, FEMA released maps showing preliminary BFE increases that could become mandatory in 2007. Landowners who voluntarily meet the higher elevations shown on the preliminary FEMA maps may measure their building's height in feet from the higher elevation.~~
- e. ~~Landowners who to choose to elevate up to three feet above the heights in subsections c. or d. above, may increase their maximum building height by the same number of feet.~~

(3) *Specific height regulations* are provided for each zoning district.

- a. For conventional zoning districts, see Table 34-3 in division 4 of this chapter.

- b. For redevelopment zoning districts, see individual districts in division 5 of this chapter.
- c. For planned development zoning districts, see division 6 of this chapter.

(b) *Exceptions to height regulations.*



Roofed towers, Figure 34-1-b

~~(1)—Roof structures and parapet walls may exceed the height limit defined in any zoning district provided there is no habitable space inside the roof structure. For structures to receive an additional 5 feet of height above the current building height regulations:~~

- ~~c. The third story (second story above BFE) must be set back an additional 5 feet from the required property line setback; and~~
- ~~d. The third story must not begin more than 15 feet above base flood elevation; and~~
- ~~e. Roof overhangs may not protrude more than 3 feet into the additional required setback. Balconies may not encroach the additional setback; and~~
- ~~f. Vegetation in side yards will be limited to trees and low shrubs which will not block the view corridor above six feet along beach and bay front properties.~~

~~(2)—Non-habitable architectural appurtenances such as cupolas, clerestories, and steeples may also extend above the height limit if they do not exceed an area of 250 square feet. A habitable roofed tower up to 150 square feet, whether open-sided or enclosed, may also qualify as an acceptable architectural appurtenance and extend above the height limit provided it is roofed in a manner consistent with the design of the building. Decks do not qualify as architectural appurtenances for the purposes of this subsection. Any proposed appurtenance taller than an additional 15 feet or larger than the specified sizes would require a variance from this code. For structures to receive an additional story. The overall height shall not exceed 5 feet of height above the current building height regulations and the following requirements shall apply:~~

- ~~a. The primary structure setbacks for the building shall be increased by 5 feet on all sides or the first floor; and one or more of the following:~~
- ~~b. below flood must be unenclosed other than a maximum 300 square feet enclosure for upper level access;~~
- ~~ii. A signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy. This agreement shall state that the ground floor, below flood, may never be enclosed.~~
- ~~g. All requirements for the 5-foot increase in height shall apply ((d)(2)a. b. and c.);~~
- ~~h. The fourth story (third story above BFE) must be set back 10 feet from all of the required~~

property line setbacks;

- i. Roof overhangs may not protrude into the additional required setback;*
- j. Vegetation in side yards will be limited to trees and low shrubs which will not block the view corridor above six feet along beach and bay front property; or*
- k. Limit the site impervious surface to a total reduced amount of 60% by restrictive covenant.*

- (3) Mechanical or structural appurtenances such as elevator and stairwell enclosures, air conditioning equipment, and antennas may also extend above the height limit provided these appurtenances:
 - a. Do not exceed 250 square feet per type; and
 - b. Screening is provided as required by this code (see, for example, § 6-2(f) of this LDC for rooftop mechanical equipment).
 - (4) When properties are being rebuilt pursuant to the buildback regulations in § 34-3237 and 34-3238 of this chapter, specific height regulations in those sections may supersede the height regulations established for that property's zoning district.
 - (5) 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 the height regulations in this chapter 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 the height limits in this chapter. In each case, the town shall balance the public benefits of the standard height limit against other public benefits that would result from the specific proposal.
 - (6) For amateur radio antennas/towers, see § 34-1175 of this chapter. For communication towers and commercial antennas, see §§ 34-1441—34-1550 of this chapter).
- (c) *Space at ground level.*
- (1) Commercial space below the base flood elevation (at ground level) requires dry-floodproofing of the building (see §§ 6-401—6-474 of this LDC).
 - (2) Space below the base flood elevation in new residential buildings may be used only for parking and limited storage (see §§ 6-401—6-474 of this LDC).

REQUEST

Staff requests that Council approve the revisions to Chapter 34 of the Land Development Code regarding the topics included in this staff report.

1. Requested Motion:

Meeting Date: January 11, 2021

Authorization to award the traffic signal bid to Ajax Paving Industries of Florida, LLC, the low, responsive and responsible bidder, in response to ITB-20-25-PW Intersection Improvements in the amount of \$494,172.50 and for the Town Manager to execute the contract documents pending FDOT approval and funding.

Why the action is necessary:

To enter into contract with Ajax Paving Industries of Florida, LLC to install the new signal at Old San Carlos Boulevard and Estero Boulevard.

What the action accomplishes:

Approves and authorizes the Town Manager to execute contract documents once approved by FDOT.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Other

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

ITB-20-25-PW was issued and properly advertised on October 16, 2020 for Intersection Improvements-Traffic Signalization LAP project, Estero Boulevard at Old San Carlos Boulevard. Bids were due by November 17, 2020. The bid resulted in four submittals ranging in costs from \$494,172.50 to \$776,511. The \$494,172.50 amount was offered by Ajax Paving Industries of Florida, LLC. The other three bidders were American Infrastructures Services Inc. at \$496,931.35, Highway Safety Devices Inc. at \$500,573.70 and American Lighting and Signalization LLC. at \$776,511.

Attachments:

1. Old San Carlos Signal Low Bid ITB-20-25-PW
2. Combined Bid Tabulation ITB-20-25-PW LAP Intersection Improvements

Financial Impact:

The funding source for the project is LAP (FDOT).

6. Alternative Action

Do not approve.

7. Management Recommendations:

Approve and authorize the Town Manager to execute the contract documents pending FDOT approval.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director

Created/Initiated - 12/10/2020
Approved - 12/10/2020

John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Approved - 12/14/2020
Approved - 1/5/2021
Final Approval - 1/6/2021

November 20, 2020

Chelsea O'Riley, CFM, MPA
Public Works Director
Town of Fort Myers Beach
2525 Estero Boulevard,
Fort Myers Beach, FL. 33931

Via email to chelsea@fmbgov.com

**Re: INTERSECTION IMPROVEMENT – TRAFFIC SIGNALIZATION
Estero Boulevard at Old San Carlos Boulevard
LAP Project – FN # 44923-1-58-01
ITB-20-25-PW
Date: November 17, 2020
ABB PN 19-0114**

Dear Ms. O'Riley:

Based upon our review of the bids received for the above-listed project it is our opinion that Ajax Paving Industries of Florida, LLC is the low bidder for the project.

We are not aware of any outstanding issues or problems with Ajax Paving Industries of Florida, LLC that would prevent us from recommending their selection as the low bidder.

Agnoli, Barber & Brundage, Inc. looks forward to working successfully with Ajax Paving Industries of Florida, LLC on this project.

Sincerely,

AGNOLI, BARBER & BRUNDAGE, INC.



Edward F. Tryka, III, P.E.
Vice President, Transportation

Bid Opening Comparison
Agnoli, Barber & Brundage, Inc.
ITB-20-25-PW
November 17, 2020
OLD SAN CARLOS BLVD AND ESTERO BLVD SIGNALIZATION

Pay Item No.	Description	Unit	Quantity	EOPC Unit Cost	EOPC Total Cost	Ajux Unit Cost	Ajux Total Cost	American Infrastructure Unit Cost	American Infrastructure Total Cost	Highway Safety Devices Unit Cost	Highway Safety Devices Total Cost	American Lighting Unit Cost	American Lighting Total Cost
101-1	MOBILIZATION	LS	1	\$26,500.00	\$26,500.00	\$37,143.37	\$37,143.37	\$23,838.00	\$23,838.00	\$50,000.00	\$50,000.00	\$80,000.00	\$80,000.00
101-1-1	PROVIDE/MAINTAIN AS-BUILT PLANS	LS	1	\$2,000.00	\$2,000.00	\$1,153.53	\$1,153.53	\$2,143.00	\$2,143.00	\$4,200.00	\$4,200.00	\$10,000.00	\$10,000.00
101-1-2	PROVIDE CONSTRUCTION SURVEYING AND LAYOUT	LS	1	\$3,100.00	\$3,100.00	\$6,344.43	\$6,344.43	\$4,286.00	\$4,286.00	\$8,500.00	\$8,500.00	\$15,000.00	\$15,000.00
102-1	MAINTENANCE OF TRAFFIC	LS	1	\$2,000.00	\$2,000.00	\$55,117.67	\$55,117.67	\$57,673.00	\$57,673.00	\$46,800.00	\$46,800.00	\$40,000.00	\$40,000.00
104-18	INLET PROTECTION SYSTEM	EA	7	\$140.00	\$980.00	\$160.67	\$1,124.69	\$250.00	\$1,750.00	\$250.00	\$1,750.00	\$200.00	\$1,400.00
110-1-1	CLEARING AND GRUBBING (0.4 +/- AC)	LS	1	\$7,600.00	\$7,600.00	\$6,166.71	\$6,166.71	\$5,714.00	\$5,714.00	\$14,200.00	\$14,200.00	\$55,000.00	\$55,000.00
110-4-10	REMOVAL OF EXISTING CONCRETE	SY	88	\$20.00	\$1,760.00	\$181.14	\$15,940.32	\$45.00	\$3,960.00	\$42.00	\$3,696.00	\$70.00	\$6,160.00
205-715	OPTIONAL BASE, BASE GROUP 15 (9" TYPE B 12.5)	SY	12	\$75.00	\$900.00	\$768.30	\$9,219.60	\$321.00	\$3,852.00	\$380.00	\$4,560.00	\$200.00	\$2,400.00
327-70-1	MILLING EXISTING ASPHALT PAVEMENT (1" AVG. DEPTH)	SY	1,253	\$2.50	\$4,382.50	\$6.32	\$11,078.96	\$6.80	\$11,920.40	\$9.80	\$17,179.40	\$30.00	\$52,590.00
337-7-81	ASPHALTIC CONCRETE FRICTION COURSE (TRAFFIC C, FC-9.5, PG 76-22)(1" THICK)	TN	112.4	\$145.00	\$16,298.00	\$288.26	\$32,400.42	\$357.00	\$40,126.80	\$330.00	\$37,092.00	\$700.00	\$78,680.00
400-2-12	CONCRETE, CLASS II, TRENCH SLAB (INCLUDES STEEL REINF)	CY	20.5	\$500.00	\$10,250.00	\$467.18	\$9,577.19	\$964.00	\$19,762.00	\$635.00	\$13,017.50	\$4,500.00	\$92,250.00
520-1-10	CONCRETE CURB & GUTTER, TYPE F	LF	46	\$20.00	\$920.00	\$22.49	\$1,034.54	\$50.00	\$2,300.00	\$63.00	\$2,898.00	\$80.00	\$3,680.00
520-2-4	CONCRETE CURB, TYPE D	LF	59	\$34.00	\$1,206.00	\$22.49	\$1,124.50	\$35.70	\$1,795.00	\$54.50	\$2,725.00	\$80.00	\$4,000.00
520-2-5	CONCRETE CURB (BIBBON/HEADER CURB) (INCLUDES STEEL REINF)	LF	203	\$19.00	\$3,857.00	\$22.49	\$4,565.47	\$64.30	\$13,052.90	\$71.50	\$14,114.50	\$80.00	\$16,240.00
522-2	CONCRETE SIDEWALK AND DRIVEWAYS (6" THICK)	SY	64	\$50.00	\$3,200.00	\$54.50	\$3,488.00	\$107.00	\$6,848.00	\$105.00	\$6,720.00	\$64.00	\$4,096.00
526-1-1	PAVERS, ARCHITECTURAL, ROADWAY	SY	92	\$95.00	\$8,740.00	\$115.35	\$10,612.20	\$321.00	\$29,532.00	\$160.00	\$14,720.00	\$92.00	\$8,464.00
527-2	DETECTABLE WARNINGS	SP	187	\$42.00	\$7,854.00	\$25.95	\$4,852.65	\$43.00	\$8,041.00	\$47.50	\$8,882.50	\$60.00	\$11,220.00
630-2-11	CONDUIT (FURNISHED & INSTALLED) (OPEN TRENCH)	LF	75	\$5.65	\$423.75	\$8.90	\$667.50	\$7.70	\$577.50	\$25.50	\$1,912.50	\$20.00	\$1,500.00
630-2-12	CONDUIT (FURNISHED & INSTALLED) (DIRECTIONAL BORE)	LF	178	\$20.00	\$3,560.00	\$39.28	\$6,991.84	\$34.05	\$6,060.90	\$73.50	\$13,083.00	\$60.00	\$10,680.00
632-7-1	SIGNAL CABLE-NEW INTERSECTION (FURNISH & INSTALL)	PI	1	\$6,500.00	\$6,500.00	\$6,816.23	\$6,816.23	\$5,909.00	\$5,909.00	\$5,050.00	\$5,050.00	\$6,000.00	\$6,000.00
633-1-121	ITS FIBER OPTIC CABLE, F84, UNDERGROUND, 12 FIBERS	LF	405	\$2.50	\$1,012.50	\$2.42	\$1,125.30	\$18.75	\$8,718.75	\$3.80	\$1,767.00	\$30.00	\$13,950.00
633-1-11	FIBER OPTIC CONNECTION HARDWARE, F84, SPLICE ENCLOSURE	EA	1	\$1,350.00	\$1,350.00	\$741.72	\$741.72	\$643.00	\$643.00	\$1,000.00	\$1,000.00	\$800.00	\$800.00
633-1-14	FIBER OPTIC CONNECTION HARDWARE, F84, BUFFER TUBE FAN OUT KIT	EA	1	\$263.00	\$263.00	\$550.24	\$550.24	\$477.00	\$477.00	\$84.00	\$84.00	\$70.00	\$70.00
633-1-15	FIBER OPTIC CONNECTION HARDWARE, F84, FIBER PATCH PANEL	EA	1	\$1,600.00	\$1,600.00	\$1,444.22	\$1,444.22	\$1,252.00	\$1,252.00	\$1,950.00	\$1,950.00	\$1,600.00	\$1,600.00
635-2-11-MOD	PULL & SPLICE BOX, F84, 17" X 30" COVER SIZE (TRAFFIC SIGNAL PULL BOX)	EA	14	\$500.00	\$7,000.00	\$665.59	\$9,318.26	\$577.00	\$8,078.00	\$815.00	\$11,410.00	\$1,000.00	\$14,000.00
635-2-12	PULL & SPLICE BOX, F84, 24" X 36" COVER SIZE (FIBER PULL BOX)	EA	2	\$500.00	\$1,000.00	\$1,229.67	\$2,459.34	\$1,066.00	\$2,132.00	\$1,350.00	\$2,700.00	\$2,000.00	\$4,000.00
635-2-12-MOD	PULL & SPLICE BOX, F84, 30" X 48" COVER SIZE (FIBER SPLICE VAULT W/ SPLIT LID)	EA	1	\$500.00	\$500.00	\$3,089.16	\$3,089.16	\$2,678.00	\$2,678.00	\$2,300.00	\$2,300.00	\$3,000.00	\$3,000.00
639-1-122	ELECTRICAL POWER SERVICE, F84, UNDERGROUND, METER PURCHASED BY CONTRACTOR	AS	1	\$1,900.00	\$1,900.00	\$2,065.98	\$2,065.98	\$1,791.00	\$1,791.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00
639-3-12	ELECTRICAL SERVICE DISCONNECT (F84) (CABINET)	EA	1	\$710.00	\$710.00	\$723.27	\$723.27	\$627.00	\$627.00	\$865.00	\$865.00	\$500.00	\$500.00
639-2-1	ELECTRICAL SERVICE WIRE, FURNISH & INSTALL	LF	16	\$500.00	\$8,000.00	\$5.31	\$84.96	\$4.60	\$73.60	\$8.40	\$134.40	\$6.00	\$96.00
641-2-12	SERVICE POLE, TYPE P-B 12" WITH METER	EA	1	\$800.00	\$800.00	\$1,761.44	\$1,761.44	\$1,527.00	\$1,527.00	\$1,150.00	\$1,150.00	\$1,200.00	\$1,200.00
646-1-11	ALUMINUM SIGNAL POLE (FURNISH & INSTALL)	EA	6	\$110.00	\$660.00	\$1,651.86	\$9,911.16	\$1,432.00	\$8,592.00	\$1,550.00	\$9,300.00	\$2,000.00	\$12,000.00
649-21-1	STEEL MAST ARM ASSEMBLY, FURNISH & INSTALL, SINGLE ARM 30'	EA	1	\$32,950.00	\$32,950.00	\$46,595.80	\$46,595.80	\$40,394.00	\$40,394.00	\$39,000.00	\$39,000.00	\$39,000.00	\$39,000.00
649-21-3	STEEL MAST ARM ASSEMBLY, FURNISH & INSTALL, SINGLE ARM 40'	EA	1	\$40,438.00	\$40,438.00	\$52,747.59	\$52,747.59	\$45,727.00	\$45,727.00	\$44,100.00	\$44,100.00	\$45,000.00	\$45,000.00
650-1-14	VEHICULAR TRAFFIC SIGNAL, FURNISH & INSTALL, ALUMINUM, 1 SECTION, 1-WAY	AS	5	\$966.00	\$4,830.00	\$1,249.28	\$6,246.40	\$1,083.00	\$5,415.00	\$895.00	\$4,475.00	\$1,100.00	\$5,500.00
650-1-19	VEHICULAR TRAFFIC SIGNAL, FURNISH & INSTALL, ALUMINUM, 5 SECTION CLUSTER, 1-WAY	AS	1	\$1,565.00	\$1,565.00	\$1,873.34	\$1,873.34	\$1,624.00	\$1,624.00	\$1,600.00	\$1,600.00	\$1,800.00	\$1,800.00
653-1-11	PEDESTRIAN SIGNAL (FURNISH & INSTALL) (LED) (COUNTDOWN) (1-WAY)	AS	2	\$682.00	\$1,364.00	\$874.38	\$1,748.76	\$758.00	\$1,516.00	\$525.00	\$1,050.00	\$650.00	\$1,300.00
653-1-12	PEDESTRIAN SIGNAL (FURNISH & INSTALL) (LED) (COUNTDOWN) (2-WAY)	AS	4	\$1,166.00	\$4,664.00	\$1,702.61	\$6,810.44	\$1,476.00	\$5,904.00	\$1,100.00	\$4,400.00	\$1,700.00	\$6,800.00
660-4-11	VEHICLE DETECTION SYSTEM-VIDEO, FURNISH & INSTALL, CABINET EQUIPMENT	EA	1	\$6,184.00	\$6,184.00	\$6,379.04	\$6,379.04	\$5,530.00	\$5,530.00	\$3,200.00	\$3,200.00	\$3,000.00	\$3,000.00
660-4-12	VEHICLE DETECTION SYSTEM-VIDEO, FURNISH & INSTALL ABOVE GROUND EQUIPMENT	EA	3	\$6,184.00	\$18,552.00	\$7,654.84	\$22,964.52	\$6,636.00	\$19,908.00	\$6,900.00	\$20,700.00	\$6,000.00	\$18,000.00
665-1-11	PEDESTRIAN DETECTOR, FURNISH & INSTALL, STANDARD	AS	6	\$250.00	\$1,500.00	\$302.23	\$1,813.38	\$262.00	\$1,572.00	\$230.00	\$1,380.00	\$300.00	\$1,800.00
670-5-110	TRAFFIC CONTROLLER ASSEMBLY (FURNISH & INSTALL) (NEMA)	AS	1	\$29,752.00	\$29,752.00	\$36,423.95	\$36,423.95	\$31,576.00	\$31,576.00	\$31,600.00	\$31,600.00	\$29,000.00	\$29,000.00
684-1-1	MANAGED FIELD ETHERNET SWITCH, FURNISH & INSTALL	EA	1	\$2,045.00	\$2,045.00	\$4,213.86	\$4,213.86	\$3,653.00	\$3,653.00	\$5,600.00	\$5,600.00	\$5,000.00	\$5,000.00
685-1-13	UNINTERRUPTIBLE POWER SUPPLY, FURNISH & INSTALL, LINE INTERACTIVE WITH CABIN	EA	1	\$8,615.00	\$8,615.00	\$10,224.91	\$10,224.91	\$8,864.00	\$8,864.00	\$7,340.00	\$7,340.00	\$6,000.00	\$6,000.00
700-1-60	SINGLE POST SIGN, REMOVE	AS	3	\$110.00	\$330.00	\$20.76	\$62.28	\$18.00	\$54.00	\$140.00	\$420.00	\$100.00	\$300.00
700-3-201	SIGN PANEL, FURNISH & INSTALL OVERHEAD MOUNT, 12-20 SF OR (STATIC STREET NAME SIGN) (BRIDGED MOUNTED)	EA	3	\$788.00	\$2,314.00	\$2,858.45	\$8,575.35	\$2,478.00	\$7,434.00	\$2,250.00	\$6,750.00	\$1,500.00	\$4,500.00
700-11-391	ELECTRONIC DISPLAY SIGN, FURNISH & INSTALL OVERHEAD MOUNT, AC POWERED (BLANK OUT NO RIGHT TURN UP TO 12 SF	EA	2	\$5,845.00	\$11,690.00	\$8,386.18	\$16,772.36	\$7,270.00	\$14,540.00	\$5,500.00	\$11,000.00	\$6,000.00	\$12,000.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKERS	EA	16	\$5.00	\$80.00	\$4.33	\$69.28	\$14.00	\$224.00	\$5.20	\$83.20	\$6.00	\$96.00
711-11-123	THERMOPLASTIC, STANDARD, WHITE, SOLID, 12" FOR CROSSWALK	LF	282	\$3.50	\$987.00	\$3.17	\$893.94	\$10.00	\$2,820.00	\$3.80	\$1,071.60	\$5.00	\$1,410.00
711-11-125	THERMOPLASTIC, STANDARD, WHITE, SOLID, 24" FOR STOP LINE	LF	52	\$5.75	\$299.00	\$6.34	\$329.68	\$14.30	\$743.60	\$7.70	\$400.40	\$7.00	\$364.00
711-14-123	THERMOPLASTIC, PREFORMED, WHITE, SOLID, 12" FOR CROSSWALK	EA	209	\$10.00	\$2,090.00	\$10.38	\$2,169.42	\$14.20	\$2,967.80	\$12.50	\$2,612.50	\$11.00	\$2,299.00
711-14-160	THERMOPLASTIC, PREFORMED, WHITE, MESSAGE OR SYMBOL	EA	2	\$150.00	\$300.00	\$213.40	\$426.80	\$393.00	\$786.00	\$260.00	\$520.00	\$250.00	\$500.00
711-14-170	THERMOPLASTIC, PREFORMED, WHITE, ARROW	EA	3	\$75.00	\$225.00	\$144.10	\$432.57	\$179.00	\$537.00	\$115.00	\$345.00	\$250.00	\$750.00
711-15-101	THERMOPLASTIC, STANDARD, WHITE, SOLID, 6"	LF	650	\$1.25	\$812.50	\$1.15	\$747.50	\$3.45	\$2,242.50	\$1.40	\$910.00	\$2.00	\$1,300.00
711-15-201	THERMOPLASTIC, STANDARD-YELLOW, SOLID, 6"	LF	468	\$1.25	\$585.00	\$1.15	\$538.20	\$3.45	\$1,614.60	\$1.40	\$855.20	\$2.00	\$936.00
715-5-30	LUMINAIRE & BRACKET ARM, INSTALL	EA	2	\$3,716.00	\$7,432.00	\$3,209.13	\$6,418.26	\$2,782.00	\$5,564.00	\$1,550.00	\$3,100.00	\$2,500.00	\$5,000.00
PROJECT TOTAL					\$316,422.25		\$494,172.50		\$496,931.35		\$580,573.70		\$745,231.00

1. Requested Motion:

Meeting Date: January 11, 2021

Authorization to accept the Town Manager's recommendation to enter into negotiations for AECOM Technical Services in response to RFQ-20-26-PW CEI Intersection Improvements, and bring back a contract for Town Council's subsequent consideration.

Why the action is necessary:

Provides for Construction Engineering Inspection for the Intersection Improvements to Old San Carlos Boulevard and Estero Boulevard in accordance to LAP standards/requirements.

What the action accomplishes:

Provides an engineering firm to provide CEI services for the construction of the signal at Old San Carlos Boulevard and Estero Boulevard.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Other

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

The Town received seven qualified responses to this solicitation. There were no local (Town of Fort Myers Beach) respondents. The following firms were the top contenders: AECOM Technical Services, KCCS, Inc., and Johnson Engineering. Staff scheduled interviews for December 11, 2020. A Selection Committee met to review and rank the firms. The committee's recommendation to the Town Manager is to enter into negotiations with AECOM Technical Services.

Per the LAP approval process, authorization is granted to enter into negotiation with AECOM Technical Services. This is part of a two-step process which authorizes negotiations, and the second step will allow entry into contracts.

Submitted proposals are available for review upon request.

Attachments:

Financial Impact:

The funding source for the project is LAP (FDOT.)

6. Alternative Action

Do not approve.

7. Management Recommendations:

Approve and authorize the Town Manager to execute the contract documents.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk

Created/Initiated - 12/14/2020
Approved - 12/14/2020
Approved - 12/14/2020
Approved - 1/5/2021

